

MINUTE ITEM

This Calendar Item No. 81
was approved as Minute Item
No. 51 by the State Lands
Commission by a vote of 3
to 0 at its 8-22-90
meeting.

CALENDAR ITEM

A 4, 8
S 5

81

08/22/90
AD 112
W23627
PRC 5413
PRC 5441
Maricle
Stevenson
Crow

REQUEST FOR AUTHORIZATION TO EXTEND TIME
FOR THE RECORDATION OF BOUNDARY LINE AND EXCHANGE AGREEMENT,
LIGHTHOUSE MARINA AND RIVERBEND DEVELOPMENT;
CITY OF WEST SACRAMENTO; YOLO COUNTY

BACKGROUND:

At its March 27, 1990, meeting, the State Lands Commission authorized the settlement of title questions within the proposed Lighthouse Marina project in the City of West Sacramento. The project area is shown for reference purposes on Exhibits A and B of this Calendar Item. The terms of the settlement (which shall be referred to as the "Boundary Line Agreement") call for the participation of the City of West Sacramento and Cook Inlet Region, Inc., (Parties) including the conveyance of various properties. Both entities are record title holders of tracts of land within the settlement area.

The terms of the State Lands Commission authorization required the Boundary Line Agreement to be recorded by or on August 1, 1990, or Lighthouse Marina and Riverbend Development (referred to here as "Lighthouse") would lose leases for the River Galley (lease PRC 5413) and the View Point Marina (lease PRC 5441). In addition, failure to meet the deadline would cause the voiding of authorized signed consents to encumber those leases for financing purposes.

On July 31, 1990, the staff was notified that the necessary Parties to the Boundary Line Agreement had not yet agreed to participate for reasons beyond the control of Lighthouse. An

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agreement was reached, subject to approval by the Commission, to extend the time for recording through August 22, 1990, to afford Commission an opportunity to consider a more comprehensive approach to the negotiated extension of time. The staff has developed the following proposal for the Commission's consideration. The terms of the proposal are that:

1. The Commission will ratify the action of the Executive Officer to extend the time for recordation from August 1 through today to allow the Commission's consideration of this calendar item.
2. As an expression of its good faith efforts to conclude the Boundary Line Agreement as previously agreed, Lighthouse has paid \$35,000 of the State Lands Commission as trustee of the California Rivers Riparian Habitat and Access Fund. The check submitted in this amount will be cashed if the Commission approves this item.
3. The State Lands Commission will consent to a further extension to Lighthouse to record the Boundary Line Agreement with all necessary parties as participants. This extension will be through October 1, 1990.
4. In consideration of the extension through October 1, Lighthouse shall carry out specific provisions of the Boundary Line Agreement which has been authorized by the State Lands Commission but which has not been signed by the parties. Specifically, Lighthouse will convey to the State Lands Commission the waterfront properties in its record ownership within the Lighthouse Marina development which it is required to convey under the Boundary Line Agreement together with accessways. These conveyances shall be of marketable title in a condition acceptable to the State Lands Commission and shall be recorded by August 31, or any Agreement to Extend Time shall be void. The conveyances to the State made pursuant to this paragraph shall not set the boundary of the Sacramento River along or through the subject property. That is achieved only with the recording of the Boundary Line Agreement. Until such recordation, the State shall retain any sovereign interest landward of properties conveyed to the State pursuant to this agreement.
5. Lighthouse shall also convey to the State Lands Commission (and record by August 31) two properties within the Amen Ranch site upstream of the Lighthouse Marina project. These sites are a 100 acre parcel of land landward of the Sacramento River levee and a 24 acre parcel waterward of

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the lease as depicted on Exhibit "C". These conveyances are irrevocable as are those in Paragraph 4 above.

6. When the Boundary Line Agreement is recorded on or before October 1, the State shall convey to Lighthouse those interests in land which the Agreement calls for the State to convey free of sovereign title interests.
7. The State Lands Commission shall agree to waive the terms of its prior authorization that failure to timely record the Boundary Line Agreement with all necessary parties will cause the voiding of the View Point Marina and River Valley leases and the Consents to Encumber those leases. However, this waiver shall be solely upon the condition that an Agreement to Extend Time as authorized here is timely signed and the conveyances required in Paragraphs 4 and 5 of the Calendar Item are recorded by August 31, 1990.
8. The Agreement to Extend Time must be signed by Lighthouse and the State Lands Commission on or before August 24, 1990.

The staff continues to support the Lighthouse Marina settlement which the Commission approved some months ago. Staff recommends the Commission's ratification of the agreements' extension through August 22 and entry into an Agreement to Extend Time on the terms outlined. Staff believes that such actions will protect the interests and the expectations of the State as reflected in the Boundary Line Agreement.

AB 884: N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (15 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves settlements of title and boundary problems.

Authority: P.R.C. 21080.11.

EXHIBITS:

- A. Location Map (Lighthouse Marina)
- B. Site Map for Reference Only
- C. Location Map (Amen Ranch).

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. RATIFY THE ACTION OF THE EXECUTIVE OFFICER TO EXTEND THE DATE FOR RECORDATION OF THE LIGHTHOUSE MARINA BOUNDARY LINE AND EXCHANGE AGREEMENT THROUGH TODAY, AUGUST 22, 1990;
3. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE AN AGREEMENT TO EXTEND TIME THROUGH OCTOBER 1, 1990, TO RECORD THE LIGHTHOUSE MARINA BOUNDARY LINE AND EXCHANGE AGREEMENT WHICH INCLUDES THOSE ELEMENTS OUTLINED IN THE CALENDAR ITEM;
4. CONFIRM ITS ACTION OF MARCH 27, 1990, AUTHORIZING A LAND TITLE SETTLEMENT FOR THE LIGHTHOUSE MARINA DEVELOPMENT, INCLUDING THOSE TERMS REGARDING THE VOIDING OF THE RIVER GALLEY AND VIEW POINT MARINA LEASES UPON FAILURE TO TIMELY RECORD THE LIGHTHOUSE MARINA BOUNDARY LINE AND EXCHANGE AGREEMENT AS SPECIFIED WITH THE PARTICIPATION OF ALL NECESSARY PARTIES. HOWEVER, THE POSSIBLE VOIDING OF THE TWO LEASES (AND THEIR CONSENTS TO ENCUMBER) SHALL NOT OCCUR IF AN AGREEMENT TO EXTEND TIME, AS AUTHORIZED HERE, IS ENTERED INTO BY LIGHTHOUSE AND THE PROPERTY REQUIRED TO BE CONVEYED IS CONVEYED IN THE TIME REQUIRED.
5. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE CERTIFICATES OF ACCEPTANCE FOR THE PROPERTIES TO BE DEEDED TO THE STATE BY THE ACTION TAKEN HERE.

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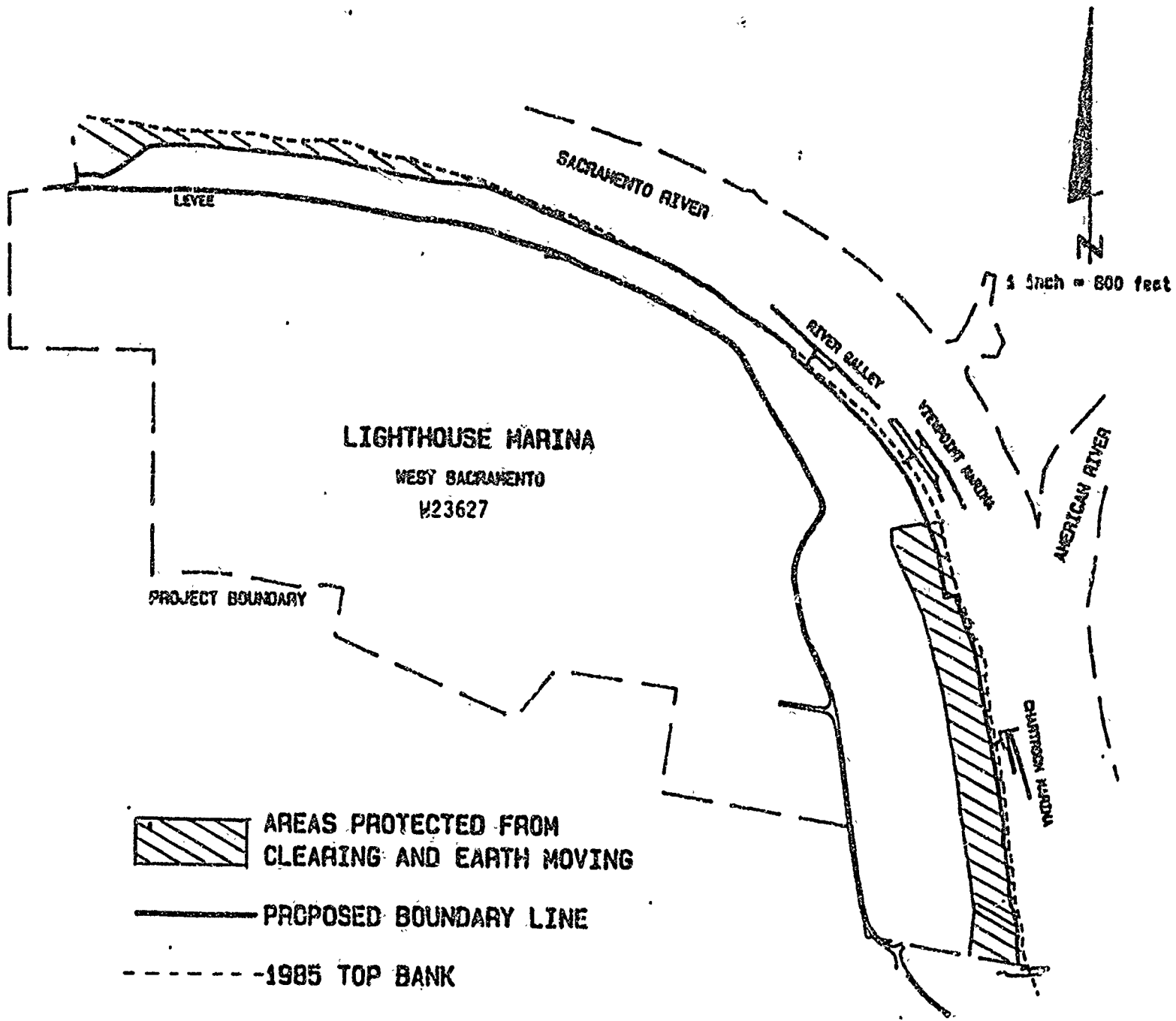
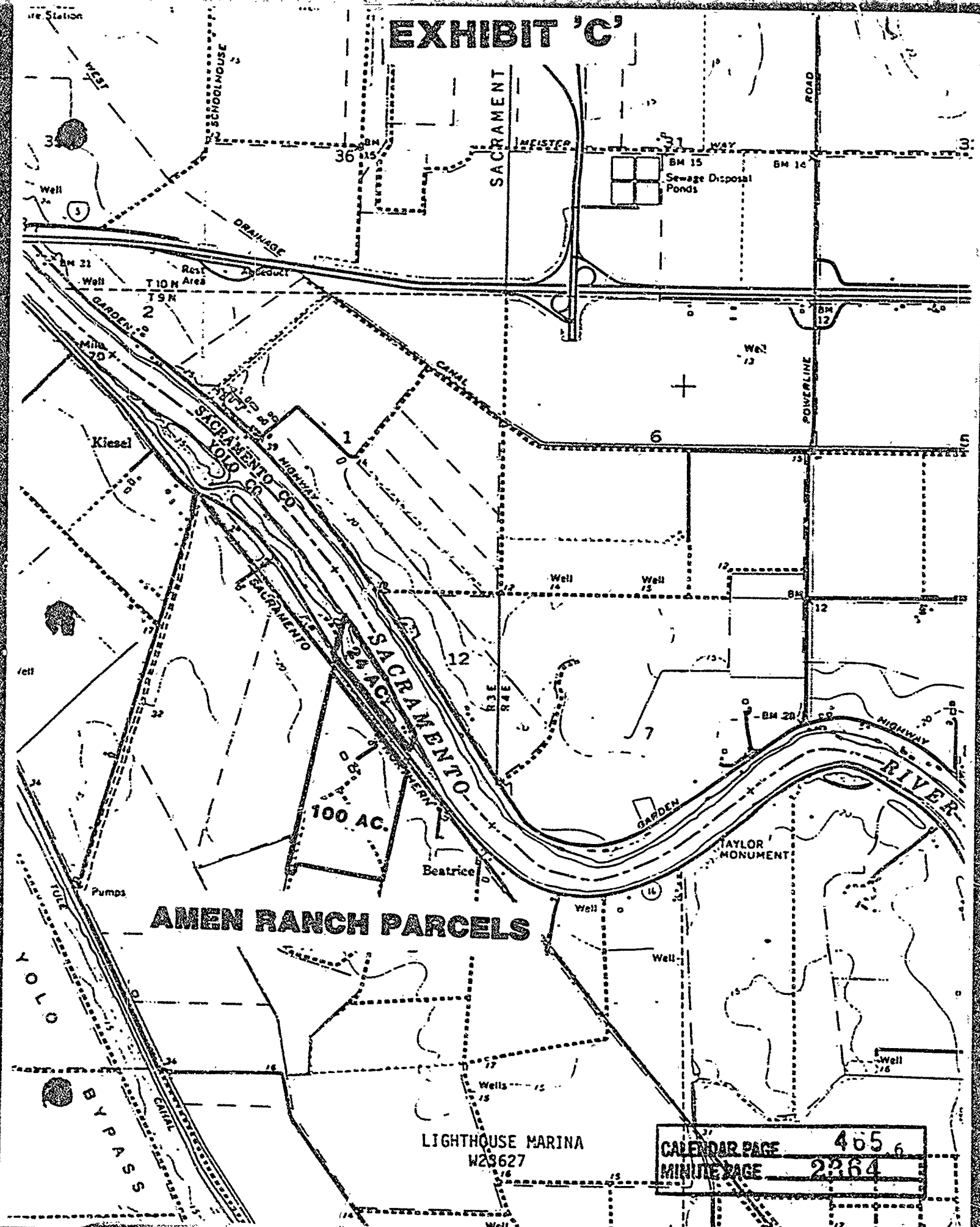


EXHIBIT 'A'

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EXHIBIT 'C'



AMEN RANCH PARCELS

LIGHTHOUSE MARINA
W29627

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