

MINUTE ITEM

This Calendar Item No. 44
was approved as Minute Item
No. 44 by the State Lands
Commission by a vote of 2
to 0 at its 2/9/82
meeting.

CALENDAR ITEM

44

1/28/82
G 04-02
Grimes
Stevenson
SLL 82

APPROVAL OF SETTLEMENT
OF CALLISON TITLE DISPUTE,
CITY OF EUREKA

Pursuant to Chapter 1085 of the Statutes of 1970, the City of Eureka is empowered to negotiate and complete the settlement of sovereign lands disputes within the grant to the City of Eureka, subject to the prior approval of the State Lands Commission.

The staff of the State Lands Commission has received a request from the City of Eureka to approve a proposed sovereign lands settlement agreement it has negotiated with Delores Glendyne Callison, record owner of a parcel of land subject to a sovereign lands claim. The parcel dealt with in this settlement is described in the attached Exhibit "A", is shown in its general locality on the attached Exhibit "B", and will be referred to throughout this item as SUBJECT PARCEL. The settlement agreement is on file at the offices of the Commission and is incorporated as a part of this Calendar Item by this reference.

Review by the staff has shown the following:

1. The SUBJECT PARCEL lies entirely within the perimeter description of Tideland Survey No. 2, patented July 18, 1860 to Jonathan Clark.
2. The SUBJECT PARCEL in its last natural condition was traversed by Clark Slough, the bed of which was below the line of mean low water.
3. The SUBJECT PARCEL has been filled above the line of mean high tide and is bounded by streets on three sides and by another parcel of fast land on its other two sides.

The essential terms of the settlement agreement provide that:

1. The City of Eureka, with the approval of the State Lands Commission, will quitclaim all of its right, title, and interest as trust grantee in the SUBJECT PARCEL. Under Chapter 1085 of the Statutes of 1970,

A 2
S 2

-1-

CALENDAR PAGE	<u>190</u>
MINUTE PAGE	<u>225</u>

CALENDAR ITEM NO. 44 (CONTD)

this quitclaim, if effectuated, will operate to also extinguish all sovereign supervisory and reversionary rights of the State of California in the SUBJECT PARCEL;

2. In consideration of the quitclaim by the City, the current record owner will pay \$14,200 to the Eureka Tidelands Fund;
3. All monies deposited into the Fund will be held in trust and can only be used for the purchase of tide and submerged lands or interests, or for the purchase of other lands or interests in land which are useful for public trust purposes;
4. Withdrawal of monies from Fund will be made only when a suitable parcel is found and the State Lands Commission and the City of Eureka certify that the parcel meets the requirements specified above;
5. Any land purchased with money from the Fund will become sovereign land of the State subject to the provisions and limitations of the applicable granting statutes to the City of Eureka and to the common law public trust for commerce, navigation, and fisheries.

The City of Eureka, with the assistance of Commission staff and the review of the Office of the Attorney General, has completed an investigation and appraisal of sovereign lands interests within the SUBJECT PARCEL and has concluded that the value of those interests does not exceed \$14,200. The cost of litigation to prove sovereign rights in the SUBJECT PARCEL would probably exceed the value of those rights. The Commission's staff and the Office of the Attorney General recommend approval of this settlement as the best means of promoting sovereign lands interests within the Eureka grant.

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

IT IS RECOMMENDED THAT THE COMMISSION, IN ACCORDANCE WITH CHAPTER 1085 OF THE STATUTES OF 1970:

1. FIND THAT THE PROPOSED AGREEMENT WHICH IS ON FILE IN THE OFFICE OF THE COMMISSION IS IN SETTLEMENT OF TITLE AND BOUNDARY QUESTIONS AND THAT CLQA IS THEREFORE INAPPLICABLE.

CALENDAR ITEM NO. 44 (CONTD)

2. DETERMINE AND DECLARE, PURSUANT TO AND IN ACCORDANCE WITH SECTION 2(b) OF CHAPTER 1085, THAT THE SUBJECT PARCEL, TO THE EXTENT IT WAS SOVEREIGN TIDELANDS AND SUBMERGED LANDS AND NOT UPLANDS, HAS BEEN IMPROVED IN CONNECTION WITH THE DEVELOPMENT OF THE HUMBOLDT BAY AREA, AND IN THE PROCESS OF SUCH DEVELOPMENT HAS BEEN FILLED AND RECLAIMED, IS NO LONGER SUBMERGED OR BELOW THE PRESENT LINE OF MEAN HIGH TIDE, AND IS NO LONGER NECESSARY OR USEFUL FOR COMMERCE, NAVIGATION OR FISHERIES, OR FOR SUCH USES OR TRUSTS AS ARE OR HAVE BEEN IMPOSED BY THE STATUTORY GRANTS OF TIDE AND SUBMERGED LANDS FROM THE STATE TO THE CITY, AND IS TO BE FREED FROM SUCH STATUTORY AND COMMON LAW TRUSTS UPON THE EFFECTIVE DATE OF THE SETTLEMENT AGREEMENT.
3. IN ACCORDANCE WITH SECTION 6 OF CHAPTER 1085 OF THE STATUTES OF 1970, APPROVE THE SETTLEMENT AGREEMENT, IN SUBSTANTIALLY THE FORM NOW IN FILE IN STATE LANDS COMMISSION OFFICES AND INCORPORATED HEREIN BY THIS REFERENCE AND THE CONVEYANCES PROVIDED FOR THEREIN AND APPROVE THE CITY, AS TRUSTEE OF THE STATUTORY AND COMMON LAW TIDELAND TRUST, CONVEYING TO OWNERS ALL OF THE RIGHT, TITLE AND INTEREST OF THE STATE OF CALIFORNIA AND ALL OF THE RIGHT, TITLE AND INTEREST OF THE CITY OF EUREKA, HELD BY VIRTUE OF CHAPTER 225 OF THE STATUTES OF 1945 AND CHAPTER 1085 OF THE STATUTES OF 1970, IN AND TO ALL OF THAT REAL PROPERTY DESCRIBED AS THE SUBJECT PARCEL IN EXHIBIT "A" HEREIN.
4. FURTHER FIND AND DECLARE THAT THE CONSIDERATION BEING PAID TO THE CITY, PURSUANT TO THIS AGREEMENT, HAS A VALUE EQUIVALENT TO OR EXCEEDING THE VALUE OF THE INTEREST OF THE STATE AND CITY BEING CONVEYED TO OWNERS HEREUNDER, AND APPROVE OF THE ADEQUACY OF THE CONSIDERATION AS DETERMINED BY THE CITY WITH RESPECT TO THE SETTLEMENT PROVIDED FOR HEREIN, IN ACCORDANCE WITH SECTION 4 OF CHAPTER 1085.
5. AUTHORIZE THE EXECUTION AND DELIVERY INTO ESCROW FOR RECORDATION IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF HUMBOLDT, PURSUANT TO AND IN ACCORDANCE WITH SECTIONS 2(b) AND 5 OF CHAPTER 1085, STATUTES OF 1970, THE SUBJECT SETTLEMENT AGREEMENT, IN A FORM SUBSTANTIALLY SIMILAR TO THAT NOW ON FILE, WHICH CERTIFIES THE LANDS WITHIN THE SUBJECT PARCEL, DESCRIBED IN EXHIBIT "A", ARE LANDS ABOVE THE PRESENT LINE OF MEAN HIGH TIDE AND HAVE BEEN FOUND TO BE NO LONGER NECESSARY OR USEFUL FOR COMMERCE, FISHERIES OR NAVIGATION, UPON

CALENDAR ITEM NO. 44 (CONTD)

THE RECORDATION OF WHICH SETTLEMENT AGREEMENT AND THE LANDS WITHIN SAID SUBJECT PARCEL SHALL BE FREED OF THE PUBLIC USE AND TRUST FOR COMMERCE, FISHERY, AND NAVIGATION, AND FROM SUCH USES, TRUSTS, CONDITIONS AND RESTRICTIONS AS ARE, OR HAVE BEEN, IMPOSED BY CHAPTER 187, STATUTES OF 1927, CHAPTER 225, STATUTES OF 1945, AND CHAPTER 1085, STATUTES OF 1970, AS SUBSEQUENTLY AMENDED AND MODIFIED.

6. AUTHORIZE THE EXECUTIVE OFFICER OF HIS DESIGNEE AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS WHICH THEY DEEM NECESSARY OR APPROPRIATE TO EFFECTUATE THE SETTLEMENT AGREEMENT INCLUDING REPRESENTATION OF THE COMMISSION IN ANY LEGAL ACTION TO DETERMINE THE LEGALITY OF THIS ACTION.

CALENDAR PAGE	<u>193</u>
MINUTE PAGE	<u>228</u>

EXHIBIT "A"
LAND DESCRIPTION

SETTLEMENT AREA

All that real property situate in the unincorporated area of the County of Humboldt, State of California, described as follows:

BEGINNING on the north line of Cedar Street at a point distant thereon 110 feet west of the west line of Broadway; and running thence North 120 feet; thence East at right angles 161.43 feet to the west line of Broadway; thence northerly along the west line of Broadway 163.20 feet to the northeast corner of the parcel of land conveyed to J. F. Woodcock and wife by Deed recorded March 13, 1957, in Book 435 of Official Records, page 455; thence west along the north line of said parcel conveyed to Woodcock, and parallel with the north line of Cedar Street, 808.96 feet to the east line of Koster Street; thence south along the east line of Koster Street 270 feet to the north line of Cedar Street; and thence east along the north line of Cedar Street 583.40 feet to the point of beginning.

Being a portion of Block 133 of the Third Enlargement of Clark's Addition to the City of Eureka.

THIS DESCRIPTION WAS RETYPED IN TECHNICAL SERVICES FROM A DOCUMENT SUPPLIED BY STAFF COUNSEL ON JANUARY 12, 1982.

CALENDAR PAGE	194
MINUTE PAGE	229

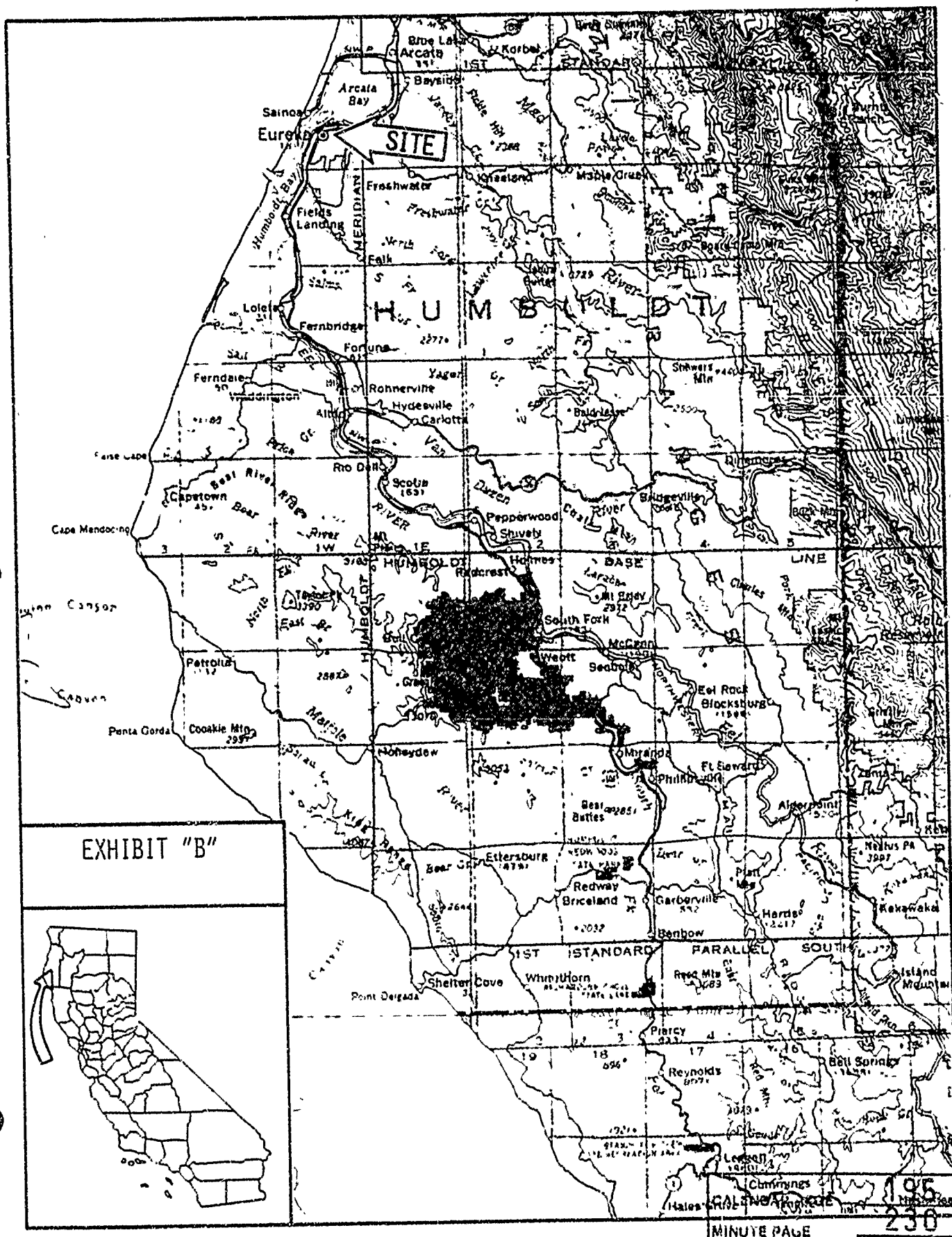


EXHIBIT "B"

105
230
MINUTE PAGE