

MINUTE ITEM

This Calendar Item No. 40
was approved as Minute Item
No. 40 by the State Lands
Commission on 9/29/81
at its meeting

MINUTE ITEM

9/29/81
W 22466
W 503.1163
Stevenson
Kiley
Grimes
Rusconi

40. AUTHORIZATION TO SETTLE CASE OF SAVE SAN FRANCISCO BAY ASSOCIATION V. CITY OF VALLEJO...AND THE STATE LANDS COMMISSION BY ACCEPTANCE OF GUADALCANAL VILLAGE NORTH HOUSING PARCEL AS EXCHANGE PARCEL TO IMPLEMENT CHAPTER 895, STATUTES OF 1980

During consideration of Calendar Item 40 attached, E. Clemente Shute, representing Save San Francisco Bay Association, appeared in support of the staff's recommendation. He complemented the staff for their work.

David Ackerman questioned why this alternative parcel was not originally suggested. Ted MacDonell, City Manager, City of Vallejo, appeared. He stated this parcel was not available at the time the lawsuit was filed. However, subsequent to that time, the parcel became available.

Upon motion duly made and carried, the resolution as presented in Calendar Item 40 was adopted by a vote of 3-0.

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CALENDAR ITEM

40

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AUTHORIZATION TO SETTLE CASE OF
SAVE SAN FRANCISCO BAY ASSOCIATION

V.

CITY OF VALLEJO . . . AND THE STATE LANDS COMMISSION
BY ACCEPTANCE OF GUADALCANAL VILLAGE NORTH HOUSING PARCEL
AS EXCHANGE PARCEL TO IMPLEMENT CHAPTER 895,
STATUTES OF 1980

At its April 7, 1981 meeting, the State Lands Commission authorized the execution and recordation of an exchange agreement to implement Chapter 895, Statutes of 1980. The exchange would terminate the common law and statutory trusts in specified land along Mare Island Boulevard and impress those trusts upon the Lake Chabot Golf Course in the City of Vallejo. The Commission's authorization was based solely on its finding that the value of the land to be taken into the trusts equals or exceeds the value of the land to be freed from the trusts. The Exchange Agreement has not yet been executed by the Executive Officer nor has it been recorded.

E. Clement Shute, Jr. testified at the April Commission meeting that, in his opinion, the Lake Chabot Golf Course is not a legally proper exchange parcel because of its distance from the present day waterfront. On June 17, 1981, Mr. Shute, on behalf of Save San Francisco Bay Association, filed suit in Solano County Superior Court to enjoin the execution and recordation of the Exchange Agreement and to declare that an exchange using the Lake Chabot Golf Course violates the public trust doctrine.

As a means of settling this case, the City has offered a parcel of land known as the Guadalcanal Village north housing it as an alternative exchange property. The north housing site comprises approximately 55 acres (which is larger than the acreage subject to sovereign interests at the waterfront) and is shown in its general location on Exhibit "A" and described in Exhibit "B". The parcel adjoins Dutchman Slough. A study and appraisal by the Commission's staff has shown that its value equals or exceeds the value of sovereign land interests to be freed of the trust at the Vallejo waterfront.

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CALENDAR ITEM NO. 40 (CONTD)

Save San Francisco Bay Association has viewed the site and has offered to settle this case if the State Lands Commission and the City of Vallejo amend the Exchange Agreement to use this site instead of the Golf Course. The staff of the State Lands Commission recommends that this settlement offer be accepted both to avoid unnecessary litigation and because the parcel would be an asset to the public trust for recognized trust uses.

AB 884: N/A.

EXHIBITS: A. Site Map.
B. Description.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE SETTLEMENT OF SAVE SAN FRANCISCO BAY V. CITY OF VALLEJO . . . REDEVELOPMENT AGENCY OF CITY OF VALLEJO; STATE LANDS COMMISSION . . .; STATE OF CALIFORNIA (SOLANO COUNTY SUPERIOR COURT NO. 79637) BY THE AMENDMENT OF THE EXCHANGE AGREEMENT AUTHORIZED APRIL 6, 1981, TO INCLUDE THE GUADALCANAL VILLAGE NORTH HOUSING SITE AS AN EXCHANGE PARCEL. IN DOING SO, THE COMMISSION FINDS THAT GUADALCANAL SITE IS USEFUL FOR RECOGNIZED TRUST PURPOSES.
2. FIND AND DECLARE THAT THE VALUE OF THE GUADALCANAL VILLAGE NNORTH HOUSING SITE IS OF A VALUE EQUAL TO OR GREATER THAN THE SOVEREIGN LAND AND INTERESTS IN LAND WITHIN THE TRUST TERMINATION AREA.
3. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY ACTION ON BEHALF OF THE STATE LANDS COMMISSION TO EFFECUATE THE PROPOSED EXCHANGE AGREEMENT, INCLUDING, BUT NOT LIMITED TO, APPEARANCES IN LEGAL PROCEEDINGS RELATING TO THE IMPLEMENTATION OF THE PROPOSED EXCHANGE, THE EXECUTION, ACKNOWLEDGEMENT AND RECORDATION OF THE EXCHANGE AGREEMENT, DOCUMENTS OF TITLE, CONVEYANCES, STIPULATIONS, ESCROW INSTRUCTIONS, DEEDS, AGREEMENTS, CERTIFICATES OF ACCEPTANCE, CONSENTS TO RECORDATION AND AMENDMENTS THEREOF AND SUCH OTHER DOCUMENTS AS MAY BE REASONABLE AND CONVENIENT TO CARRY OUT THE EXCHANGE AGREEMENT.
4. FIND THAT THE PROPOSED AGREEMENT IS IN SETTLEMENT OF TITLE AND BOUNDARY LITIGATION AND THAT THE PROVISIONS OF CEQA ARE INAPPLICABLE.

EXHIBIT "B"

LAND DESCRIPTION

W 22466

A parcel of real property situate, lying and being in the County of Solano, State of California, described as follows:

COMMENCING at the northwesterly corner of the United States Government Naval Reservation known as Mare Island, marked by a GENERAL LAND OFFICE MONUMENT, said point being also in the southerly line of California State Highway No. 37, in the County of Solano, State of California; running thence North 170.42 feet to the northerly line of aforesaid State Highway to the TRUE POINT OF BEGINNING of the land to be described; from said true point of beginning, running thence West along said northerly line of said State Highway, 490.00 feet to a point; thence North 1,617.47 feet to a point; thence South 72° 40' East 1,089.07 feet to a point; thence South 62° 00' East 150.00 feet to a point; thence South 74° 16' East 247.20 feet to a point; thence South 66° 04' East 162.69 feet to a point; thence South 41° 35' East 157.63 feet to a point; thence South 18° 10' East 1,019.26 feet to a point, said point being on the arc of a curve in the northerly line of aforesaid State Highway No. 37; thence following the line of the State Highway around a curve to the right, said curve having a central angle of 04° 54' 25.5", a radius of 870.00 feet, and a length of 74.51 feet to a point; thence West 1,416.69 feet along said northerly line of aforesaid State Highway to the true point of beginning, containing 54.91 acres, more or less.

END OF DESCRIPTION

REVIEWED SEPTEMBER 25, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

(Added 9/28/81)

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