

MINUTE ITEM

This Calendar Item No. 28  
was approved as Minute Item  
No. 28 by the State Lands  
Commission by a vote of 3  
to 0 at its 5/24/84  
meeting.

CALENDAR ITEM

A 14  
S 10

28

05/24/84  
W 22984  
SLL 124  
Valentine

COMPROMISE TITLE SETTLEMENT AGREEMENT  
CONCERNING TITLE TO LAND IN HAYWARD,  
ALAMEDA COUNTY

A dispute exists between the Commission and Dr. Edward Lattig, concerning legal title to approximately 80 acres in Hayward, Alameda County. Dr. Lattig is the record owner of the real property in question, which lies south of Jackson Street in the City of Hayward, Alameda County. The parcel is depicted on the attached Exhibit "A" and described in Exhibit "B".

The property was originally conveyed to the predecessor in interest of the Dr. Lattig by a State patent which characterized the property partly as swamp and overflowed lands and partly as tidelands. Evidence exists to indicate that in its last natural condition, the property was tidal salt marsh of San Francisco Bay. Staff has therefore taken the position that the effect of the State patent was to convey the underlying fee to the predecessor of Dr. Lattig, reserving to the State an easement over the property for public trust purposes. The parcel has been removed from the public channels and is no longer in fact tidelands or submerged lands. The present use of the parcel is as a private duck club.

1. The State would patent to the Dr. Lattig the subject parcel, consisting of approximately 80 acres, free of the public trust;
2. Dr. Lattig would pay \$20,000 into the Land Bank Trust Fund administered by the State Lands Commission. This sum would be used to acquire other property more useful for trust purposes.

CALENDAR PAGE	<u>148</u>
MINUTE PAGE	<u>1178</u>

CALENDAR ITEM NO. 28 (CONT'D)

Staff has appraised the subject parcel and reviewed the strength and value of the State's claim. Based on this analysis, staff has concluded that the value of the lands and money being transferred to the State by Dr. Lattig is equal to or greater than the value of the State interests being relinquished in the Trust Termination Parcel.

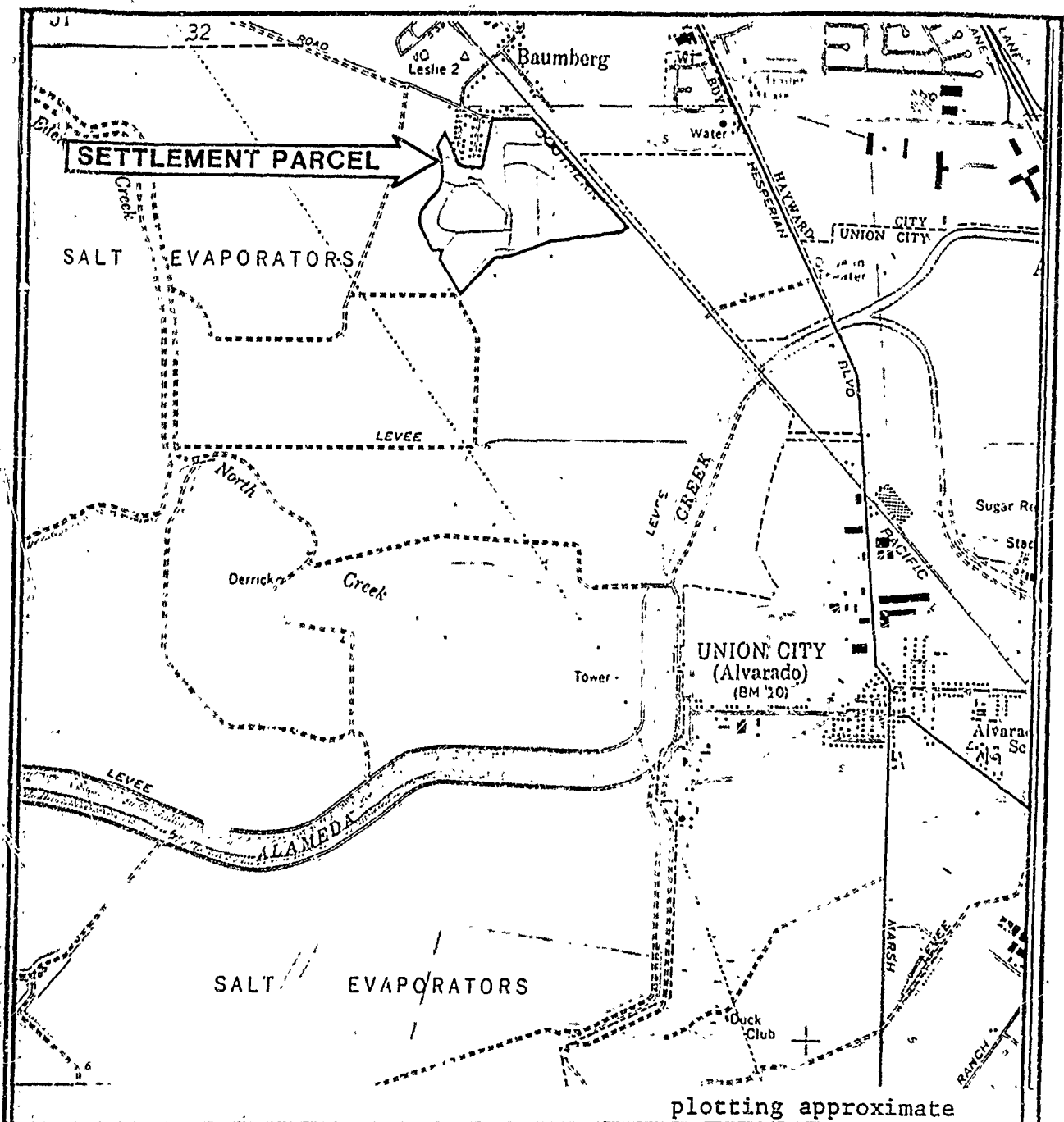
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a statutory exempt project. The project is exempt because it involves settlements of title and boundary problems.

Authority: P.R.C. 21080.11.

EXHIBITS:           A. Plat of Settlement Parcel.  
                      B. Description of Settlement Parcel.

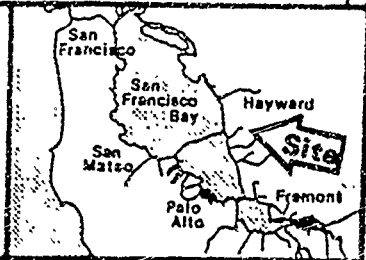
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11 SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. APPROVE THE COMPROMISE TITLE SETTLEMENT AGREEMENT, AS OUTLINED ABOVE, A COPY OF WHICH IS ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION;
3. AUTHORIZE THE STAFF TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE COMPROMISE TITLE SETTLEMENT AGREEMENT, INCLUDING INITIATING LITIGATION AND EXECUTING AND RECORDING SUCH DOCUMENTS AS MAY BE APPROPRIATE.
4. FIND THAT THE EXCHANGE IS IN THE BEST INTERESTS OF THE STATE, THAT THE TRUST TERMINATION PARCEL IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF USE FOR PUBLIC TRUST PURPOSES AND THAT THE VALUE OF THE MONEY AND LAND BEING TRANSFERRED TO THE STATE IS EQUAL TO OR GREATER THAN THE VALUE OF THE STATE INTEREST BEING TERMINATED IN THE EXCHANGE PARCEL P.R.C. SECTION 6307.



STATE LANDS COMMISSION

PLAT OF SETTLEMENT PARCEL



Prepared by: D. Plummer      Date: 4-9-84      A: 14 S:10

EXHIBIT A

Title Study: LATTIG - HAYWARD      W 22984

Z 3 N 40-41 E 153

CALENDAR PAGE	150
MINUTE PAGE	1180

EXHIBIT "B"

DESCRIPTION OF SETTLEMENT PARCELS

Those parcels of land situate in the City of Hayward, County of Alameda, State of California, described as follows:

Parcel One

That certain parcel of land identified as Parcel 1 in the deed recorded October 19, 1948 in Book 5633 at page 573, Official Records of Alameda County, described as follows:

Beginning at the point of intersection of the southern line of County Road No. 2636 known as Arden Road with the eastern boundary line of Lot 40B, as said road and lot are shown on Map of Ramos Subdivision, herein referred to; thence along the boundary lines of said Lot 40B as follows: South 0° 32' East 1375.85 feet; thence North 79° 38' West 360.23 feet; thence South 47° 21' West 518.69 feet; thence South 88° 59' West 242.18 feet; thence North 31° 29' West 225.43 feet; thence North 23° 05' West 86 feet; thence North 0° 08' West 94.05 feet; thence North 23° 06' East 118.32 feet; thence North 70° 16' East 162.98 feet; thence North 18° 16' East 367.73 feet; thence North 4° 24' East 212.94 feet; thence North 13° 58' West 245.16 feet; thence North 30° 42' East 166.74 feet; thence leaving the boundary line of said Lot 40B South 22° 04' East 415.62 feet; thence South 83° 45' East 363.25 feet; thence North 10° 45' East 669.74 feet to said southern line of County Road No. 2636; thence South 89° 56' East along the last named line, 100 feet to the point of beginning; and being a portion of Lot 40B, as said lot is shown on "Map of Ramos Subdivision Situated in Eden Township, Alameda County, Calif.", filed October 21, 1919, in Book 6 of Maps, at page 33, in the office of the County Recorder of Alameda County.

Parcel Two

That certain parcel of land identified as Parcel 2 in the deed recorded October 19, 1948 in Book 5633 at page 573, Official Records of Alameda County, described as follows:

Beginning at the most southeastern corner of Survey No. 202 of swamp and overflowed lands of the County of Alameda, State of California; thence along the eastern line of said swamp and overflowed land Survey No. 202, North 0° 20' East 21.20 chains to a point on the southwestern line of the right of way of the South Pacific Coast Railway; thence along said right of way line North 41° 45' West 75/100 chains; thence leaving said right of way line South 9° 30' West 1.43 chains to a fence; thence following said fence North 87° 45' West 10.57 chains; thence South 0° 30' West 16.84 chains; thence North 78° 30' West 5.48

CALENDAR PAGE	151
MINUTE PAGE	1181

chains; thence South 48° 30' West 7.85 chains to a point on the line dividing swamp and overflowed land Survey No. 202 and Tideland Survey No. 66; thence along said line dividing Surveys Nos. 202 and 66 North 89° 30' East 22.51 chains to the point of beginning.

Excepting therefrom that portion thereof described as follows:

Beginning at the intersection of the eastern line of the hereinabove referred to tract with the southwestern line of the right of way of the South Pacific Coast Railroad Company; thence along said right of way line North 41° 45' West 49.50 feet to the most northern corner of said tract (the bearing of the southwestern line of said right of way being taken as North 41° 45' West for the purpose of making this description); thence leaving said right of way line and running along the boundary line of said tract South 9° 30' West 94.38 feet to a corner thereof; thence along a line parallel to said right of way line South 41° 45' East 71.93 feet to the said eastern line, thence along the last named line North 0° 20' East 109.82 feet to the point of beginning.

Parcel Three

That certain parcel of land identified as Parcel 3 in the deed recorded October 19, 1948 in Book 5633 at page 573, Official Records of Alameda County, described as follows:

Beginning at a point on the line dividing Tideland Survey No. 66 and Swamp and Overflowed Survey No. 202 of the County of Alameda, State of California, distant thereon South 89° 30' West 1.27 chains from the northeast corner of said Survey No. 66; thence along said line dividing said Surveys Nos. 202 and 66 South 89° 30' West 21.24 chains; thence leaving said line dividing said Surveys Nos. 202 and 66 South 18° 30' West 2.47 chains; thence South 24° 30' East 8.82 chains to a point at the northern base of a levee; thence following along the base of said levee North 66° 45' East 1.00 chain; thence North 44° 30' East 4.85 chains; thence North 36° East 5.08 chains; thence North 88° 30' East 4.77 chains; and thence North 68° 30' East 6.78 chains to the point of beginning.

CALENDAR PAGE	152
MINUTE PAGE	1182

Parcel Four

Being a portion of that certain parcel identified in the deed recorded October 25, 1951 in Book 6569 at page 539, Official Records of Alameda County, described as follows:

Portion of Section 4, Township 4 South, Range 2 West, MDB&M, said portion being described as follows:

Beginning at the intersection of the southwestern line of the right of way of the South Pacific Coast Railway Company, formerly Bay & Coast Railroad Company, as described in the Deed to Bay & Coast Railroad Company, recorded August 15, 1877 in Book 144 of Deeds at page 438, Alameda County Records, with the western line of said Section 4; thence South  $41^{\circ} 38'$  East along said right of way of the South Pacific Coast Railway Company, 1709.30 feet; thence South  $84^{\circ} 12'$  West 1154.76 feet to the western line of said Section 4; thence along the last named line North  $00^{\circ} 19' 40''$  East 6.58 feet to an angle point therein; thence continuing along said western line of Section 4, North  $00^{\circ} 32' 40''$  East 1387.73 feet to the point of beginning.

Excepting therefrom that portion thereof described in Deed to Alameda County Flood Control and Water Conservation District, recorded February 25, 1957, in Book 8294 OR, page 183, Alameda County Records.

Parcel Five

That certain parcel of land identified in the deed recorded June 8, 1956 in Book 8053 at page 422, Official Records of Alameda County, described as follows:

Lot 36-A, as said lot is shown on "Map of Ramos Subdivision Situated in Eden Township, Alameda County, Calif.", filed October 21, 1919 in Book 6 of Maps, at page 33, Alameda County Records.

CALENDAR PAGE	153
MINUTE PAGE	1183