

MINUTE ITEM

This Calendar Item No. 47
 was approved as Minute Item
 No. 47 by the State Lands
 Commission by a vote of 3
 to 0 at its 6/21/84
 meeting.

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CALENDAR ITEM

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06/21/84
 W 22445
 R. Luciflow
 SLL 73

MODIFICATION OF TITLE SETTLEMENT AND EXCHANGE AGREEMENT INVOLVING LANDS LOCATED IN THE CITY OF BENICIA, COUNTY OF SOLANO

BACKGROUND:

At 10:00 August 20, 1981, meeting the State Lands Commission approved a Compromise Title Settlement and Exchange Agreement with Lincoln Benicia v Associate involving an approximately 186 acre parcel of land (Settlement Parcel) located in the City of Benicia, County of Solano. Pursuant to the agreement the State was to have received a grant deed to a 43 acre parcel of marshland contained within the Settlement Parcel.

Subsequent to the agreement Lincoln Benicia v Associates asked for permission to delay the exchange until July 1, 1984, because the 43 acre parcel was encumbered and they could not deliver clear title. In return for the extension they agreed to transfer possession of the exchange parcel to the State along with an access easement. The Commission approved the extension of time at its December 1981, meeting.

PRESENT SITUATION:

Lincoln Benicia v Associates has informed the staff that they are unable to deliver title of the 43 acre exchange parcel, because it is still encumbered by a deed of trust given to secure payment for the entire 186 acre settlement parcel. Lincoln Benicia v Associates estimates that they should be able to convey clear title in the 43 acre parcel to the State before July 1, 1986, and have asked for an extension of time.

The State presently has possession of the 43 acre parcel which is managed by the Department of Fish and Game as a wildlife habitat. In addition the State has an access easement to the property. Under the terms of the Settlement Agreement possession of the Exchange Parcel will remain with the State until clear title is delivered to it. In the meantime the State has not cleared title to the rest of the settlement parcel and will not do so until it receives clear title to the 43 acre exchange parcel.

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Added 6/18/84

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OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and to 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 Authority: PRC 21080.11.

AB 884:

N/A.

EXHIBIT:

A. Plat of Compromise Title Settlement.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO PRC 21080.11 SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.

2. AUTHORIZE AN EXTENSION OF TIME FROM JULY 1, 1984, TO JULY 1, 1986, TO COMPLETE THE EXCHANGE CALLED FOR IN THE TITLE SETTLEMENT AND EXCHANGE AGREEMENT AND RECORD ALL NECESSARY CONVEYANCES.

