

MINUTE ITEM

This Calendar Item No. 18
was approved as Minute Item
No. 18 by the State Lands
Commission by a vote of 2
to 0 at its 8/20/81
meeting.

CALENDAR ITEM

18

8/20/81
W 22483
BLA 202
A. Scott
Faber

BOUNDARY LINE AGREEMENT
ALAMEDA CREEK IN UNION CITY, ALAMEDA COUNTY
BLA 202

BACKGROUND:

In November 1979, staff of the Commission was contacted by representatives of Citation Homes concerning a parcel of land along Alameda Creek in Union City which Citation had recently purchased from Holly Sugar Corporation. Citation proposed to develop this land as a light industrial park and residential complex. When a preliminary title policy indicated a possible State interest in this parcel, Citation requested a review to determine the extent of State interest at this location.

Citation's parcel is a portion of Rancho de la Alameda which had a boundary at this location along the natural bank of Alameda Creek. Because of the loss of original monuments along and physical changes to Alameda Creek in this area it became difficult to establish the precise historical location of Citation's property boundary along Alameda Creek.

Because of the uncertainties of the boundary between the State's sovereign land and Citation's uplands, a bona fide dispute exists. In lieu of litigation to establish the correct boundary both the State and Citation have agreed to a compromise boundary which approximates the ordinary high water mark along this portion of Alameda Creek.

CURRENT SITUATION:

Staff has conducted a study to determine the last natural location of Alameda Creek and after discussions with Citation has agreed to a compromise boundary line. The compromise boundary line will provide a suitable strip of land along Alameda Creek

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(Non-substantive revision 1/11/82)

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for development as public open space. Staff feels that the compromise boundary is in the best interest of the State and Citation has agreed to this boundary. The execution of this agreement will set to rest all questions of title between the State and Citation.

The area cleared of Citation's title claim will be permitted to Union City for a bicycle path and landscaped space areas.

The Attorney General has reviewed and approved the terms and conditions of this boundary agreement.

AB 884: N/A.

EXHIBITS: A. Description of Boundary Line.
B. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS TRANSACTION IS IN SETTLEMENT OF A TITLE AND BOUNDARY DISPUTE AND, THEREFORE, CEQA DOES NOT APPLY, P.C. 21065, 14 CAL. ADM. CODE 15037 AND 15060 AND 2 CAL. ADM. CODE 2903(d).
2. FIND THAT THIS PROJECT IS SITUATED ON LAND IDENTIFIED AS POSSESSING ENVIRONMENTAL VALUES IN THAT THE STATE LANDS COMMISSION FOUND ALL WATERWAYS UNDER THE COMMISSION'S JURISDICTION HAVE ENVIRONMENTAL SIGNIFICANCE, BUT THAT THIS PROJECT IS COMPATIBLE WITH THAT FINDING AS IT APPLIES TO THE SUBJECT LAND.
3. AUTHORIZE THE EXECUTION AND RECORDATION ON BEHALF OF THE COMMISSION A BOUNDARY LINE AGREEMENT (BLA 202) BETWEEN THE STATE AND CITATION HOMES, IN SUBSTANTIALLY THE FORM OF THE AGREEMENT ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.
4. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS AND PROVISIONS OF THIS AGREEMENT INCLUDING, BUT NOT LIMITED TO, AND APPEARANCES IN ANY LEGAL PROCEEDINGS TO FINALIZE THIS AGREEMENT.

EXHIBIT "A"

B.L.A. DESCRIPTION

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COMMENCING at the most southerly corner of Parcel 4 as said parcel is shown on that Record of Survey filed June 13, 1969, in Book 7 of Record of Surveys at Pages 55 through 58 inclusive, Alameda County Records; thence along the southeasterly line of said Parcel 4, being also the northerly line of Smith Street, from a tangent that bears N 67° 51' 12" E, along a curve concave to the northwest through a central angle of 1° 27' 39", an arc distance of 29.42 feet to the TRUE POINT OF BEGINNING; thence N 4° 03' 00" E, 398.85 feet; thence N 0° 00' 30" W, 220.00 feet; thence along a tangent curve concave to the southwest through a central angle of 61° 38' 57", an arc distance of 550.90 feet; thence N 61° 39' 33" W, 290.00 feet; thence N 71° 20' 16" W, 360.77 feet to the easterly line of the Southern Pacific Railroad parcel as shown on said Record of Survey; thence N 68° 21' 32" W, 52.36 feet to the westerly line of said railroad parcel; thence N 57° 00' 00" W, 917.44 feet; thence N 18° 53' 30" W, 307.82 feet to the southerly boundary of Parcel 2 as described in deed recorded January 2, 1969 in Reel 2320, IMAGE 303, Alameda County Records.

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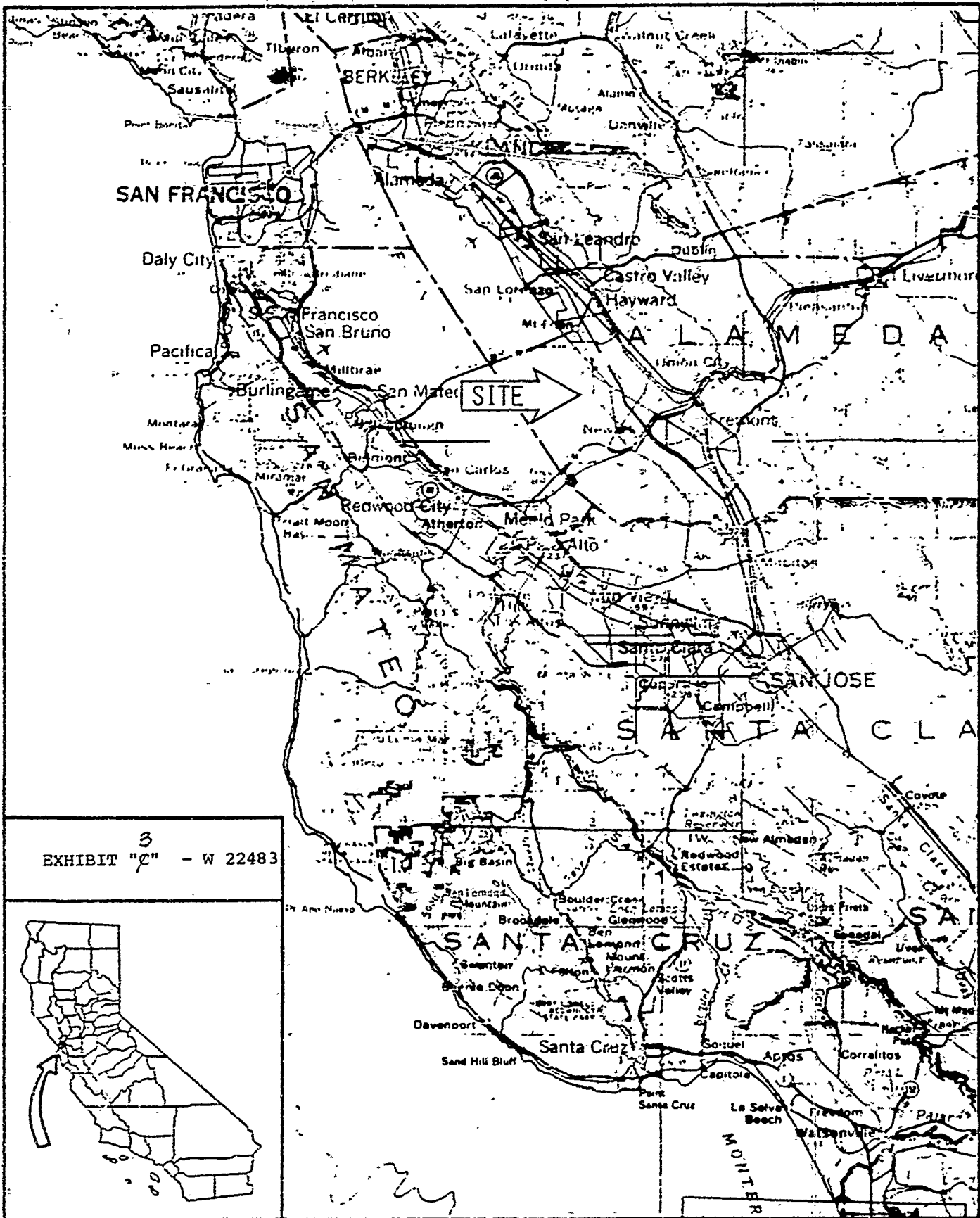


EXHIBIT ³"c" - W 22483



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