

MINUTE ITEM

MINUTE ITEM

This Calendar Item No 44
was approved as Minute Item
No 44 by the State Lands
Commission by a vote of 2
to 0 at its 6/26/85
meeting.

44

06/26/85
W 503.1112
AD 31
BLA 251
PRC 6856
PRC 6857
Grimes
Stevenson
Sturgess

SETTLEMENT OF LITIGATION PURSUANT TO LEGISLATION

Calendar Item 44 was approved with the stipulation that staff was authorized to pursue any and all steps necessary to settle pending litigation.

Upon motion duly made Calendar Item 44 was approved as amended by a vote of 2-0.

Attachment: Calendar Item 44.

CALENDAR PAGE

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1974

CALENDAR ITEM

A 2'

S 11

44

06/26/85
W 503.1112 PRC 6856
AD 31 PRC 6857
BLA 251
Grimes
Stevenson
Sturgess

SETTLEMENT OF LITIGATION
PURSUANT TO LEGISLATION

For several years, the State Lands Commission has been embroiled in a controversy with Mr. Pete Uccelli as to the ownership of Smith Slough at the location of Pete's Harbor, Redwood City, San Mateo County. In October 1976, the Commission authorized litigation in the matter. In subsequent years, the Legislature became involved in the matter and by Chapter 447, Statutes of 1983, authorized and directed settlement of the controversy.

Principal elements of Chapter 447, Statutes of 1983 are:

- 1) The State Lands Commission will receive title to all of Smith Slough comprising Pete's Harbor, except for a small area underlying Pete's restaurant.
- 2) Pete Uccelli will receive clear title to all other lands landward of the present mean high tide line.
- 3) The State Lands Commission will prepare and record a survey reflecting these boundary lines.
- 4) All improvements located within Smith Slough were found to be consistent with the Public Trust.
- 5) The Commission will issue a lease for those improvements along the following prescription:
 - A) The lease shall be in effect for 49 years at an annual rental in accordance with the following schedule:
 - (1) Years one to ten, inclusive, one thousand five hundred dollars (\$1,500) per year.

(REVISED 06/20/85)

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- (2) Years 11 to 20, inclusive, two thousand five hundred dollars (\$2,500) per year.
 - (3) Years 21 to 30, inclusive, three thousand five hundred dollars (\$3,500) per year.
 - (4) Years 31 to 40, inclusive, five thousand dollars (\$5,000) per year.
 - (5) Years 41 to 49, inclusive, six thousand dollars (\$6,000) per year.
- B) The rental shall be paid annually by the current record titleholder. At the termination of the 49-year lease period, the current record titleholder shall be granted an option to renew the lease at prevailing fair market value.
- C) The property shall be leased for the purpose of maintaining marina and harbor facilities, including, but not limited to, the present facilities. The current record titleholder is authorized to make all reasonable and necessary maintenance and repair to the facilities located in the leased area, including, but not limited to, replacement where necessary due to reasons of public health and safety, deterioration, or destruction and may alter or relocate berthing facilities within the leased area.
- 6) The State Lands Commission shall issue Pete Uccelli a 25-foot wide utilities easement across Smith Slough for utilities serving Pete's Harbor. The permit shall be irrevocable, rent-free, and freely assignable.

In addition, this settlement package provides for settlement of a trespass by Uccelli on lands southwesterly of the litigation. Because this area is an integral part of the total of Pete's Harbor, this lease has been patterned after the legislatively-prescribed lease, but requires fair rent, five-year rent reviews, and consent to assignments and subleases.

The staff has completed all necessary documentation and has secured the approval of Mr. Uccelli to these documents. All documents are on file in the Office of the Commission and are incorporated by reference as a part of this calendar item. All leases and permits have an effective date of June 1, 1984.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. 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 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.

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq., but will not affect those significant lands.

EXHIBITS:

- A. Site Map.
- B. Proposed Record of Survey (2 sheets).
- C. Lease Parcel Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM 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. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
3. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE TO APPROVE THE MAP ON FILE IN THE OFFICES OF THE COMMISSION AS MAP FILE NO. CB606, A REDUCED SIZE COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "B".
4. AUTHORIZE THE EXECUTION OF TWO LEASES COVERING IMPROVEMENTS AT PETE'S HARBOR, WHICH LEASES ARE ON FILE IN THE OFFICE OF THE COMMISSION AND BY REFERENCE MADE A PART HEREOF.
5. AUTHORIZE THE EXECUTION OF A 25-FOOT WIDE UTILITY EASEMENT ACROSS SMITH SLOUGH FOR FUTURE UTILITIES SERVING PETE'S HARBOR; SAID EASEMENT IS ON FILE IN THE OFFICE OF THE COMMISSION AND IS BY REFERENCE MADE A PART HEREOF.

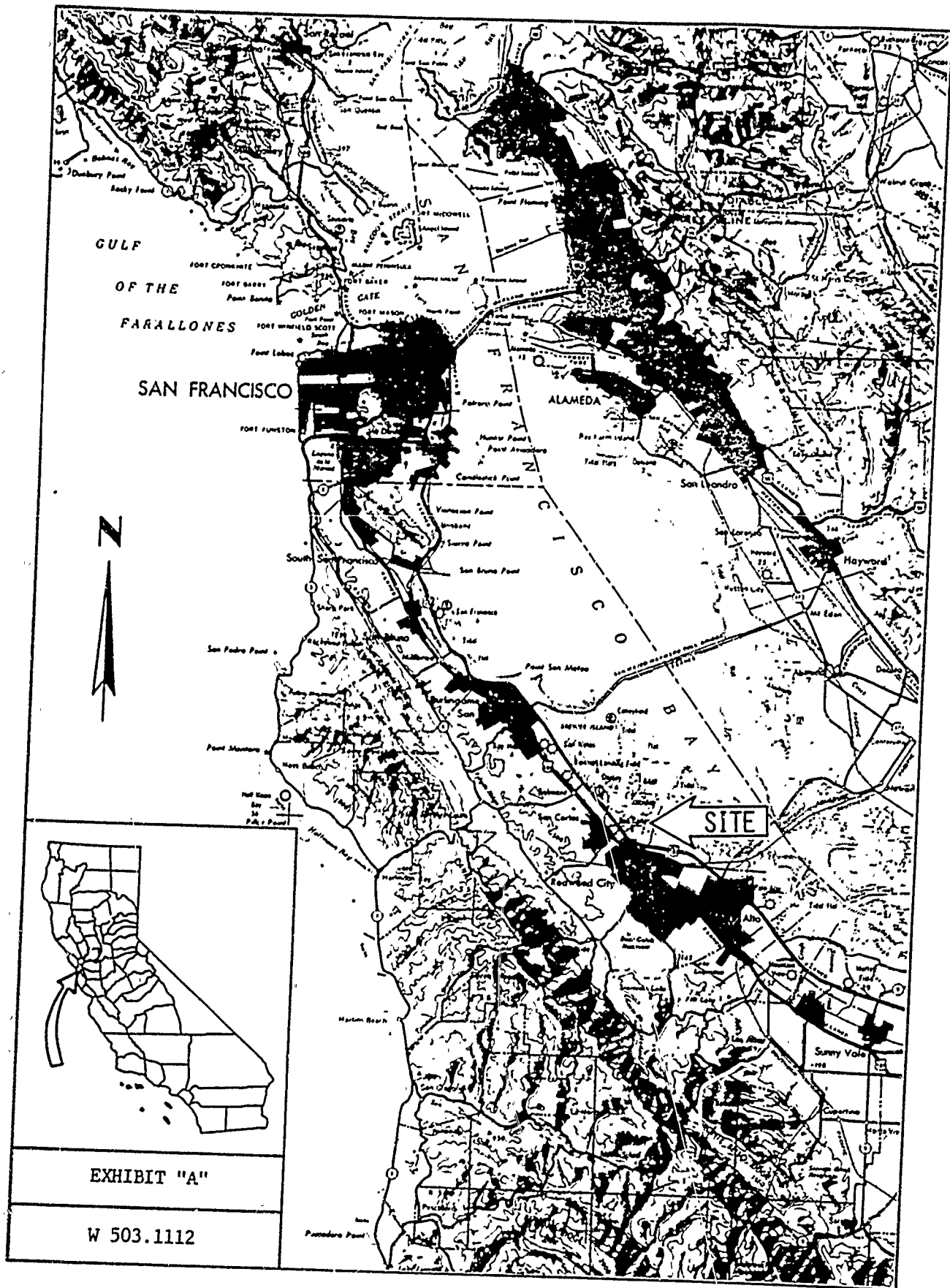


EXHIBIT "A"

W 503.1112

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STATE OF CALIFORNIA
STATE LANDS COMMISSION

MAP
OF
SURVEY AT PETE'S HARBOR
PURSUANT TO CHAPTER 447, STATUTES 1943,
OF THE CALIFORNIA LEGISLATURE,
IN SECTIONS 17 AND 18, T. 3 S., R. 3 W., M. 1 N.
COUNTY OF SAN MATEO, STATE OF CALIFORNIA
February, 1944
Scale 1" = 50'

LESLIE LEASE
PARCEL 2
0.71 Acres

UTILITY
EASEMENT

LEASE PARCEL 1A
0.13 Acres

SECTION
3(b)(2)
LANDS

LEASE PARCEL 1
3.26 Acres

SMITH
SLOUGH

1923 M. T. L. SMITH SLOUGH SOUTHERLY BANK

STA	BEARING	DISTANCE	COORDINATES N	E
1	N 71° 30' 30" E	100.00	348,074.81	1,500,711.83
2	N 67° 46' 30" E	316.51	267.60	1,489.81
3	N 70° 18' 30" E	34.68	208.84	1,411.79
4	N 71° 18' 30" E	3.62	208.84	1,411.79
5	N 64° 08' 30" E	143.70	206.81	1,311.41
6	N 61° 08' 30" E	104.81	200.34	1,240.79
7	N 67° 52' 30" E	404.81	146,255.12	1,210.17
8	N 62° 42' 30" E	166.87	146,206.80	1,210.76
9	N 30° 13' 30" E	338.67	204.82	1,210.76
10	N 20° 18' 30" E	427.70	213.00	1,210.76
11	N 24° 45' 30" E	79.17	210.32	1,210.76
12	N 37° 04' 30" E	10.37	210.34	1,210.76
13	N 37° 04' 30" E	10.37	210.34	1,210.76

NOTE

The mean high tide line, shown herein, is a flood and ordinary boundary, and is not subject to erosion by natural or artificial accretion or avulsion.

1923 M. T. L. SMITH SLOUGH NORTHERLY BANK

STA	BEARING	DISTANCE	COORDINATES N	E
14	N 67° 42' 30" E	100.00	349,133.81	1,500,711.83
15	N 67° 52' 30" E	99.50	158.84	1,484.62
16	N 67° 00' 30" E	90.93	211.36	1,411.79
17	N 60° 18' 30" E	30.64	211.36	1,411.79
18	N 36° 18' 30" E	177.70	270.90	1,411.79
19	N 22° 12' 30" E	143.80	233.48	1,411.79
20	N 10° 45' 30" E	105.85	193.59	1,411.79
21	N 10° 45' 30" E	105.85	193.59	1,411.79
22	N 10° 45' 30" E	105.85	193.59	1,411.79

NORTHERLY LINE OF SECTION 3(b)(2) LANDS

STA	BEARING	DISTANCE	COORDINATES N	E
A	N 23° 37' 30" E	400.1	348,925.84	1,500,711.83
B	N 59° 47' 30" E	454	348,225	1,484.62
C	N 61° 43' 30" E	438.6	341.36	1,411.79
D	N 64° 21' 30" E	1.3	341.36	1,411.79
E	N 27° 37' 30" E	334	341.36	1,411.79
F	N 72° 48' 30" E	6.6	341.36	1,411.79
G	N 64° 08' 30" E	357.6	341.36	1,411.79

LEGEND

- Part of parcel 1 and all of parcel 2 of the property comprising Farm No. 1 as described in Section 4 of Chapter 447 Statutes 1943 (see Note 1)
- Mean High Tide Line along the banks of Smith Slough, shown here as surveyed December 1933
- Northern line of land returned to the State by Section 447 Statutes 1943
- USC 666 Multiple Entry Monument
- Horizontal Control Monument as described
- Found monument as described
- Directional Point Number Found - see
- Flag

DETAIL



BASIS OF BEARINGS

Bearings shown on this map are based on bearing N 67° 42' 30" E of the line between stations 14 and 15 of the S. E. 1/4 of Sec. 18, T. 3 S., R. 3 W., M. 1 N. County of San Mateo, California. This bearing was measured by the National Geodetic Survey, Zone 10, North American Datum of 1922, Coordinates: See NGS Form 374222, dated July 1943 and CGLE, WD 2431, See Note 1, Sheet 1.

VERTICAL DATUM

The MSL, shown herein is based on the National Geodetic Survey datum of 1929 C.M. & G. 1929. On the datum, mean high water 1910 is 1.5642 ft. or an elevation of 4.245 feet and mean low water 1910 is 1.9922 ft. or an elevation of 3.816 feet. As determined by the National Geodetic Survey, bearing stations and October 1976, reported June 1977. On this datum the point of mean high water is 4.245 ft. or an elevation of 3.681 feet and mean low water is 3.816 ft. or an elevation of 3.046 feet. Datum: Mean High Water 1910 C.M. & G.

EXHIBIT C

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