

MINUTE ITEM

This Calendar Item No. 31  
was approved as Minute Item  
No. 31 by the State Lands  
Commission by a vote of 2  
0-2 at its 4-27-78  
meeting.

CALENDAR ITEM

31.

4/78  
W 503.698  
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AUTHORIZATION FOR STIPULATED JUDGMENT IN CONDEMNATION  
IN SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT v.  
CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT  
NO. 419-468 - W 503.698

The lands involved in the above-referenced condemnation brought by the San Francisco Bay Area Rapid Transit District (BARTD) are claimed by the City of Oakland as tide and submerged lands granted to it in trust by the State of California pursuant to Chapter 654, Statutes of 1911, as amended. The lands are to be used for rapid transit facilities. The State was joined in its capacity as administrator of granted lands. The lands in question are not being used by the city and are to be used by BARTD for purposes consistent with the public trust for commerce, navigation, and fishery. The parties are willing to stipulate (1) that the compensation paid the city for the condemnation will be held by the city, in trust, for the uses and purposes set forth in its grant; (2) that BARTD will hold the lands subject to the public trust; and (3) that should the lands ever cease to be used by BARTD for rapid transit purposes, the lands will revert to the city, in trust, subject to the terms, conditions, uses, and purposes set forth in the city's grant from the State. With the inclusion of these provisions in the stipulation and judgment in condemnation, the Attorney General's Office and the Commission's Staff have concluded that there is no legal prohibition against condemnation of these lands by BARTD, and that neither the city nor the State will be in violation of their trust administration responsibilities by stipulating to such a judgment in condemnation.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO ENTER A STIPULATION FOR ENTRY OF A JUDGMENT IN CONDEMNATION IN SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT NO. 419-468, SAID STIPULATION AND JUDGMENT TO PROVIDE THAT SAID CONDEMNATION IS LEGALLY PERMISSIBLE; THAT THE PROCEEDS TO THE CITY OF OAKLAND WILL BE HELD BY IT IN TRUST FOR THE USES AND PURPOSES SET FORTH IN CHAPTER 654, STATUTES OF 1911 AS AMENDED; THAT BARTD WILL HOLD THE CONDEMNED LANDS SUBJECT TO THE PUBLIC TRUST FOR COMMERCE, NAVIGATION, AND FISHERY; AND THAT SHOULD THE LANDS EVER CEASE TO BE USED FOR RAPID TRANSIT PURPOSES, THEY WILL REVERT TO THE CITY OF OAKLAND TO BE HELD BY THE CITY PURSUANT TO THE GRANT FROM THE STATE IN CHAPTER 654, STATUTES OF 1911, AS AMENDED.

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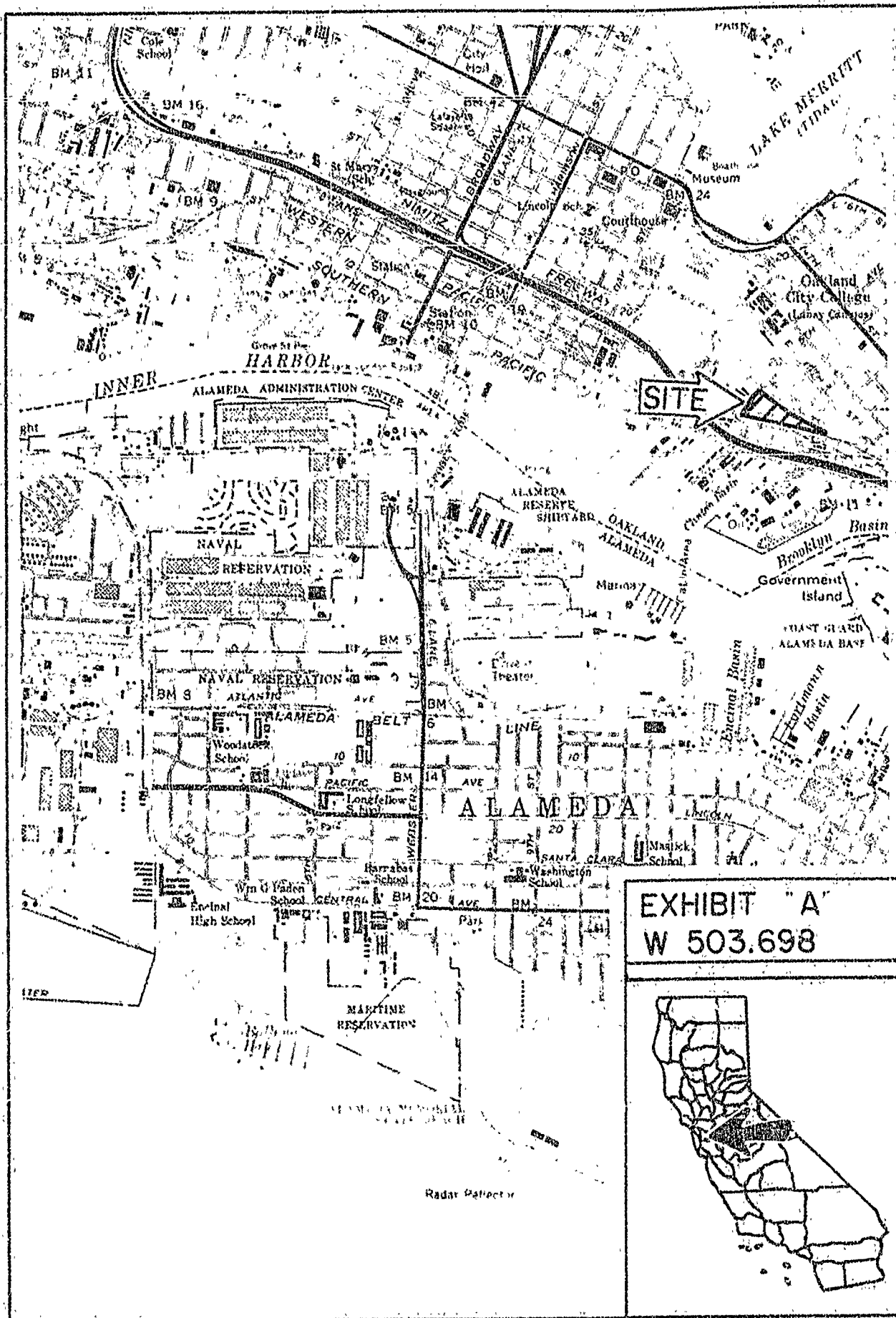


EXHIBIT "A"  
W 503.698