

MINUTE ITEM

This Calendar Item No. 42
 was approved as Minute Item
 No. 42 by the State Lands
 Commission by a vote of 2
0 at its 5-28-81
 meeting.

CALENDAR ITEM

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AUTHORIZATION FOR SETTLEMENT IN (STIPULATED JUDGMENT) THEODORE R. STEPMAN V. STATE OF CALIFORNIA, EX REL. STATE LANDS COMMISSION, ET AL., AND THE PEOPLE OF THE STATE OF CALIFORNIA, EX REL. STATE LANDS COMMISSION AND CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS V. THEODORE R. STEPMAN AND DOES ONE THROUGH ONE HUNDRED, INCLUSIVE, SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF CONTRA COSTA CIVIL NO. 202513

The State Lands Commission is a party defendant to a Quiet Title action brought by a private upland owner on Fisherman's Cut, Bradford Island in Theodore R. Stepman v. State of California, ex rel State Lands Commission, et al. The State filed a cross-complaint entitled The People of the State of California, ex rel State Lands Commission and California Department of Boating and Waterway v. Theodore R. Stepman and Does One through One Hundred, Inclusive, in Contra Costa Superior Court Civil No. 202513 to resolve a title dispute to lands including portions of the bed of Fisherman's Cut presently between Bradford Island and Webb Tract, Contra Costa County, California.

The staff of the Commission believes that the proposed settlement is in the best interest of the People of California and recommends that the State Lands Commission accept and authorize the settlement and stipulated judgment summarized below.

As between Stepman and the State, fee title in the subject property will be quieted in Stepman, subject to the following conditions:

Members of the public own a perpetual easement over the subject property in its present, navigable condition to navigate and exercise the incidents of navigation, and that easement is hereby quieted in the public, represented in this action by the State.

Neither Stepman, his agents, representatives or successors in interests may impair the navigable condition of the subject property. The structures and improvements located

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on the subject property by Stepman and/or his predecessors in interest and existing as of June 20, 1980, do not impair or impede the public's easement rights as set forth above, and may continue to exist without further permit or authorization from the State Lands Commission or the California Department of Boating and Waterways. Nothing in this settlement shall be construed as relieving Stepman, his agents, representatives or successors in interest of the obligation to obtain all applicable federal, state and local authorizations for the construction and or maintenance of the above-described, as well as future structures and improvements.

The State of California, acting by and through the State Lands Commission or the California Department of Boating and Waterways, will have the authority to enforce the public rights set forth above. A copy of the proposed settlement (stipulated judgment) is on file in the Sacramento Office of the State Lands Commission.

EXHIBITS: A. Site Map. B. Land Description.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE PROPOSED ACTION IS IN SETTLEMENT OF LITIGATION AND DOES NOT INVOLVE A CHANGE IN EXISTING USE, AND THEREFORE IS EXEMPT FROM CEQA (14 CAL. ADM. CODE SECTION 15101; 2 CAL. ADM. CODE SECTION 2907).
2. AUTHORIZE THE ATTORNEY GENERAL TO FILE A STIPULATED JUDGMENT ON BEHALF OF THE STATE LANDS COMMISSION IN SETTLEMENT OF THEODORE R. STEPMAN V. STATE, ET AL., AND PEOPLE V. STEPMAN, ET AL., CONTRA COSTA CIVIL NO. 202513, A COPY OF WHICH STIPULATION IS ON FILE IN THE SACRAMENTO OFFICE OF THE STATE LANDS COMMISSION.
3. AUTHORIZE THE STAFF AND THE ATTORNEY GENERAL TO TAKE SUCH ADDITIONAL STEPS AS ARE NECESSARY TO CONCLUDE THE LITIGATION UNDER THE TERMS OF THE PROPOSED SETTLEMENT, AND TO TAKE SUCH FURTHER ACTION AS MAY BE NECESSARY TO ENFORCE THE PROVISIONS OF THAT SETTLEMENT IN THE FUTURE.

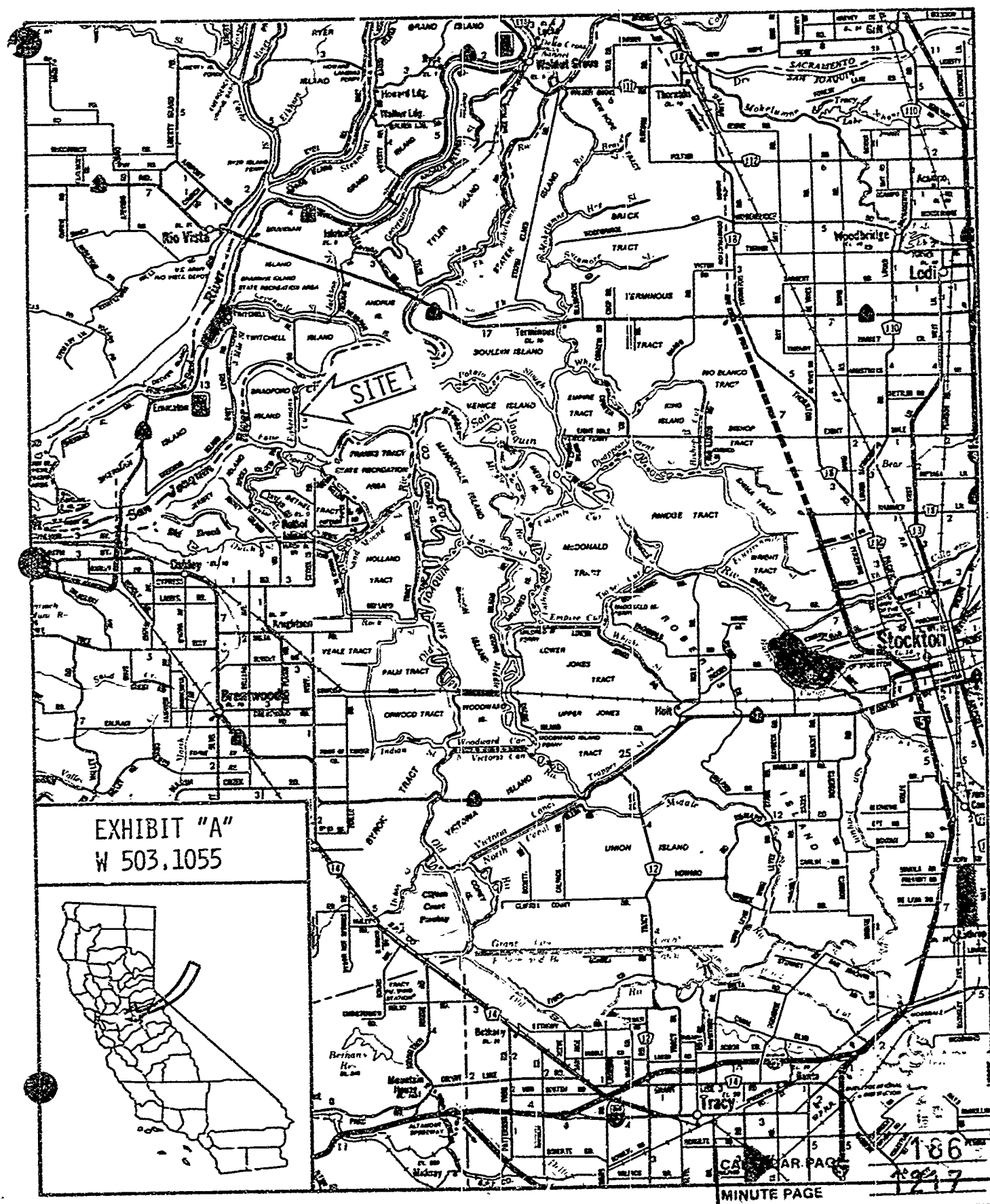


EXHIBIT "B"

LAND DESCRIPTION

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Being a portion of Fisherman's Cut, lying on the east side of Bradford Island, Contra Costa County, California, described as follows:

BEGINNING at the northeastern corner of the 15-acre parcel of land described in the deed to Theodore R. Stepman, et ux, recorded May 19, 1965 in Volume 4871 of Official Records, page 117; thence S 89° 38' 30" E 175 feet, more or less, to the center of said Fisherman's Cut; thence southerly 330 feet, more or less, along the center of Fisherman's Cut to a point that bears S 89° 38' 30" E 175 feet, from the southeastern corner of said Stepman parcel, (4871 OR 117); thence N 89° 38' 30" W 175 feet to said southeastern corner; thence northerly along the eastern line of said Stepman parcel, 330 feet, more or less, to the point of beginning.

END OF DESCRIPTION

REVIEWED MAY 18, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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