

MINUTE ITEM
This Calendar Item No. 34
was approved as Minute Item
No. 34 by the State Lands
Commission by a vote of 2
to 0 at its 6/30/87
meeting.

CALENDAR ITEM

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34

06/30/87
W 22001
OLL 87
Okikawa

APPROVAL OF A COMPROMISE TITLE SETTLEMENT AGREEMENT
CONCERNING LANDS WITHIN THE CITY OF SAUSALITO,
MARIN COUNTY, PURSUANT TO
PUBLIC RESOURCES CODE SECTION 6307

APPLICANTS: Angeles Corporation
Attn: Tamory Edwards
10301 West Pico Boulevard
Los Angeles, California 90064

City of Sausalito
Attn: Leland Jordan, City Attorney
420 Litho Street
Sausalito, California 94965

A title dispute exists between the State, in its sovereign capacity, the City of Sausalito, as grantee ("City"), and Angeles Corporation concerning approximately 20.73 acres of real property located in the City, Marin County, California, shown on Exhibit "A" and hereafter referred to as the Settlement Parcel. A marina office park (named the Sausalito Marina Office Park) has been constructed upon the Settlement Parcel.

On April 1, 1870, the California State Legislature enacted legislation to survey and dispose of certain salt marsh and tidelands belonging to the State of California (Stats. 1869-70, Ch. 388). This legislation subjected a portion of the Settlement Parcel to jurisdiction of the State Board of Tide Land Commissioners (referred to as BTLC).

(ADDED 6/25/87)

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On May 18, 1871, the Board of Tide Land Commissioners divided the BTLC land into lots and streets, and sold the lots to private parties (including the lots in the settlement parcel). The streets were not conveyed into private ownership, but were retained by the State.

On or about March 23, 1942, the United States of America condemned certain lands, including the Settlement Parcel, for military purposes. Within the context of the condemnation, the State of California gave up all its right, title and interest in this area to the United States Government on January 18, 1949 for the sum of one dollar.

The United States Government thereafter declared the condemned lands, including the Settlement Parcel, as surplus to its needs. After a public auction, the United States Government conveyed the Settlement Parcel to a predecessor-in-interest of the Angeles Corporation.

Meanwhile, on September 11, 1957, the State granted whatever right, title, and interest it had in the tide and submerged lands within the City, including the Settlement Parcel, to the City for harbor and related purposes (Statutes of 1957, Chapter 791). This statute did not authorize the City to settle title disputes. The City has agreed to quitclaim back to the State all its right, title, and interest in the Settlement Parcel, to enable the State to enter into an agreement with Angeles Corporation to settle and clarify the State's interests in the Settlement Parcel.

Therefore, the staff of the State Lands Commission has conducted a study of the evidence of title and has determined that approximately 8.1 acres of the 20.73-acre Settlement Parcel was sold as BTLC lots and that about 6.8 acres were reserved by the BTLC for streets. The remaining portion of the Settlement Parcel is rancho lands within Rancho Sausalito. At present, approximately 2.3 acres of the BTLC lots, and 1.0 acre of the BTLC streets, within the Settlement Parcel have been filled. The remainder of the Settlement Parcel consists of unfilled tide and submerged lands and rancho lands.

(ADDED 6/25/87)

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For ease of reference, the Settlement Parcel is described in Exhibit "B", which is divided into three sub-parcels which are described in Exhibits "C", "D" and "E", and depicted on Exhibit "A", attached hereto and by this reference made a part hereof. These descriptions may be subject to minor technical revisions. First, there is the "Upland Parcel" (Exhibit "C"), which is filled and occupied by commercial buildings, parking lot, and bike trail. Adjacent to and waterward of the Upland Parcel is the "Marina Parcel" (Exhibit "D"), which extends out to the U.S. Pier and Bulkhead line. The Marina Parcel consists of marsh and water-covered areas and is occupied by boat berths and a bird sanctuary. The third parcel is the "Richardson Bay Parcel" (Exhibit "E"), which extends waterward of the U.S. Pier and Bulkhead line and is currently open water.

The staff of the State Lands Commission is of the opinion that the title evidence and applicable legal principles lead to the conclusion that the State, in its sovereign capacity, is the owner of some public trust right, title, and interest in the 1.0 acre of streets in the filled portion of the Upland Parcel and in the entire Marina and Richardson Bay Parcels. Angeles Corporation contends that the State conveyed all its right, title, and interest in all sub-parcels to the United States Government pursuant to the 1942 condemnation. Therefore, as successor-in-interest to a purchaser from a United States Government surplus public auction sale, Angeles Corporation claims it owns the Settlement Parcel free and clear of any State claims.

The exact extent and nature of the State's and Angeles Corporation's claims in the Settlement Parcel is, however, subject to uncertainty and dispute. In order to resolve the title issues between the State, the City, and Angeles Corporation, Angeles Corporation has offered to enter into a Compromise Title Settlement Agreement substantially in the form on file with the Commission, which provides generally as follows:

1. The City will quitclaim all its right, title, and interest in the Settlement Parcel to the State to facilitate the settlement of the subject title dispute.

(ADDED 6/25/87)

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2. Angeles Corporation will deposit \$12,500 into the Kapiloff Land Bank Fund which is administered by the State Lands Commission as trustee pursuant to PRC 8600 et seq.
3. Angeles Corporation will convey to the State a public trust easement over the entire Marina and Richardson Bay Parcels in favor of the People of the State of California.
4. Angeles Corporation will convey to the State an easement for public access from a public road to the Marina and Richardson Bay Parcels.
5. In exchange for the above transfer of funds and conveyance of easements by Angeles Corporation to the State, the State will convey to Angeles Corporation all its right, title, and interest (including the public trust interest) in the Upland Parcel.
6. The State will not oppose legislation to grant the State's interests of the public trust easement described in paragraph 3. above to the City.

Staff has appraised the Settlement Parcel and has evaluated the law and evidence bearing on the title dispute, and is of the opinion that the value of the money and the easements to be received by the State is greater than, or equal to, the value of the interest being released by the State in the Upland Parcel.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because it involves settlements of title and boundary problems.

Authority: P.R.C. 21080.11.

(ADDED 6/25/87)

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CALENDAR ITEM NO. 34 (CONT'D)

- EXHIBITS:
- A. Settlement Plot.
 - B. Land Description - Settlement Parcel.
 - C. Land Description - Upland Parcel.
 - D. Land Description - Marina Parcel.
 - E. Land Description - Richardson Bay Parcel.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. FIND THAT WITH RESPECT TO THE PROPOSED COMPROMISE TITLE SETTLEMENT AGREEMENT:
 - A. THE AGREEMENT IS IN THE BEST INTEREST OF THE STATE FOR THE IMPROVEMENT OF NAVIGATION AND THE ENHANCEMENT OF THE CONFIGURATION OF THE SHORELINE FOR THE IMPROVEMENT OF THE WATER AND THE UPLAND; AND THE PROTECTION, PRESERVATION, AND ENHANCEMENT OF THE TIDE AND SUBMERGED LANDS AND PUBLIC ACCESS THERETO, PURSUANT TO THE PUBLIC TRUST.
 - B. THE VALUE OF THE INTERESTS TO BE RECEIVED BY THE STATE FROM ANGELES CORPORATION, PURSUANT TO THIS AGREEMENT, IS EQUAL TO OR GREATER THAN THE VALUE OF THE STATE'S INTEREST IN THE UPLAND PARCEL BEING RELINQUISHED BY THE STATE.
 - C. THE UPLAND PARCEL HAS BEEN RECLAIMED, FILLED, AND DEVELOPED INTO AN OFFICE PARK, AND HAS BEEN EXCLUDED FROM THE PUBLIC CHANNELS, AND IS NO LONGER AVAILABLE OR USEFUL, OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING, AND IS NO LONGER, IN FACT, TIDE OR SUBMERGED LAND.
 - D. THE PARTIES HAVE A GOOD FAITH AND BONA FIDE DISPUTE AS TO THEIR RESPECTIVE INTERESTS WITHIN THE PARCEL.

(ADDED 6/25/87)

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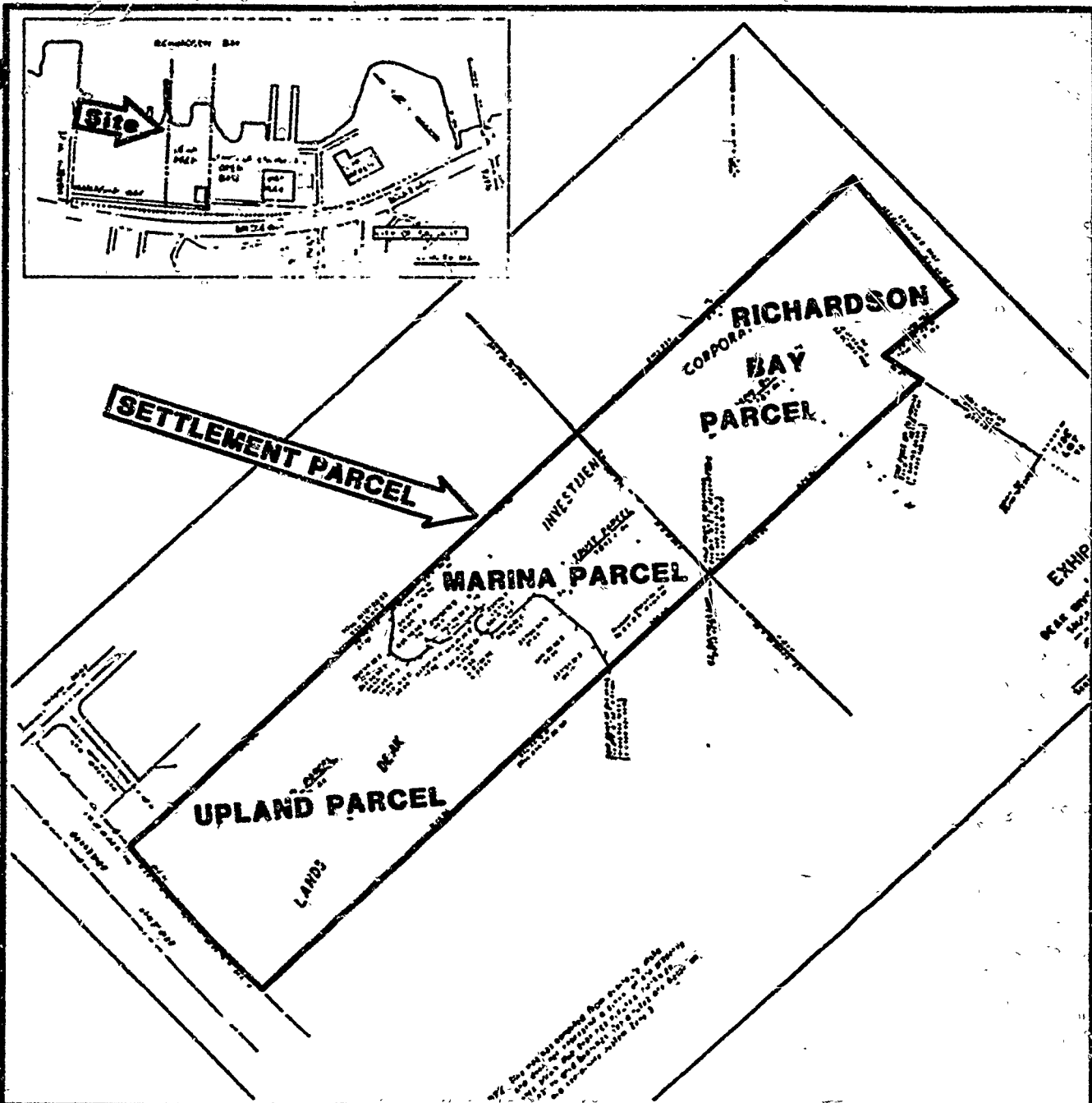
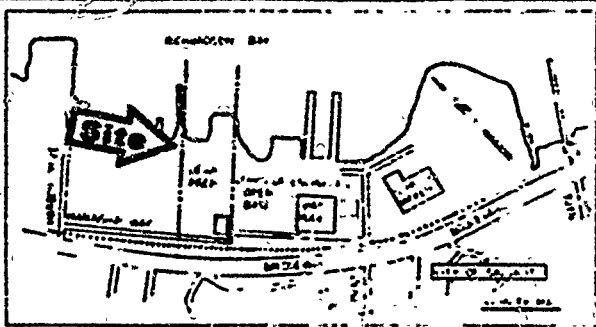
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- E. THE PROPOSED AGREEMENT CONSTITUTES A COMPROMISE OF THE CONTESTED ISSUES OF LAW AND EVIDENCE UPON WHICH THE DISPUTE IS BASED.
 - F. THE AGREEMENT IS IN LIEU OF THE COSTS, DELAYS AND UNCERTAINTIES OF THE TITLE LITIGATION, IS CONSISTENT WITH AND IS AUTHORIZED BY THE REQUIREMENTS OF LAW.
 - G. ON THE EFFECTIVE DATE OF THE AGREEMENT AND CONSISTENT WITH ITS TERMS, THE UPLAND PARCEL WILL NO LONGER BE NECESSARY OR USEFUL FOR THE PURPOSES OF THE PUBLIC TRUST AND THE PUBLIC TRUST INTEREST MAY BE TERMINATED.
3. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGMENT AND RECORDATION ON BEHALF OF THE COMMISSION OF THE COMPROMISE TITLE SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE FORM OF THE COPY OF SUCH AGREEMENT ON FILE WITH THE COMMISSION.
4. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AND PAYMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE COMPROMISE TITLE SETTLEMENT AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.

(ADDED 6/25/87)

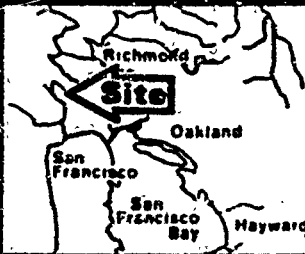
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STATE LANDS COMMISSION

**PROPOSED
SETTLEMENT PLAT**



Prepared by: **E. Leo**

Date: **6-05-87 A: 9 S: 3**

EXHIBIT A

Title Study: **DIAK PROPERTIES/
SUSALITO MARINA OFFICE PARK**

N 22001

Z 3-N50-E 142

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EXHIBIT "B"

LAND DESCRIPTION

SETTLEMENT PARCEL

That certain real property situate in the City of Sausalito, County of Marin, State of California, more particularly described as follows:

COMMENCING at the most westerly corner of Tide Lot No. 274, as described in Deed from the Tideland Commissioner, as recorded in Liber N of Deeds at Page 13, Marin County Records;

- THENCE N. 54°55'17" W. (N. 56°W. Rec.) 394.127 feet to the easterly corner of the lands of Deak Investment Corporation, said point being the TRUE POINT OF BEGINNING, having coordinates of Y=504,153.3638 feet and X=1,425,130.0264 feet, based on California Coordinate System, Zone 3, as are all bearings and distances in this description, other than those certain recorded bearings and distances in parenthesis;
- THENCE S. 46°59'13" W. (S. 45°54'30" W. Rec.) 1,963.23 feet to a point on the Easterly line of Bridgeway Boulevard;
- THENCE Along said Easterly line of Bridgeway Boulevard on a curve to the right whose center bears N. 46°36'05" E. (N. 45°31'22" E. Rec.) and whose radius is 2,940.00 feet, and having a central angle of 04°58'08", an arc distance of 254.96 feet;
- THENCE N. 38°25'47" W. (N. 39°30'30" W. Rec.) 174.068 feet;
- THENCE Leaving said Easterly line of Bridgeway Boulevard, N. 46°57'43" E. (N. 45°53" E. Rec.) 2,146.337 feet;
- THENCE S. 38°24'17" E. (S. 39°29" E. Rec.) 350.209 feet;
- THENCE S. 51°35'43" W. (S. 50° 31" W. Rec.) 198.753 feet;
- THENCE S. 38°24'17" E. (S. 39°29' E. Rec.) 1.26 feet;
- THENCE S. 54°55'17" E. (S. 56° E. Rec.) 96.89 feet to the TRUE POINT OF BEGINNING, containing 20.727 acres, more or less.

Prepared By:

Jones-Tillson & Associates
445 Sherman Avenue
Palo Alto, Ca. 94306

June 30, 1980

Job No. 2760

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EXHIBIT "C"

LAND DESCRIPTION

UPLAND PARCEL

That certain real property situate in the City of Sausalito, County of Marin, State of California, more particularly described as follows:

COMMENCING at the most westerly corner of Tide Lot No. 274, as described in Deed from the Tideland Commissioner, as recorded in Liber N of Deeds at Page 13, Marin County Records;

- THENCE N. 54°55'17" W. (N. 56°W. Rec.) 394.127 feet to the easterly corner of the lands of Deak Investment Corporation;
- THENCE S. 46°59'13" W. (S. 45°54'30" W. Rec.) 927.31 feet to the TRUE POINT OF BEGINNING, having coordinates of Y=503,520.7822 feet and X=1,424,451.9819 feet, based on California Coordinate System, Zone 3, as are all bearings and distances in this description, other than those certain recorded bearings and distances in parenthesis;
- THENCE S. 46°59'13" W. (S. 45°54'30" W. Rec.) 1,035.92 feet to a point on the easterly line of Bridgeway Boulevard;
- THENCE —Along said easterly line of Bridgeway Boulevard on a curve to the right whose center bears N. 46°36'05" E. (N. 45°31'22" E. Rec.) and whose radius is 2,940.00 feet, and having a central angle of 04°58'08" , an arc distance of 254.96 feet;
- THENCE N. 38°25'47" W. (N. 39°30'30" W. Rec.) 174.068 feet;
- THENCE Leaving said easterly line of Bridgeway Boulevard, N. 46°57'43" E. (N. 45°53' E. Rec.) 845.49 feet;
- THENCE S. 01°34'08" W. 13.14 feet;
- THENCE S. 42°13'15" W. 72.92 feet;
- THENCE S. 8°25'37" E. 27.30 feet;
- THENCE S. 9°37'11" W. 59.84 feet;
- THENCE S. 34°49'28" E. 14.01 feet;
- THENCE S. 62°26'50" E. 25.94 feet;
- THENCE N. 86°33'59" E. 25.05 feet;
- THENCE N. 49°14'11" E. 38.29 feet;
- THENCE N. 27°37'12" W. 13.00 feet;

THENCE N. 39°48'20" E. 7.81 feet;
THENCE S. 76°30'15" E. 25.71 feet;
THENCE N. 65°46'20" E. 21.93 feet;
THENCE N. 44°29'35" E. 79.91 feet;
THENCE N. 48°00'45" E. 13.45 feet;
THENCE S. 56°18'36" E. 7.21 feet;
THENCE S. 33°06'41" W. 23.44 feet to the beginning of a tangent curve,
concave northeasterly, having a radius of 20.00 feet;
THENCE Southwesterly, southerly and southeasterly along the arc of said
curve 40.19 feet through a central angle of 115°08'30";
THENCE S. 82°01'49" E. 6.95 feet to the beginning of a tangent curve,
concave northwesterly, having a radius of 25.00 feet;
THENCE Easterly along the arc of said curve 22.47 feet through a central
angle of 51°30'03";
THENCE N. 46°28'08" E. 98.93 feet to the beginning of a tangent curve,
concave southerly, having a radius of 28.00 feet;
THENCE Northeasterly, easterly and southeasterly along the arc of said
curve 42.90 feet through a central angle of 87°47'14";
THENCE S. 45°44'39" E. 27.51 feet;
THENCE S. 47°02'44" E. 39.62 feet;
THENCE S. 49°38'08" E. 52.50 feet;
THENCE S. 27°59'30" E. 85.17 feet to the TRUE POINT OF BEGINNING,
containing 9.106 acres, more or less.

Prepared By:

Jones-Tillson & Associates
445 Sherman Avenue
Palo Alto, Ca. 94306

June 30, 1980
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EXHIBIT "D"

LAND DESCRIPTION

MARINA PARCEL

That certain real property situate in the City of Sausalito, County of Marin, State of California, described as follows:

COMMENCING at the most westerly corner of Tide Lot No. 274, as described in Deed from the Tideland Commissioner, as recorded in Liber N of Deeds at Page 13, Marin County Records;

- THENCE N. 54°55'17" W. (N. 56° W. Rec.) 394.127 feet to the easterly line of the Lands of Deak Investment Corporation;
- THENCE S. 46°59'13" W. (S. 45°54'30" W. Rec.) 628.91 feet to a point on the U.S. Pierhead and Bulkhead Line, said point also being the TRUE POINT OF BEGINNING, having coordinates of Y=503,724.3476 feet and X=1,424,670.1655 feet, based on California Coordinate System, Zone 3, as are all bearings and distances in this description, other than those certain recorded bearings and distances in parenthesis;
- THENCE S. 46°59'13" W. (S. 45°54'30" W. Rec.) 298.40 feet;
- THENCE N. 27°59'30" W. 85.17 feet;
- THENCE N. 49°38'08" W. 52.50 feet;
- THENCE N. 47°02'44" E. 39.62 feet;
- THENCE N. 45°44'39" W. 27.51 feet to the beginning of a tangent curve, concave southerly, having a radius of 28.00 feet;
- THENCE Northwesterly, westerly and southwesterly along the arc of said curve 42.90 feet through a central angle of 87°47'14";
- THENCE S. 46°28'08" W. 98.93 feet to the beginning of a tangent curve, concave northwesterly, having a radius of 25.00 feet;
- THENCE Westerly along the arc of said curve 22.47 feet through a central angle of 51°30'03";
- THENCE N. 82°01'49" W. 6.95 feet to the beginning of a tangent curve, concave northeasterly, having a radius of 20.00 feet.
- THENCE Northwesterly, northerly and northeasterly along the arc of said curve 40.19 feet through a central angle of 115°08'30";

THENCE N. 33°06'41" E. 23.44 feet;
THENCE N. 56°10'36" W. 7.21 feet;
THENCE S. 48°00'45" W. 13.45 feet;
THENCE S. 44°29'35" W. 79.91 feet;
THENCE S. 65°46'20" W. 21.93 feet;
THENCE N. 76°30'15" W. 25.71 feet;
THENCE S. 39°48'20" W. 7.81 feet;
THENCE S. 22°37'12" E. 13.00 feet;
THENCE S. 49°14'11" W. 38.29 feet;
THENCE S. 86°33'59" W. 25.05 feet;
THENCE N. 62°26'50" W. 25.94 feet;
THENCE N. 34°49'28" W. 14.01 feet;
THENCE N. 9°37'11" E. 59.84 feet;
THENCE N. 8°25'37" W. 27.30 feet;
THENCE N. 42°13'15" E. 72.92 feet;
THENCE N. 01°34'08" E. 13.14 feet;
THENCE N. 46°57'43" E. (N. 45°53' E. Rec.) 486.80 feet to a point on
the U.S. Pierhead and Bulkhead Line;
THENCE Along said U.S. Pierhead and Bulkhead Line, S. 40°10'11" E.
(S. 41°14'54" E. Rec.) 429.334 feet to the TRUE POINT OF
BEGINNING, containing 4.043 acres, more or less.

Prepared By:
Jones-Tillson & Associates
445 Sherman Avenue
Palo Alto, Ca. 94306

June 30, 1980
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Job No. 2760

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EXHIBIT "E"

LAND DESCRIPTION

RICHARDSON BAY PARCEL

That certain real property situate in the City of Sausalito, County of Marin, State of California, described as follows:

COMMENCING at the most westerly corner of Tide Lot No. 274, as described in Deed from the Tideland Commissioner, as recorded in Liber N of Deeds at Page 13, Marin County Records;

- THENCE N. 54°55'17" W. (N. 56° W. Rec.) 394.127 feet to the easterly corner of the lands of Deak Investment Corporation;
- THENCE S. 46°59'13" W. (S. 45°54'30" W. Rec.) 628.91 feet to a point on the U. S. Pierhead and Bulkhead Line, said point also being the TRUE POINT OF BEGINNING, having coordinates of Y=503,724.3476 feet and X=1,424,670.1655 feet, based on California Coordinate System, Zone 3, as are all bearings and distances in this description, other than those certain recorded bearings and distances in parenthesis;
- THENCE Along said U.S. Pierhead and Bulkhead line, N. 40°10'11" W. (N. 41°14'54" W. Rec.) 429.334 feet;
- THENCE N. 46°57'43" E. (N. 45°53' E. Rec.) 814.047 feet;
- THENCE S. 38°24'17" E. (S. 39°29' E. Rec.) 350.209 feet;
- THENCE S. 51°35'43" W. (S. 50°31' W. Rec.) 198.753 feet;
- THENCE S. 38°24'17" E. (S. 39°29' E. Rec.) 1.26 feet;
- THENCE S. 54°55'17" E. (S. 56° W. Rec.) 96.89 feet;
- THENCE S. 46°59'13" W. (S. 45°54'30" W. Rec.) 628.91 feet to the TRUE POINT OF BEGINNING, containing 7.578 acres of land, more or less.

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Prepared By:

Jones-Tillson & Associates
445 Sherman Avenue
Palo Alto, Ca. 94306

June 30, 1980

Job No. 2760