

MINUTE ITEM

This Calendar Item No. 40
was approved as Minute Item
No. 40 by the State Lands
Commission by a vote of 2
to 0 at its 8/25/83
meeting.

CALENDAR ITEM

40 ~~41~~

8/25/83
W 20531
Valentine
SLL 78
PRC 6487

APPROVAL OF A COMPROMISE TITLE SETTLEMENT AGREEMENT
CONCERNING LANDS IN SAN MATEO AND
FOSTER CITY, SAN MATEO COUNTY

A title dispute exists between the California Department of Transportation (CalTrans) and the State Lands Commission. At issue is ownership of a 55-ac parcel of land located in Foster City and San Mateo.

The subject parcel is described in the attached Exhibit "A", depicted on Exhibit "B" and shown in relation to adjoining parcels on Exhibit "C".

The land is claimed by CalTrans as successor in interest to State swamp and overflowed land patents. This characterization of the land was made notwithstanding the fact that in a natural condition the subject parcel was covered, at least in part, by the ordinary tides of San Francisco Bay. CalTrans has declared the subject property surplus to its needs and has declared its intention to sell the property.

While CalTrans disputes State Lands' claims of title to the subject parcel, representatives of both agencies have entered into discussions with a view toward resolution of the dispute. Staff of CalTrans and State Lands propose settlement of the respective claims in accordance with the following general terms. CalTrans would receive a State

A 20
S 8

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1946

patent conveying Parcel C, as depicted on Exhibit "B", consisting of approximately 32 acres, free of any sovereign state ownership. The balance of the parcel would be granted to the State Lands Commission by CalTrans to be held as sovereign tide and submerged land of the State. That portion of the subject parcel lying within the City of San Mateo, Parcel A on Exhibit "B", would be received by the State pursuant to the terms of the City's legislative trust grant. Staff proposes to lease Parcels B and D, as shown on Exhibit "B" to the California Department of Fish and Game in conjunction with the lease of adjacent lands immediately waterward of the subject parcel. Finally, State Lands would reserve an easement for public access along the dike as it passes through Parcel D and part of Parcel C. Location of the access way is shown on Exhibit "B".

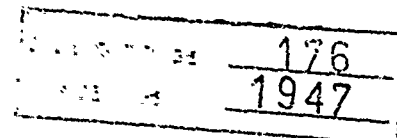
The subject parcel was at one time entirely reclaimed and removed from the public waterways. Dikes waterward of the subject property are in a deteriorated condition and normal tidewaters of the Bay now enter Parcels A and B as shown on Exhibit "B". Parcel C, to be patented to CalTrans, has been reclaimed, removed from the public waterways and is not now affected by the ordinary tides. Staff has concluded that all legal requirements of an exchange in furtherance of a compromise title settlement agreement, including best interests of the State and equal value, are met by this proposed transaction. CalTrans and State Lands will secure standard CLTA policies of title insurance for the parcels to be deeded to each agency. The cost of these policies will be at the expense of the party to receive title to the parcel insured.

AB 884: N/A.

EXHIBITS: A. Description of Subject Parcel.
B. Plat of Subject Parcel.
C. Location Plat.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE EXCHANGE IN SETTLEMENT OF THIS DISPUTE AS PROPOSED AND AUTHORIZE THE EXECUTION OF THE COMPROMISE SETTLEMENT AGREEMENT SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICE OF THE COMMISSION. THE AGREEMENT IS INCORPORATED HEREIN BY REFERENCE.
2. FIND THAT THE PROPOSED COMPROMISE SETTLEMENT AGREEMENT, INCLUDING THE EXCHANGE OF THE STATE'S INTEREST IN THE TRUST TERMINATION PARCEL FOR AN EXCHANGE PARCEL, IS IN THE BEST INTERESTS OF THE STATE, FOR THE IMPROVEMENT



OF NAVIGATION, FOR FLOOD CONTROL PROTECTION, AND TO ENHANCE THE CONFIGURATION OF THE SHORELINE FOR THE IMPROVEMENT OF THE WATER AND UPLAND; THAT IT WILL NOT SUBSTANTIALLY INTERFERE WITH THE RIGHTS OF NAVIGATION AND FISHING; AND THAT THE STATE WILL RECEIVE LANDS AND INTERESTS IN LANDS EQUAL TO OR GREATER IN VALUE THAN ANY LANDS OR INTERESTS IN LANDS RELINQUISHED BY THE STATE PURSUANT TO SAID COMPROMISE SETTLEMENT AGREEMENT.

3. FIND THAT THE PARTIES HAVE A GOOD FAITH AND BONA FIDE DISPUTE RESPECTING THE TITLES WITHIN THE SUBJECT PROPERTY; THAT THE PROPOSED COMPROMISE SETTLEMENT AGREEMENT CONSTITUTES A COMPROMISE OF THE CONTESTED ISSUES OF LAW AND FACT UPON WHICH THE DISPUTE IS BASED; THAT THE SETTLEMENT IS IN LIEU OF THE COSTS, DELAYS AND UNCERTAINTIES OF TITLE LITIGATION; THAT SETTLEMENT IS CONSISTENT WITH AND IS AUTHORIZED BY THE REQUIREMENTS OF LAW, AND THE STATE'S POWER TO RESOLVE AND SETTLE CONTROVERSIES IN LIEU OF LITIGATION.
4. FIND AND DECLARE THAT UPON THE DELIVERY OF THE PATENT AND ITS RECORDATION IN SAN MATEO COUNTY THE TRUST TERMINATION PARCEL, PARCEL C, DESCRIBED IN EXHIBIT "A", AND DEPICTED ON EXHIBIT "B", HAS BEEN IMPROVED, FILLED AND RECLAIMED; HAS BEEN CUT OFF FROM THE PUBLIC CHANNELS AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING; IS NO LONGER IN FACT TIDELANDS OR SUBMERGED LANDS; AND THEREFORE SHALL BE FREED FROM THE PUBLIC TRUST FOR NAVIGATION AND FISHING.
5. FIND THAT BECAUSE THIS TRANSACTION IS IN SETTLEMENT OF A TITLE DISPUTE THE PROVISIONS OF CEQA ARE INAPPLICABLE (P.R.C. SECTION 21080.11).
6. AUTHORIZE ACCEPTANCE OF THE CONVEYANCE TO THE STATE OF PARCELS A, B and D AS DESCRIBED IN EXHIBIT "A" AND DEPICTED ON EXHIBIT "B" AS TIDE AND SUBMERGED LANDS SUBJECT TO THE PUBLIC TRUST, AND AUTHORIZE EXECUTION OF A CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDING OF SAID CONVEYANCE. AUTHORIZE ACCEPTANCE OF PARCEL A, AS SOVEREIGN TIDE AND SUBMERGED LANDS SUBJECT TO THE PUBLIC TRUST SUBJECT TO THE LEGISLATIVE TRUST GRANT TO THE CITY OF SAN MATEO.

SEARCHED	177
INDEXED	1948

- 7. AUTHORIZE ISSUANCE OF A PATENT TO PARCEL C AS DESCRIBED IN EXHIBIT "A" AND DEPICTED ON EXHIBIT "B", FREE OF THE PUBLIC TRUST.
- 8. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY OR APPROPRIATE TO IMPLEMENT THE ABOVE SETTLEMENT, INCLUDING BUT NOT LIMITED TO THE EXECUTION, ACKNOWLEDGEMENT AND RECORDATION OF ALL DOCUMENTS OF TITLE, CONVEYANCES, STIPULATIONS, ESCROW INSTRUCTIONS, AGREEMENTS, CERTIFICATES OF ACCEPTANCE, AND COURT DOCUMENTS; AND TO FILE ANY DOCUMENTS AND APPEAR IN ANY LEGAL PROCEEDINGS NECESSARY OR REQUIRED TO ACCOMPLISH THE TERMS AND PROVISIONS OF THE COMPROMISE SETTLEMENT AGREEMENT.
- 9. AUTHORIZE STAFF OF THE STATE LANDS COMMISSION TO ISSUE A PUBLIC AGENCY PERMIT TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME TO MANAGE PARCELS B AND D AND THE RETAINED PUBLIC ACCESS WAY THROUGH PARCELS D AND C FOR WILDLIFE HABITAT, OPEN SPACE AND PUBLIC RECREATION.

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1949

EXHIBIT A

PARCEL A

All that certain real property situate in the City of San Mateo, County of San Mateo, State of California, being a portion of that certain parcel of land described in a Grant Jeed, dated April 14, 1954, to the State of California, recorded June 1, 1954, in Volume 2591, page 41, Official Records of San Mateo County, more particularly described as follows:

COMMENCING at the southeast corner of the land described in said deed recorded June 1, 1954; thence following the southerly line of said land along tangent curve to the right with a radius of 1382.60 feet, through a central angle of $05^{\circ} 46' 56''$, an arc length of 129.53 feet; thence $N 82^{\circ} 06' 21'' W 1553.81$ feet; thence along a tangent curve to the left with a radius of 1482.59 feet, through a central angle of $06^{\circ} 23' 28''$, an arc length of 165.39 feet; thence $N 88^{\circ} 29' 49'' W 2186.85$ feet more or less to the present city boundary line common to the City of San Mateo and the City of Foster City, as described in City of San Mateo Certificate No. 383 entitled "Certificate in Re-Annexation of Contiguous Territory Pursuant to Election Held on May 2, 1910", dated May 17, 1910, filed in the Office of the Secretary of State, May 18, 1910, and the TRUE POINT OF BEGINNING, thence continuing along the southerly line of said land $N 88^{\circ} 29' 49'' W 591.64$ feet to the southwesterly corner of said land; thence along the southwesterly line of said land $N 69^{\circ} 21' 36'' W 1304.32$ feet to a point on the westerly line of said land; thence along said westerly line $N 02^{\circ} 28' 21'' W 21.02$ feet to the most westerly corner of said land; thence along the northerly line of said land, said northerly line being a common property line to the lands described in Exhibit "A" of that Quitclaim Deed from Centex West, Inc. to Estero Municipal Improvement District, a public entity recorded January 15, 1980 in Reel 7931, Image 105 Official Records of San Mateo County, $S 89^{\circ} 57' 27'' E 272.07$ feet; thence $S 88^{\circ} 29' 49'' E 1548.53$ feet to the said common city boundary line; thence leaving said northerly line, southerly along said city boundary line, $S 01^{\circ} 15' 36'' W 449.97$ feet to the true point of beginning.

PARCEL B

All that certain property situate in the City of Foster City, County of San Mateo, State of California being a portion of that certain parcel of land described in a Grant Deed, dated April 14, 1954, to the State of California, recorded June 1, 1954, in Volume 2591 page 41, Official Records of San Mateo County, more particularly described as follows:

COMMENCING at the southeast corner of the land described in said deed recorded June 1, 1954; thence following the southerly line of said land along a tangent curve to the right with a radius of 1382.60 feet, through a central angle of $05^{\circ} 46' 56''$, an arc length of 139.53 feet; thence $N 82^{\circ} 06' 21'' W$ 1653.81 feet, thence along a tangent curve to the left with a radius of 1482.59 feet, through a central angle of $06^{\circ} 23' 28''$, an arc length of 165.39 feet; thence $N 88^{\circ} 29' 49'' W$ 2186.85 feet more or less to the present city boundary line common to the City of San Mateo and the City of Foster City, as described in City of San Mateo Certificate No. 383 entitled, "Certificate in Re-Annexation of Contiguous Territory Pursuant to Election Held on May 2, 1910", dated May 17, 1910, filed in the Office of the Secretary of State, May 18, 1910, and the TRUE POINT OF BEGINNING; thence leaving said southerly line, northerly along said common city boundary line $N 01^{\circ} 15' 36'' E$ 449.97 feet to the northerly line of the land described in said deed; said northerly line being a common property line to the lands described in Exhibit "A" of that Quitclaim Deed from Centex West, Inc. to Estero Municipal Improvement District, a public entity, recorded January 15, 1980 in Reel 7931, Image 105 Official Records of San Mateo County, thence along said northerly line $S 88^{\circ} 29' 49'' E$ 210 feet; thence on a line parallel with said common city boundary line, $S 01^{\circ} 15' 36'' W$ 449.97 feet to the southerly line of said deed recorded June 1, 1954; thence along said southerly line $N 88^{\circ} 29' 49'' W$ 210 feet to the true point of beginning.

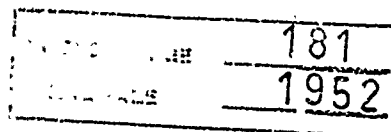
INDEXED	180
FILED	1954

PARCEL C

All that certain property situate in the City of Foster City, County of San Mateo, State of California, being a portion of that certain parcel of land described in a Grant Deed, dated April 14, 1954, to the State of California, recorded June 1, 1954, in Volume 2591, page 41, Official Records of San Mateo County, more particularly described as follows:

COMMENCING at the southeast corner of land described in said deed recorded June 1, 1954, thence following the southerly line of said land along a tangent curve to the right with a radius of 1382.60 feet through a central angle of $05^{\circ} 46' 56''$, an arc length of 139.53 feet; thence $N 82^{\circ} 06' 21'' W$ 451.41 feet to the TRUE POINT OF BEGINNING; thence continuing along said southerly line $N 82^{\circ} 06' 21'' W$ 1202.40 feet; thence along a tangent curve to the left with a radius of 1482.59 feet through a central angle of $06^{\circ} 23' 28''$, an arc length of 165.39 feet; thence $N 88^{\circ} 29' 49'' W$, 1976.85 feet to a point on a line parallel with and distant 210.00 feet easterly from the present city boundary line common to the City of San Mateo and the City of Foster City, as described in the City of San Mateo Certificate No. 383 entitled, "Certificate in Re-Annexation of Contiguous Territory Pursuant to Election Held on May 2, 1910", dated May 17, 1910, filed in the Office of the Secretary of State, May 18, 1910; thence leaving said southerly line and along said parallel line, $N 01^{\circ} 15' 36'' E$, 449.97 feet to the northerly line of the land described in said deed, said northerly line being a common property line to the lands described in Exhibit "A" of that Quitclaim Deed from Centex West, Inc. to Estero Municipal Improvement District, a public entity, recorded January 15, 1980 in Reel 7931, Image 105 Official Records of San Mateo County; thence along said northerly line $S 88^{\circ} 29' 49'' E$, 1981.60 feet; thence along a tangent curve to the right with a radius of 1932.55 feet, through a central angle of $06^{\circ} 23' 28''$, an arc length of 215.57 feet and $S 82^{\circ} 06' 21'' E$, 142.63 feet to a levee; thence leaving said northerly line, along said levee the following nine courses:

1. $S 35^{\circ} 00' 23'' E$ 135.37 feet;
2. $S 56^{\circ} 13' 54'' E$ 135.11 feet;
3. $N 74^{\circ} 19' 44'' E$ 75.01 feet;
4. $N 81^{\circ} 15' 24'' E$ 125.73 feet;
5. $S 85^{\circ} 57' 50'' E$ 56.82 feet;
6. $S 81^{\circ} 11' 38'' E$ 125.06 feet;
7. $S 78^{\circ} 33' 27'' E$ 249.00 feet;
8. $N 81^{\circ} 02' 53'' E$ 103.85 feet;
9. $N 69^{\circ} 26' 28'' E$ 112.48 feet; thence leaving said levee, $S 04^{\circ} 06' 42'' W$ 428.85 feet to the true point of beginning.



PARCEL D

All that certain real property situate in the City of Foster City, County of San Mateo, State of California, being a portion of that certain parcel of land described in a Grant Deed, dated April 14, 1954, to the State of California, recorded June 1, 1954, in Volume 2591, page 41, Official Records of San Mateo County, more particularly described as follows:

BEGINNING at the southeast corner of the land described in said deed recorded June 1, 1954; thence along the easterly line of said land the following two courses:

1. N 28° 11' 57" W 153.99 feet;
2. N 00° 01' 29" E 321.54 feet to the northerly line of said land, said northerly line being a common property line to the lands described in Exhibit "A" of that Quitclaim Deed from Centex West, Inc. to Estero Municipal Improvement District, a public entity, recorded January 15, 1980 in Reel 7931, Image 105 Official Records of San Mateo County; thence along said northerly line from a tangent that bears N 82° 23' 08" W, along a curve to the right with a radius of 932.63 feet, through a central angle of 00° 16' 47", an arc length of 4.55 feet; thence N 82° 06' 21" W, 1511.18 feet to a levee; thence leaving said northerly line along said levee the following nine courses:

1. S 35° 00' 23" E 135.37 feet;
2. S 56° 13' 54" E 135.11 feet;
3. N 74° 19' 44" E 75.01 feet;
4. N 81° 15' 24" E 125.73 feet;
5. S 85° 57' 50" E 56.82 feet;
6. S 81° 11' 38" E 125.06 feet;
7. S 78° 33' 27" E 249.00 feet;
8. N 81° 02' 53" E 103.85 feet;
9. N 69° 26' 28" E 112.48 feet; thence leaving said levee S 04° 06' 42" W 428.85 feet to the southerly line of the land described in said deed recorded June 1, 1954; thence along said southerly line S 82° 06' 21" E 451.41 feet; thence along a tangent curve to the left with radius of 1382.60 feet, through central angle of 05° 46' 56", an arc length of 139.53 feet to the point of beginning.

TOGETHER WITH an easement 15 feet in width, for access purposes, the northerly line of which is described as follows:

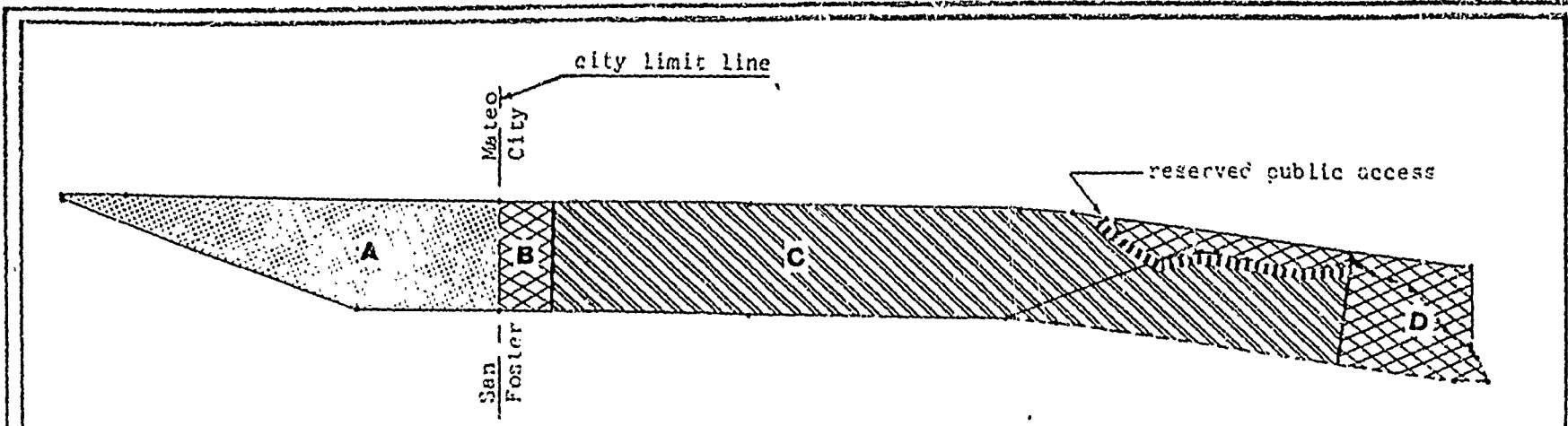
COMMENCING at the southeast corner of the land described in said deed recorded June 1, 1954; thence along the southerly line of said land from a tangent that bears N 87° 53' 17" W along a curve to the right with a radius of 1382.60 feet, through a central angle of 05° 46' 56", an arc length of 139.53 feet; thence N 82° 06' 21" W, 451.41 feet; thence leaving said southerly line N 04° 06' 42" E, 428.85 feet to the TRUE POINT OF BEGINNING; thence along a levee, the following nine courses:



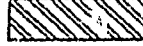


RECORDED	182
DATE	1953

1. S 69° 26' 28" W 112.48 feet;
2. S 81° 02' 53" W 103.85 feet;
3. N 78° 33' 27" W 249.00 feet;
4. N 81° 11' 38" W 125.06 feet;
5. N 85° 57' 50" W 56.82 feet;
6. S 81° 15' 24" W 125.73 feet;
7. S 74° 19' 44" W 75.01 feet;
8. N 56° 13' 54" W 135.11 feet;
9. N 35° 00' 23" W 135.37 feet, to the northerly line of the land described in said deed and the end of the herein described northerly line of said access easement. The southerly line of said access easement is to be shortened or lengthened to terminate at said northerly line of the land described in said deed and the course described with the length of 428.85 feet.

END OF DESCRIPTION

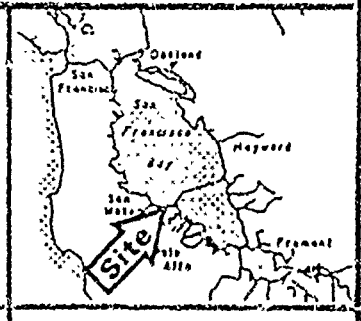
183
1954



-  Parcel A To the State Lands Commission & the City of San Mateo subject to Legislative Trust Grant
-  Parcel B To the State Lands Commission, in fee, under the Public Trust
-  Parcel C To Caltrans, in fee, free of the Public Trust, reserving public access along levee
-  Parcel D To the State Lands Commission, in fee, under the Public Trust
-  Reserved public access along levee

STATE LANDS COMMISSION

PLAT OF PROPOSED
COMPROMISE TITLE SETTLEMENT

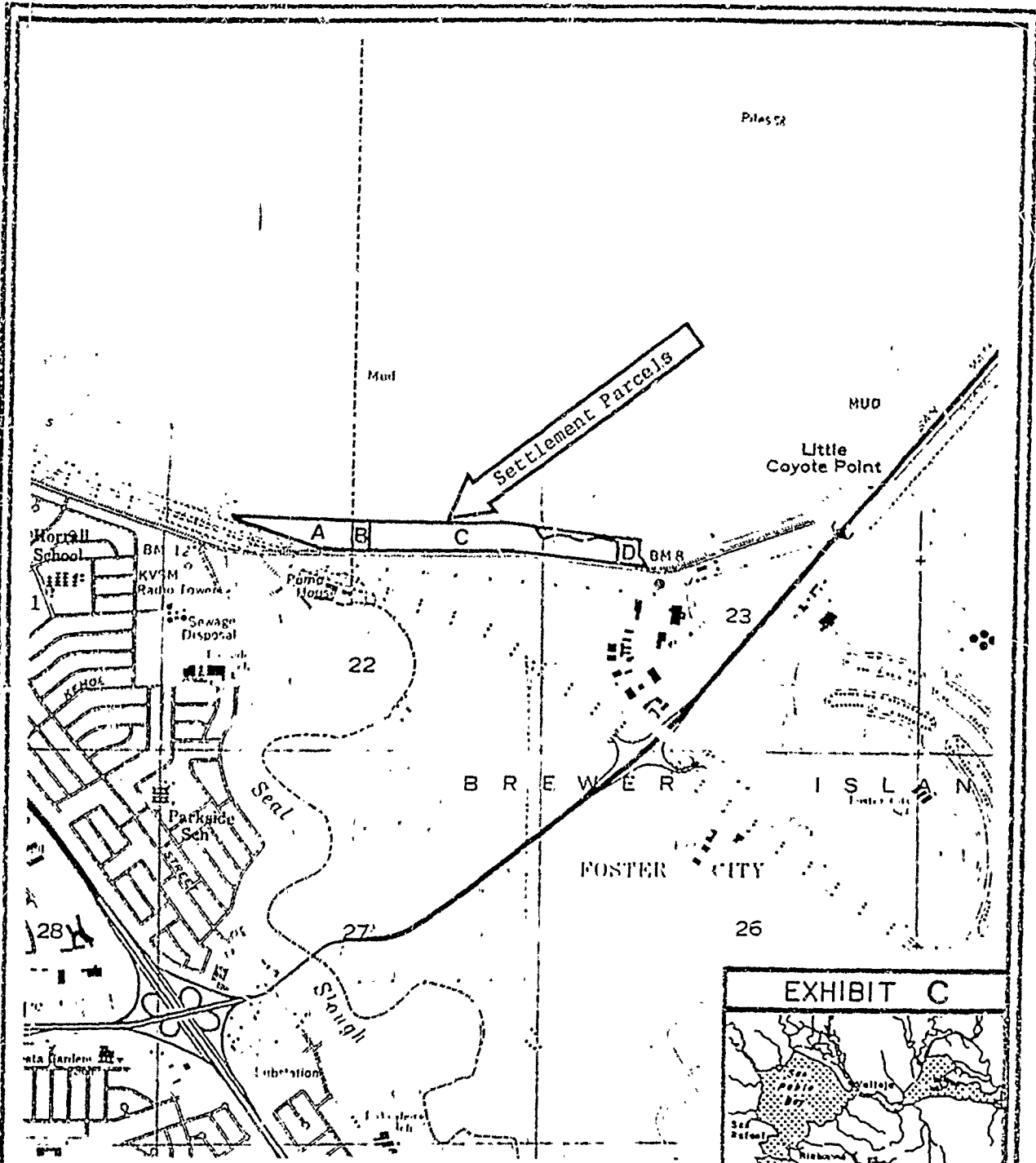


1955
 1955

Title Study: Caltrans- Foster City

W 20531

EXHIBIT B



Piles 52

Settlement Parcels

MUD

Little Coyote Point

Morrell School

BM 12

KVSM Radio Tower

Puma House

Sewage Disposal

Parkside Sch

Slough

Substation

22

23

BREWERS ISLAND

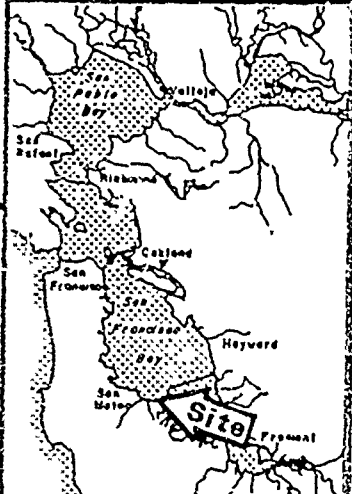
FOSTER CITY

26

28

27

EXHIBIT C



STATE LANDS COMMISSION

Location Plat

Title Study: CALTRANS - FOSTER CITY

W 20531

23-N-39-E-148

1955

1956