

MINUTE ITEM

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CALENDAR ITEM

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(RODDA)

DEDICATION OF PUBLIC ACCESS EASEMENTS
TO HUMBOLDT COUNTY BEACHES.

Sierra Club v. Zanone was filed for the purpose of establishing implied dedication rights in 5 to 6 miles of beach between Cape Mendocino and Mussel Rock in Humboldt County. It was contended in this case that the beach was dedicated between the 1850's and 1860's by public use of the beach as a highway before inland highways were constructed and also by subsequent use as a recreational area. Record title to the beach has been in the Zanone family since the 1860's, and is presently held by Joseph Zanone, Domingo Zanone, and their sister, as tenants in common. Since significant questions of public rights existed, the Commission authorized intervention on April 28, 1977.

Extensive investigation and historical research has led to the conclusion that while public rights may exist, establishment by litigation could be lengthy, expensive and problematic. It appears that settlement of the matter would be desirable. An agreement has been proposed by the Sierra Club and Joseph Zanone. All the parties have reviewed the agreement and concluded that it is a reasonable settlement. The proposed agreement has been reviewed by the Attorney General's Office and been found to be in the best interests of the State.

The proposed agreement is on file with the Office of the State Lands Commission.

Its most significant terms are as follows:

1. The grantors agree to grant to the State 4 public access easements extending from the Mattole (Ferndale-Petrolia) Road across the grantors' property to the State's tidelands. Two easements are 20-foot wide corridors; two are 50-foot wide corridors.
2. The State agrees to accept the grant of the easements referred to above.
3. The plaintiffs and the State of California agree that title may be quieted to the land between the Mattole Road and the tidelands with respect to any public

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dedication rights that may exist by virtue of the rules set forth in the case of Gion v. The City of Santa Cruz.

4. The Sierra Club has separately agreed to pay defendants an agreed upon sum of money as part of the compromise settlement.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS AGREEMENT IS IN SETTLEMENT OF LITIGATION AND THAT THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ARE INAPPLICABLE.
2. APPROVE THE PROPOSED SETTLEMENT OF THE CASE OF SIERRA CLUB V. ZANONE, HUMBOLDT COUNTY SUPERIOR COURT NO. 54089.
3. ACCEPT DEDICATION OF THE ACCESS CORRIDORS DESCRIBED THEREIN.
4. AUTHORIZE THE EXECUTIVE OFFICER OF THE COMMISSION TO EXECUTE AND RECORD THE AGREEMENT, TO EXECUTE AND RECORD ALL DOCUMENTS NECESSARY TO REFLECT THE COMMISSION'S ACCEPTANCE OF SAID ACCESS EASEMENTS.
5. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO EXECUTE THE STIPULATION IN THE FORM SET FORTH IN THE AGREEMENT.
6. AUTHORIZE THE STAFF OF THE COMMISSION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THE AGREEMENT.