

CALENDAR ITEM
This Calendar Item No. 34
was approved as Minute Item
No. 34 by the State Lands
Commission by a vote of 3
to 0 at its 5/22/87
meeting.

CALENDAR ITEM

A 9
S 2

34

AD 64
SLL 44

05/28/87
W 23761
Okikawa

APPROVAL OF A COMPROMISE TITLE SETTLEMENT AGREEMENT
CITY OF PETALUMA, SONOMA COUNTY, PURSUANT TO
PUBLIC RESOURCES CODE SECTION 6307.

A title dispute exists between the State in its sovereign capacity and the City of Petaluma ("City") concerning ownership of approximately 16.48 acres of real property located in the City of Petaluma, Sonoma County. Approximately another 9.65 acres is owned by the State and will be used for exchange and leasing purposes in this title settlements. All the real property mentioned above is referred to as the Settlement Parcel, and is described in Exhibit "A", and is depicted on Exhibit "B".

The Settlement Parcel consists of four parcels as illustrated in Exhibit "C". Parcels 1 and 2 are owned by the State in fee subject to the public trust for commerce, navigation, fisheries, recreation, and open space pursuant to a prior title settlement. Parcels 3 and 4 were acquired by the City as successor in interest to a State tideland patent. The City contends that this patent conveyed all right, title, and interest of the State within Parcels 3 and 4 without any reservations to the State, expressed or implied, and that it now holds title to those parcels free and clear of any State right, title, or interest.

The staff of the State Lands Commission has conducted a study of the evidence of title to Parcels 3 and 4 and has determined that most of Parcels 3 and 4 are within Tideland Survey 20 patented July 20, 1870, and historically consisted of marsh and sloughs. A small portion of Parcel 4 was within Rancho Petaluma. The entire Settlement Parcel has been filled and reclaimed, and is no longer covered by the tidal waters of the Petaluma River. The Settlement Parcel is largely unimproved; a portion of Parcel 2 is occupied by a boat ramp operated by the City pursuant to a State Lands Commission permit.

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The staff is of the opinion that the title evidence and the applicable legal principles lead to the conclusion that the State, in its sovereign capacity, is owner of some public trust right, title or interest in Parcels 3 and 4. The exact extent and nature of the State's and City's interest is, however, subject to uncertainty and dispute.

The City proposes to develop Parcels 1 and 4 into an office complex pursuant to agreement with Coombs Development, a private developer. Under that same agreement, the developer will construct for the City a marina on Parcels 2 and 3. The City has long sought an opportunity to accomplish a marina project. In order to resolve the title issues between the State and the City, so as to facilitate the City's proposed development, the City has offered to enter into a compromise settlement agreement substantially in the form on file with the Commission, which provides generally as follows:

- 1) The City will convey all of its right, title, and interest in Parcel 3 to the State, resulting in a State ownership of Parcels 2 and 3, a long parcel adjacent to the Petaluma River and a public road, providing greater public access to the river.
- 2) In exchange for the above, the State will convey to the City all its right, title, and interest in Parcels 1 and 4 and will terminate the public trust interest on both of these parcels.
- 3) The State will lease Parcels 2 and 3 to the City for development of a marina on terms and conditions to be negotiated by the parties.
- 4) The agreement provides for an escrow and will be effective upon its recordation. Escrow fees and any title insurance will be without cost to the State.
- 5) The City will grant the State an easement for access to Parcels 2 and 3, the exact location of the easement has not been determined.
- 6) There may be technical changes in the attached metes and bounds description to prevent gaps and/or overlapping of boundaries with adjacent owners.

Staff has appraised the Settlement Parcel and has evaluated the law and the evidence bearing on the title dispute, and is of

the opinion that the value of the City of Petaluma's interest in Parcel 3 is equal to or greater than the value of the State's interest in Parcels 1 and 4.

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 because it involves settlements of title and boundary problems.

Authority: P.R.C. 21080.11.

- EXHIBITS:
- A. Land Description.
 - B. Location Map.
 - C. Settlement Parcels.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 PURSUANT TO P.R.C. 21080.11, UNDER THE STATUTORY EXEMPTION FOR SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. FIND THAT WITH RESPECT TO THE PROPOSED COMPROMISE TITLE SETTLEMENT AGREEMENT, INCLUDING THE EXCHANGE OF THE STATE AND CITY INTERESTS IN THE SUBJECT PARCELS:
 - A. THE AGREEMENT IS IN THE BEST INTEREST OF THE STATE FOR THE IMPROVEMENT OF NAVIGATION; THE ENHANCEMENT OF THE CONFIGURATION OF THE SHORELINE FOR THE IMPROVEMENT OF THE WATER AND THE UPLAND; AND THE PROTECTION, PRESERVATION, AND ENHANCEMENT OF THE TIDELANDS AND SUBMERGED LANDS AND PUBLIC ACCESS THERETO, PURSUANT TO THE PUBLIC TRUST.
 - B. THE VALUE OF PARCEL 3 RECEIVED BY THE STATE PURSUANT TO THE AGREEMENT IS EQUAL TO OR GREATER THAN THE VALUE OF THE INTERESTS IN PARCELS 1 AND 4 BEING RELINQUISHED BY THE STATE.

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- C. PARCELS 2 AND 3, WHICH, AS A RESULT OF THE AGREEMENT WILL BE HELD BY THE STATE IN FEE SUBJECT TO THE PUBLIC TRUST FOR COMMERCE, NAVIGATION, FISHERIES, RECREATION, AND OPEN SPACE, ARE ADJACENT TO THE PETALUMA RIVER AND WILL BE DEVELOPED INTO A MARINA WITH GENERAL PUBLIC ACCESS TO THE RIVER.
 - D. PARCELS 1 AND 4 HAVE BEEN RECLAIMED AND FILLED AND HAVE BEEN EXCLUDED FROM THE PUBLIC CHANNELS, AND ARE NOT ADJACENT TO THE CURRENT BED OF THE PETALUMA RIVER, AND ARE NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING AND ARE NO LONGER, IN FACT, TIDELAND OR SUBMERGED LAND.
 - E. THE PARTIES HAVE A GOOD FAITH AND BONA FIDE DISPUTE AS TO THEIR RESPECTIVE INTERESTS WITHIN THE PARCEL.
 - F. THE PROPOSED AGREEMENT CONSTITUTES A COMPROMISE OF THE CONTESTED ISSUES OF LAW AND EVIDENCE UPON WHICH THE DISPUTE IS BASED.
 - G. THE AGREEMENT IS IN LIEU OF THE COSTS, DELAYS AND UNCERTAINTIES OF TITLE LITIGATION, IS CONSISTENT WITH AND IS AUTHORIZED BY THE REQUIREMENTS OF LAW.
 - H.--- ON THE EFFECTIVE DATE OF THE AGREEMENT AND CONSISTENT WITH ITS TERMS, PARCELS 1 AND 4 WILL NO LONGER BE NECESSARY OR USEFUL FOR THE PURPOSES OF THE PUBLIC TRUST AND THE PUBLIC TRUST INTEREST MAY BE TERMINATED.
- 3. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGMENT AND RECORDATION ON BEHALF OF THE COMMISSION OF THE COMPROMISE TITLE SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE FORM OF THE COPY OF SUCH AGREEMENT ON FILE WITH THE COMMISSION.
 - 4. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AND PAYMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE COMPROMISE TITLE SETTLEMENT AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.

EXHIBIT A

Being portions of the land described in Deed No. 9789 and Deed No. 17660, recorded February 19, 1953 and January 27, 1956 in Books 1189 and 1410 of Official Records, pages 305 and 451, Sonoma County Records, and being a portion of the Petaluma Ranch in Townships 4 and 5 North, Range 7 West, M.D.B. & M., more particularly described as follows:

PARCEL 1

Commencing at the easterly terminus of the curve with an arc length of 785.9 feet, as described in that Deed to Northwestern Pacific Railroad Company, a corporation, recorded October 24, 1916 in Book 345 of Deeds, page 266, Sonoma County Records, said point lying on the southerly line of the Northwestern Pacific Railway right-of-way, said point of commencement being indicated as Point "C" on that Record of Survey recorded in Book 185 at page 15 of Maps, Sonoma County Records; thence southeasterly on a tangent to said curve South 76°59'12" East 755.10 feet to the Point of Beginning of the herein described parcel;
thence South 14°34'00" West 196.00 feet;
thence South 10°16'45" West 278.00 feet;
thence South 05°09'40" West 140.00 feet;
thence South 15°42'15" West 93.94 feet;
thence South 26°12'53" West 123.30 feet;
thence North 86°04'00" West 77.00 feet;
thence North 03°56'00" East 143.43 feet;
thence North 41°04'00" West 121.55 feet;
thence North 30°57'48" East 657.39 feet to the Point of Beginning, containing 2.125 acres, more or less.

PARCEL 2

Commencing at the easterly terminus of the curve with an arc length of 785.9 feet, as described in that Deed to Northwestern Pacific Railroad Company, a corporation, recorded October 24, 1916 in Book 345 of Deeds, page 266, Sonoma County Records, said point lying on the southerly line of the Northwestern Pacific Railway right-of-way, said point of commencement being indicated as Point "C" on that Record of Survey recorded in Book 185 at page 15 of Maps, Sonoma County Records; thence southeasterly on a tangent to said curve South 76°59'12" East 785.10 feet to the Point of Beginning of the herein described parcel;
thence South 10°09'03" West 560.70 feet;
thence South 09°07'21" East 127.39 feet;
thence South 61°06'16" East 248.49 feet;
thence South 07°18'10" West 130.65 feet;
thence South 54°52'52" West 142.34 feet;
thence South 67°44'27" West 100.44 feet;
thence South 50°53'43" West 406.86 feet;
thence North 42°34'57" West 369.13 feet;
thence North 30°57'48" East 554.14 feet;
thence South 41°04'00" East 121.55 feet;
thence South 03°56'00" West 143.43 feet;

thence South 86°04'00" East 77.00 feet;
 thence North 26°12'53" East 123.30 feet;
 thence North 15°42'15" East 93.94 feet;
 thence North 05°09'40" East 140.00 feet;
 thence North 10°16'45" East 278.00 feet;
 thence North 14°34'00" East 196.00 feet;
 thence South 76°59'12" East 30.00 feet to the Point of Beginning,
 containing 7.527 acres more or less.

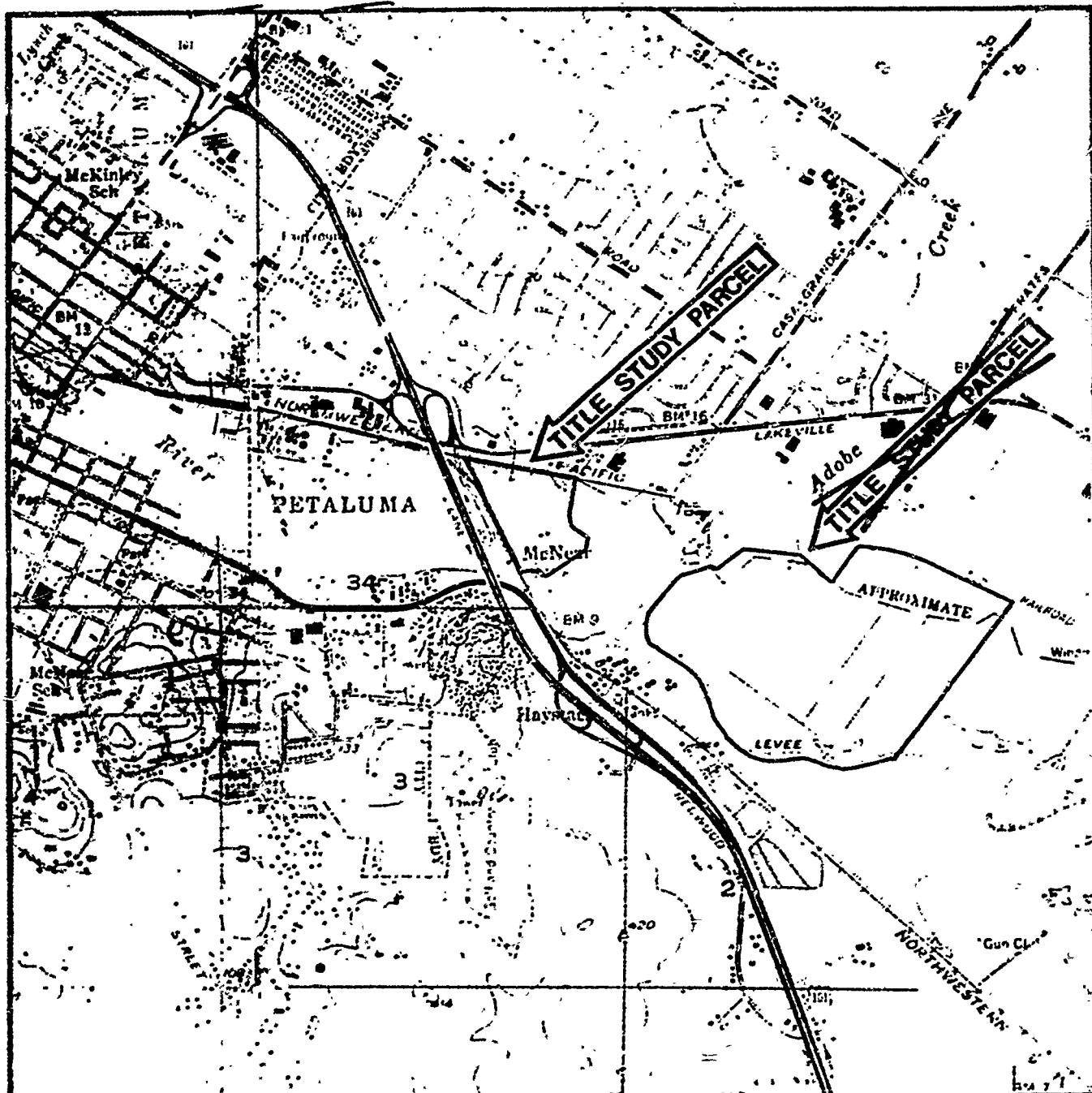
PARCEL 3

Commencing at the easterly terminus of that curve with an arc length of 785.9 feet, as described in that Deed to Northwestern Pacific Railroad Company, a corporation, recorded October 24, 1916 in Book 345 of Deeds, page 266, Sonoma County Records, said point lying on the southerly line of the Northwestern Pacific Railway right-of-way, said point of commencement being indicated as Point "C" on that Record of Survey recorded in Book 185 at page 15 of Maps, Sonoma County Records; thence along said curve to the left with a radius of 352.20 feet, through a central angle of 71°24'08", an arc length of 438.91 to the Point of Beginning of the herein described parcel; thence South 41°04'00" East 362.99 feet;
 thence North 48°56'00" East 293.43 feet;
 thence South 41°04'00" East 221.00 feet;
 thence South 03°56'00" West 33.00 feet;
 thence South 48°56'00" West 83.50 feet;
 thence South 41°04'00" East 292.00 feet;
 thence North 48°56'00" East 91.00 feet;
 thence South 86°04'00" East 28.50 feet;
 thence South 41°04'00" East 24.45 feet;
 thence South 30°57'48" West 554.14 feet;
 thence South 42°34'57" West 45.98 feet; thence a curve to the right with a radius of 145.00 feet through a central angle of 17°56'47" for an arc length of 45.42 feet; thence North 24°38'10" West 696.54 feet; thence along a curve to the left with a radius of 255.00 feet through a central angle of 08°16'47" for an arc length of 36.85 feet; thence North 32°54'57" West 214.09 feet; thence along a curve to the right with a radius of 145.00 feet through a central angle of 08°16'47" for an arc length of 20.95 feet; thence North 24°38'10" West 67.50 feet to a point on the previously described curve with a radius of 352.20 feet; thence along said curve in a northeasterly direction from a tangent which bears North 21°46'00" East, through a central angle of 09°50'40" for an arc length of 60.51 feet to the Point of Beginning, containing 6.457 acres, more or less.

PARCEL 4

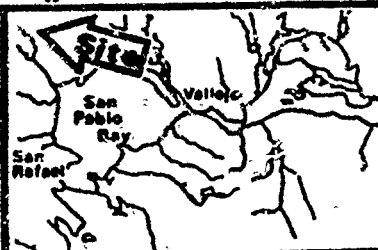
Beginning at the easterly terminus of that curve with an arc length of 785.9 feet, as described in that Deed to Northwestern Pacific Railroad Company, a corporation, recorded October 24, 1916 in Book 345 of Deeds, page 266, Sonoma County Records, said point lying on the southerly line of the Northwestern Pacific

Railway right-of-way, said point of beginning being indicated as Point "C" on that Record of Survey recorded in Book 185 at page 15 of Maps, Sonoma County Records; thence along said southerly right-of-way line South 76°59'12" East 755.10 feet; thence South 30°57'48" West 657.39 feet;
thence North 41°04'00" West 24.45 feet;
thence North 86°04'00" West 28.50 feet;
thence South 48°56'00" West 91.00 feet;
thence North 41°04'00" West 292.00 feet;
thence North 48°56'00" East 83.50 feet;
thence North 03°56'00" East 33.00 feet;
thence North 41°04'00" West 221.00 feet;
thence South 48°56'00" West 203.43 feet;
thence North 41°04'00" West 362.99 feet to a point on the previously described curve with a radius of 352.20 feet; thence along said curve in a northeasterly direction from a tangent which bears North 31°36'40" East through a central angle of 71°24'08" for an arc length of 438.91 to the Point of Beginning, containing 10.024 acres, more or less.



STATE LANDS COMMISSION
Title Study Plat

A portion of USGS Quadrangles
Petaluma 1953, PR 1968 and
Petaluma River 1954, PR 1980



Prepared by: P. L. BELL

Date: 2-20-86 A: 9 S: 2

EXHIBIT B

File Study MAPINA OFFICE DATE

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Sheet 1 of 1

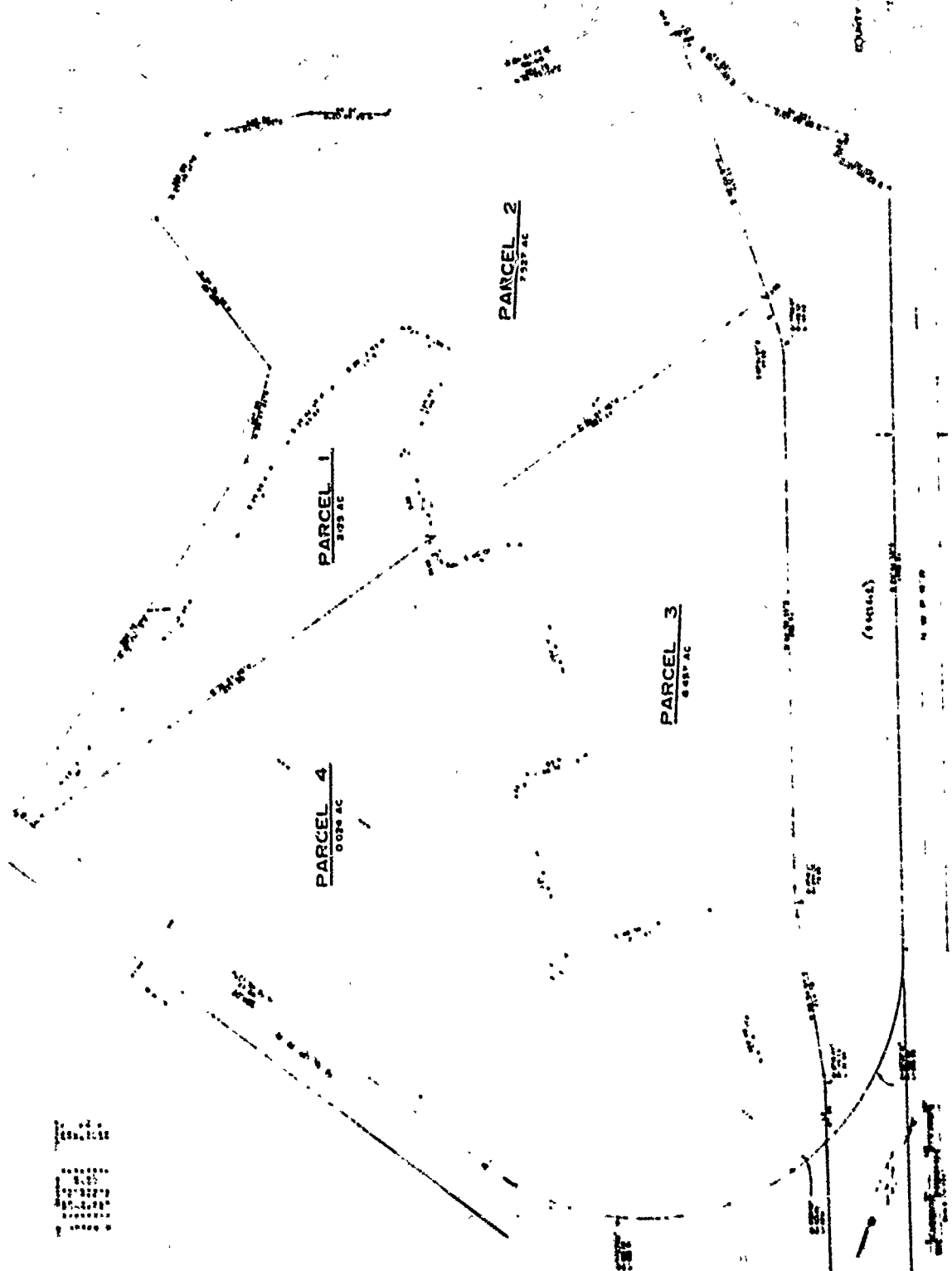
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Railway right-of-way, said point of beginning being indicated as Point "C" on that Record of Survey recorded in Book 185 at page 15 of Maps, Sonoma County Records; thence along said southerly right-of-way line South $76^{\circ}59'12''$ East 755.10 feet; thence South $30^{\circ}57'48''$ West 657.39 feet;
thence North $41^{\circ}04'00''$ West 24.45 feet;
thence North $86^{\circ}04'00''$ West 28.50 feet;
thence South $48^{\circ}56'00''$ West 91.00 feet;
thence North $41^{\circ}04'00''$ West 292.00 feet;
thence North $48^{\circ}56'00''$ East 83.50 feet;
thence North $03^{\circ}56'00''$ East 33.00 feet;
thence North $41^{\circ}04'00''$ West 221.00 feet;
thence South $48^{\circ}56'00''$ West 203.43 feet;
thence North $41^{\circ}04'00''$ West 362.99 feet to a point on the previously described curve with a radius of 352.20 feet; thence along said curve in a northeasterly direction from a tangent which bears North $31^{\circ}36'40''$ East through a central angle of $71^{\circ}24'08''$ for an arc length of 438.91 to the Point of Beginning, containing 10.024 acres, more or less.

EXHIBIT C

DETAILED MAPS
SHOWING THE
COUNTY OF CALIFORNIA
SINGLE & DOUBLE
LINES, DISTANCE
AND BEARING



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