

**CALENDAR ITEM
C118**

A 25, 29, 31

S 14

06/23/11
W 26486
S. Haaf
J. Lucchesi

**CONSIDER ACCEPTANCE OF A QUITCLAIM DEED FOR A PARCEL OF LAND
(APN 040-222-007) LOCATED WITHIN THE BED OF THE SAN JOAQUIN RIVER,
FRESNO AND MADERA COUNTIES**

INTRODUCTION:

The subject parcel (APN 040-222-007), consisting of approximately 4.2 acres, is located within the bed of the San Joaquin River within Fresno and Madera Counties. The parcel is assessed to R.W. Hanna and Borel Bank and Trust Company. Judy Hanna, an heir to R.W. Hanna, has been paying the property taxes for the past 10 years. Judy Hanna has offered to quitclaim her interest in the subject parcel to the State Lands Commission ("Commission").

STAFF ANALYSIS AND RECOMMENDATION:

The subject parcel appears to be located within swamp and overflow lands the State acquired from the United States and subsequently patented into private ownership and within the bed of the San Joaquin River. While the State presently claims ownership of the bed of the San Joaquin River, the extent of those claims are uncertain and, in the past, have been disputed by record title owners. Commission staff believes it is in the best interest of the State to accept a quitclaim deed from Judy Hanna as it will help to quiet title in favor of the State for the subject property. To the extent R.W. Hanna and Borel Bank and Trust Company have an interest in the subject property and also have a desire to quitclaim their interest to the Commission, staff believes acceptance of a quitclaim deed from them is also in the best interest of the State. Upon Commission acceptance, the deeded subject parcel will take on the character and protections attaching to real property subject to the Public Trust owned by the State in its sovereign capacity. Staff recommends that the Commission accept and authorize the execution, acknowledgment and recordation of a quitclaim deed or quitclaim deeds for the subject parcel.

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, §15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

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Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060(c)(3) and 15378.

EXHIBIT:

- A. Site and Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.
2. Accept and authorize the execution, acknowledgment, and recordation of a quitclaim deed or quitclaim deeds for APN 040-222-007 by the Commission's Executive Officer on behalf of the California State Lands Commission.