

MINUTE ITEM

This Calendar Item No. 46 was approved as Minute Item No. 46 by the State Lands Commission by a vote of 2 to 0 at its 2/9/82 meeting.

CALENDAR ITEM

46

1/28/82
G 04-03
W 22646
Rusconi
Grimes
Allen
BLA 210

BOUNDARY LINE AND EXCHANGE AGREEMENT
IN FIELDS LANDING, HUMBOLDT COUNTY
BLA 210

A settlement has been reached to a longstanding boundary and title dispute at Fields Landing in Humboldt County. The parties to the settlement are R. Robert Halvorsen, the Humboldt Bay Harbor Recreation and Conservation District and the State of California, State Lands Commission.

The real property in question is located within the perimeter description of Tidelands Survey No. 90. The dispute involves the extent of land validly conveyed by TLS 90. In addition to agreement on the conveyance, this transaction removes the trust from the landward portions of the parcel. All right, title, and interest of the State of California remaining in said real property was granted in 1970, subject to certain terms and restrictions, to the Humboldt Bay Harbor Recreation and Conservation District.

The settlement contemplates the fixing of a permanent boundary line between the privately held uplands and the lands belonging to the Harbor District. All of the lands within the settlement area are presently filled and above the line of mean high tide. An exchange of deeds on either side of the boundary line will result in the perfecting of the private title free of the common law public trust in exchange for a parcel of land to be held by the Harbor District in fee and subject to the public trust and the statutory trusts and restrictions.

The staff of the Commission and the Attorney General have investigated the title aspects and have completed an appraisal and evaluation of the property and feels that the release of the trust is adequately compensated by the conveyance of the fee land parcel to the State and district. The State and District is receiving the waterward portion of the parcel which is immediately adjacent to a public launching ramp parking lot and toilet facilities.

The settlement has been approved by the Harbor District. The Commission approval of the exchange agreement is required by Chapter 1040 of the Statutes of 1976. The agreement has been reviewed and approved by the Office of the Attorney General.

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AB 884: N/A.

- EXHIBITS:
- A. Location Map.
 - B. Land Description of Private Parcel.
 - C. Land Description of Parcel to be conveyed to Harbor District.

IT IS RECOMMENDED THAT THE COMMISSION, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 1040 OF THE STATUTES OF 1976:

1. APPROVE THE SETTLEMENT, CONVEYANCES AND AGREEMENTS, SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION, FOR THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION: THE HUMBOLDT BAY HARBOR RECREATION AND CONSERVATION DISTRICT; AND R. ROBERT HALVORSEN, PURSUANT TO AND IN ACCORDANCE WITH SECTION 3(b), OF CHAPTER 1040, STATUTES OF 1976.
2. DETERMINE AND DECLARE PURSUANT TO AND IN ACCORDANCE WITH SECTION 2 OF CHAPTER 1040 OF THE STATUTES OF 1976, THAT THE REAL PROPERTY, DESCRIBED IN EXHIBIT "B" TO THIS CALENDAR ITEM, TO THE EXTENT SAID PARCEL WAS SOVEREIGN TIDELANDS AND SUBMERGED LANDS AND NOT UPLANDS, HAS HERETOFORE 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 OF CALIFORNIA TO THE HUMBOLDT BAY HARBOR RECREATION AND CONSERVATION DISTRICT, AND IS HEREBY FREED FROM SUCH STATUTORY AND COMMON LAW TRUSTS.
3. IN ACCORDANCE WITH SECTION 3(a) OF CHAPTER 1040 OF THE STATUTES OF 1976, APPROVE THE HARBOR DISTRICT, AS TRUSTEE OF THE STATUTORY AND COMMON LAW PUBLIC TRUST, CONVEYING TO R. ROBERT HALVORSEN ALL OF THE RIGHT, TITLE AND INTEREST OF THE STATE OF CALIFORNIA AND ALL OF THE RIGHT, TITLE AND INTEREST OF THE HARBOR DISTRICT HELD BY VIRTUE OF CHAPTER 1283 OF THE STATUTES OF 1970, AS AMENDED, IN AND TO THE REAL PROPERTY DESCRIBED IN EXHIBIT "B" HERETO.
4. FURTHER FINDS AND DECLARES THAT PURSUANT TO SECTION 4 OF CHAPTER 1040 OF THE STATUTES OF 1976, THE CONSIDERATION

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BEING PAID IN THE FORM OF LAND AND INTERESTS IN LAND TO THE HARBOR DISTRICT PURSUANT TO THIS AGREEMENT HAS A VALUE EQUIVALENT TO OR EXCEEDING THE VALUE OF THE INTEREST OF THE STATE AND HARBOR DISTRICT BEING CONVEYED TO R. ROBERT HALVORSEN HEREUNDER, AND APPROVES OF THE ADEQUACY OF THE CONSIDERATION AS DETERMINED BY THE HARBOR DISTRICT WITH RESPECT TO THE SETTLEMENT PROVIDED FOR HEREIN.

5. IN ACCORDANCE WITH SECTION 3(b) OF CHAPTER 1040 OF THE STATUTES OF 1976, APPROVES THE UPLAND BOUNDARY OF THE REAL PROPERTY DESCRIBED IN EXHIBIT "C" HERETO AS THE COMPROMISE BOUNDARY LINE BETWEEN THE INTERESTS OF R. ROBERT HALVORSEN TO THE PRIVATE UPLANDS AND THE INTERESTS OF THE HARBOR DISTRICT AND STATE TO THOSE SOVEREIGN LANDS CONVEYED PURSUANT TO CHAPTER 1283 OF THE STATUTES OF 1970.
6. DETERMINES AND DECLARES THAT IT IS RECEIVING THE MINERAL RIGHTS IN AND TO THE REAL PROPERTY DESCRIBED IN EXHIBIT "C" HERETO SO IT MAY RELINQUISH THE MINERAL RIGHTS IN THE REAL PROPERTY DESCRIBED IN EXHIBIT "B" HERETO PURSUANT TO SECTION 5 OF CHAPTER 1040 OF THE STATUTES OF 1976.
7. AUTHORIZE EXECUTION OF THE PROPOSED SETTLEMENT AGREEMENT SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND OTHER APPROPRIATE TITLE DOCUMENTS ON BEHALF OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, AND DELIVERY OF SAID AGREEMENT INTO ESCROW FOR RECORDATION IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF HUMBOLDT, PURSUANT TO AND IN ACCORDANCE WITH SECTION 3(b) OF CHAPTER 1040, STATUTES OF 1976.
8. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS WHICH THEY DEEM NECESSARY OR APPROPRIATE, INCLUDING LITIGATION, TO EFFECTUATE THE PROPOSED SETTLEMENT AGREEMENT.
9. FIND THAT THE PROPOSED AGREEMENT IS IN SETTLEMENT OF TITLE AND BOUNDARY LITIGATION AND THE PROVISIONS OF CEQA ARE INAPPLICABLE.

PARCEL "A"

Parcel One: (DISTRICT/STATE TO HALVORSEN)

That portion of Section 18, Township 4 North, Range 1 West, Humboldt Meridian, Humboldt County, California, described as follows:

Beginning at a point on the North line of the South Half of the Southeast quarter of said Section 18, located West 36.49 feet from the centerline of the Northwestern Pacific Railroad as shown in Book 36 of Surveys, page 75;

Thence South 25 degrees 16 minutes 30 seconds West parallel with and 33 feet distant from said centerline 418.81 feet;

Thence North 70 degrees 59 minutes 30 seconds West 437.38 feet to a point located South 70 degrees 59 minutes 30 seconds East 151.01 from the West Line of Tidelands Survey 90, recorded December 19, 1871;

Thence North 25 degrees 38 minutes 13 seconds East parallel with said West line 262.07 feet to the North line of the South Half of the Southeast Quarter of Section 18;

Thence East along the subdivision line 478.95 feet to the Point of Beginning;

The basis of bearings for this description is the North line of the South Half of the Southeast Quarter of said Section 18 as shown in Book 36 of Surveys at page 75.

Parcel Two:

Beginning at the intersection of the North line of the South half of the Southeast Quarter of Section 18, Township 4 North, Range 1 West Humboldt Meridian with the East line of the Northwestern Pacific Railroad as shown in Book 36 of Surveys at page 75; Humboldt County Records;

Thence North 25 degrees 16 minutes 30 seconds East along said East line 110 feet more or less to the Westerly extension of Fields Landing as shown in Book 1 of Maps at page 59;

Thence South 70 degrees 59 minutes 30 seconds East along "C" Street to the Southerly prolongation of the Westerly line of Block 9 of Fields Landing;

Thence North 19 degrees 00 minutes 30 seconds East along said Westerly line and the Northerly prolongation thereof, to the Easterly line of Tidelands Survey 101, patented May 26, 1883;

Thence Southerly along the Easterly line of Tidelands Survey 101 to the North line of the South half of the Southeast Quarter of said Section 18.

Thence East along said North line to the Point of Beginning;

Excepting therefrom

A Right of Way 66 feet in width to Eel River and Eureka Railroad Company by deed recorded December 1, 1882 in Book 7 of Deeds at page 47.

EXHIBIT B
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PARCEL B
(HALVORSEN TO DISTRICT/STATE)

That portion of Section 18, Township 4 North, Range 1 West, Humboldt Meridian, Humboldt County, California, described as follows:

Beginning at a point on the North line of the South Half of the Southeast Quarter of said Section 18, located West 36.49 feet from the centerline of the Northwestern Pacific Railroad as shown in Book 36 of Surveys, page 75;

Thence South 25 degrees 16 minutes 30 seconds West parallel with and 33 feet distant from said centerline 418.81 feet;

Thence North 70 degrees 59 minutes 30 seconds West 437.38 feet to the True Point of Beginning which is located South 70 degrees 59 minutes 30 seconds East 151.01 feet from the West line of Tidelands Survey 90, recorded December 19, 1871.

Thence North 70 degrees 59 minutes 30 seconds West 151.01 feet to said West line;

Thence North 25 degrees 38 minutes 13 seconds East along said West line 207.51 feet to the said North line of the South Half of the Southeast Quarter of Section 18;

Thence East along the subdivision line 166.38 feet;

Thence South 25 degrees 38 minutes 13 seconds West parallel with the West line of Tidelands Survey 90, 262.07 feet to the True Point of Beginning.

The basis of bearings for this description is the North line of the South Half of the Southeast Quarter of said Section 18 as shown in Book 36 of Surveys at page 75.

EXHIBIT C
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