

MINUTE ITEM

This Calendar Item No. 14
was adopted by the Board
of State Lands
by a vote of 2
to 0 at its 3/30/78
meeting.

CALENDAR ITEM

14.

3/78
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AUTHORIZATION FOR ENTRY INTO BOUNDARY LINE
AGREEMENT AROUND KIMBALL ISLAND, SACRAMENTO COUNTY
BLA 172

In October 1977, the State Lands Commission was served with a complaint in two consolidated bankruptcy proceedings pending in the United States District Court for the Northern District of California, entitled Leroy H. Martin and Helen E. Martin v. Yvonne Higgs McHugh, et al., Bankruptcy Nos. 4-76-1331-H and 4-76-1332-H. The State was named as one of the defendants. The complaint sought to clear the bankrupts' title in connection with a proposed sale of the property described in the complaint.

Two of the described parcels were Swamp and Overflowed Lands Survey Nos. 562 and 1059, Sacramento County, subject to described mineral reservations. The surveys lie on or adjacent to Kimball Island in the San Joaquin River across from the City of Antioch. With regard to both parcels, investigation by the State Lands Commission's Staff revealed that there was uncertainty concerning the extent to which each such survey consisted of true swamp and overflowed lands, as opposed to tide and submerged lands, and further, that there was uncertainty concerning the State-private boundary between true swamp and overflowed lands and tide and submerged lands owned in trust by the State of California.

It is proposed to settle by agreement the ownership and boundary questions in connection with said surveys. The proposed agreement provides for a permanently fixed boundary line along the waterward toe of the existing levee around Kimball Island and for a quitclaim by the private parties to the State of lands outside that line, including all claims of the private parties deriving from their predecessors' patent to Swamp and Overflowed Lands Survey No. 1059. The agreement has been reviewed by Staff and by the Office of the Attorney General and it is their conclusion that the agreement is in the best interests of both the State of California and the public. A copy of the proposed agreement is on file in the offices of the State Lands Commission in Sacramento.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER AND THE OFFICE OF THE ATTORNEY GENERAL TO EXECUTE THE PROPOSED BOUNDARY LINE AGREEMENT REGARDING SWAMP AND OVERFLOWED LANDS SURVEY NOS. 562 AND 1059, SACRAMENTO COUNTY, AND TO TAKE SUCH OTHER ACTION AS MAY BE NECESSARY TO EFFECT THE PROVISIONS OF THE AGREEMENT, INCLUDING, BUT NOT LIMITED TO LITIGATION.

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