

MINUTE ITEM

This Calendar Item No. 28
was approved as Minute Item
No. 28 by the State Lands
Commission by a vote of 3
0 at its 9/28/83
meeting.

CALENDAR ITEM

F 28

9/22/83
W 23143
Valentine
SLL 105

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

A title dispute exists between Syufy Enterprises, Inc. ("Syufy") and the State Lands Commission. At issue is ownership of a slightly less than one-acre parcel of land located in Redwood City, San Mateo County.

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

The land is claimed by Syufy as successor in interest to a State swamp and overflowed land patent. 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 a tributary of Redwood Creek.

While Syufy 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 State Lands and Syufy propose settlement of the respective claims in accordance with the following general terms. Syufy would receive a State patent conveying the subject parcel, free of any sovereign state ownership. In exchange for the State's patent of the subject parcel, Syufy would deposit into the trust fund created by the Kapiloff Land Bank Act the sum of \$53,000. This sum will be used by the State Lands Commission to purchase other property more useful for public trust purposes.

The subject parcel has been entirely reclaimed and 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.

In this matter, the Commission is also acting as trustee for the Kapiloff Land Bank.

AB 884: N/A.

A 21

S 8

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CALENDAR ITEM NO. 28 (CONT'D)

EXHIBITS: A. Description of Subject Parcel.
 B. Site Map.

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 SUBJECT PARCEL FOR MONIES TO BE USED TO ACQUIRE 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 SUBJECT PARCEL, 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).

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6. AUTHORIZE ISSUANCE OF A PATENT TO THE SUBJECT PARCEL C AS DESCRIBED IN EXHIBIT "A" AND DEPICTED ON EXHIBIT "B", FREE OF THE PUBLIC TRUST.
7. 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.
8. AUTHORIZE DEPOSIT OF THE MONIES RECEIVED PURSUANT TO THIS SETTLEMENT INTO THE LAND BANK TRUST FUND ADMINISTERED BY THE STATE LANDS COMMISSION.

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EXHIBIT A
LAND DESCRIPTION

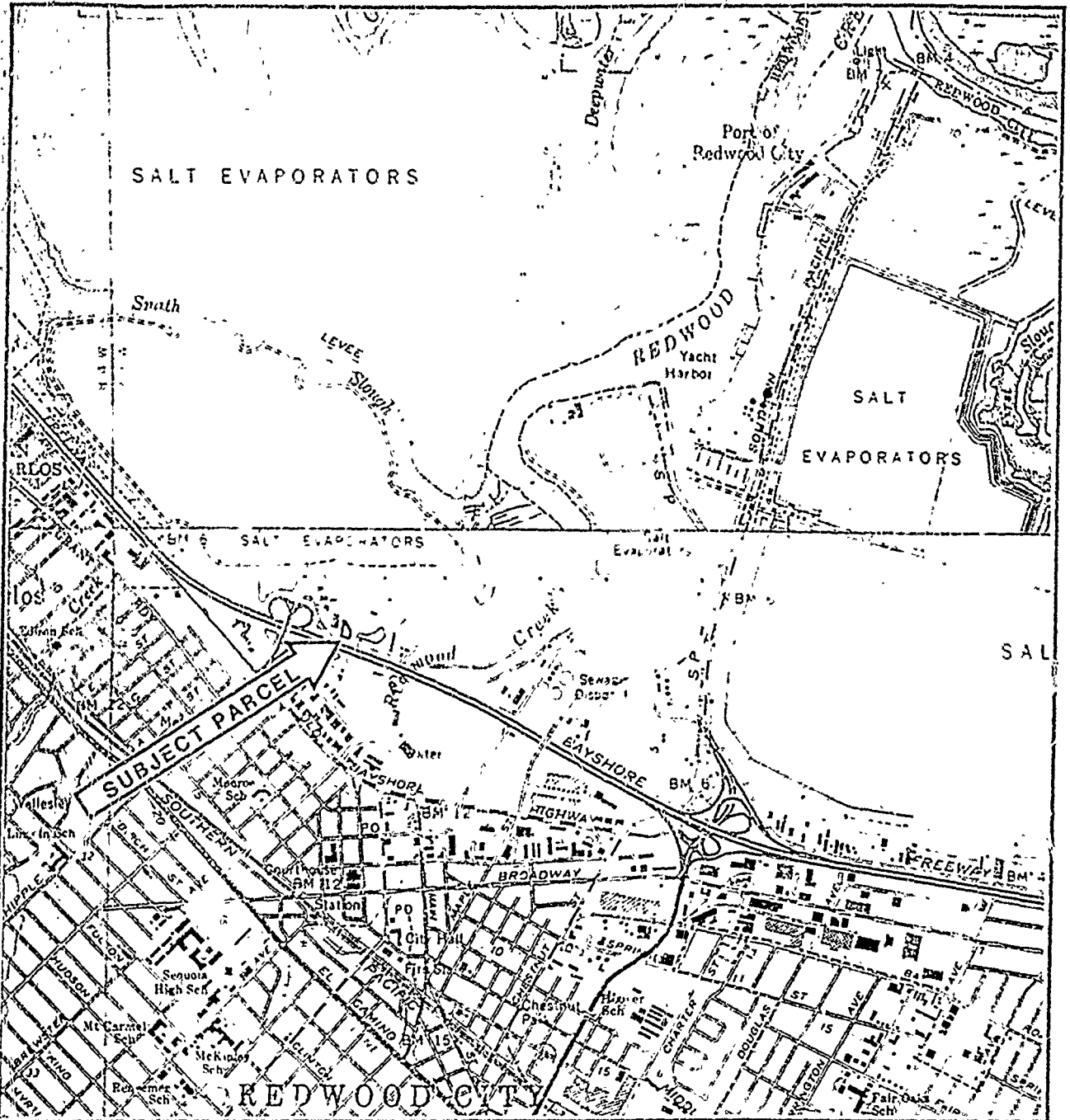
A parcel of land situated in the State of California, County of San Mateo, City of Redwood City, more particularly described as follows:

Parcel B as shown on map entitled "Parcel Map No. 82-4, lying within the City of Redwood City being a subdivision of a portion of the lands described in vesting deed recorded in Book 6351 Official Records Page 237 (16612-AG) records of San Mateo County", recorded on October 8, 1982, Book No. 52 of Parcel Maps, Page No. 94-95, Series No. 8208/071, San Mateo County Records.

END OF DESCRIPTION

PREPARED AUGUST 22, 1983 BY THE BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

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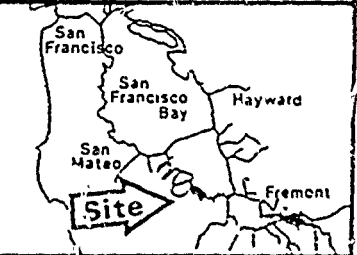


STATE LANDS COMMISSION

STUDY PARCEL PLAT of PARCEL B of PARCEL MAP NO. 82-4

Base Map: Portions of USGS Quads, Palo Alto 1961 pr (68 873), and Redwood Point 1950 pr (80).

(Plotting Approximate)



Prepared by: B. Lee Date: 12-6-82 A.21 S.8

EXHIBIT B

Title Study: Sherman Properties/Redwood Cr. W 23143

Z 3 -N36-E 149

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