

**STAFF REPORT  
C108**

A 18  
S 9

08/23/18  
G 01-01  
R. Boggiano  
S. Scheiber

**AUTHORIZE FILING A DISCLAIMER OF INTEREST OF SOVEREIGN TITLE  
INTERESTS IN THE QUIET-TITLE ACTION,  
LEGACY PARTNERS I ALAMEDA II LLC v. CITY OF ALAMEDA ET AL.,  
ALAMEDA COUNTY SUPERIOR COURT NO. RG18900047**

**GRANTEE:**

City of Alameda

**LOCATION:**

Granted and ungranted sovereign tide and submerged lands located in the City of Alameda, Alameda County.

**BACKGROUND AND STAFF ANALYSIS:**

The Commission is a party to a quiet title action brought by a private landowner entitled Legacy Partners I Alameda II LLC v. City of Alameda et al., Alameda County Superior County Court No. RG18900047. The action seeks to quiet title to lands owned by Legacy Partners I Alameda II, LLC (Legacy Partners) and described in the Certificate of Compliance recorded as Instrument No. 2007-374074 in the official records of Alameda County (Subject Property).

The Subject Property will be used for a proposed development known as the Alameda Shipways Residential Project. The project consists of 292 housing units and an approximately 2.5-acre public park along the waterfront at 110 Marina Village Parkway, which is adjacent to the Oakland Estuary.

The Subject Property is within the boundaries of the Rancho San Antonio confirmed to Antonio Maria Peralta by the United States District Court on June 5, 1871. The Subject Property is landward of tide and submerged lands in the Oakland Estuary that have been legislatively granted by the State to the City of Alameda under Chapter 348, Statutes of 1913, and as amended, with no mineral interest reserved to the State (Granting Statutes).

Staff has examined Parcel Map No. 6340 and Parcel Map No. 4218 submitted by Legacy Partners pertaining to the Subject Property. Staff has ascertained that there is no sovereign interest in the Subject Property held by the State of

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California either under the direct management jurisdiction of the Commission or granted in trust to the City.

The City has, or will, file a disclaimer of the City's right, title and interests, including interests under the Granting Statutes, in the Subject Property, except for any right, title or interest of the City that is a matter of record. Because the quiet title action involves land over which the Commission has no jurisdiction, staff recommends that the Commission authorize the Attorney General to file on its behalf a disclaimer of any sovereign title interest in the land.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.2 of the Commission's Strategic Plan to provide that the current and future management of ungranted sovereign land and resources and granted lands are consistent with evolving Public Trust principles and values, particularly amid challenges relating to climate change, sea-level rise, public access, and complex land use planning and marine freight transportation systems.
2. Parcel Map No. 6340 was filed December 23, 1992 in Book 205 of Parcel Maps, at Pages 18-19.
3. Parcel Map No. 4218 was filed August 30, 1985 in Book 155 of Parcel Maps at Pages 68-73.
4. Authorizing the Attorney General to file a disclaimer of sovereign title interests on behalf of the Commission is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

**EXHIBIT:**

- A. Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**AUTHORIZATION:**

Authorize the Attorney General to file a disclaimer of sovereign title interests on behalf of the Commission in the case of Legacy Partners I Alameda II LLC v. City of Alameda et al., Alameda County Superior Court No. RG18900047.

NO SCALE

### SITE

SAN ANTONIO ESTUARY

APN  
74-1334-69

APN  
74-1334-67-1

APN  
74-1334-68

**SUBJECT  
PROPERTY**

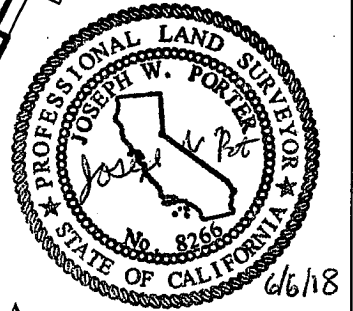
PARCEL 1 OF PARCEL MAP  
6340 TOGETHER WITH THE  
NORTHERLY 51' OF LOT 3  
AND THE NORTHERLY 55' OF  
LOT 4 OF PARCEL MAP 4218

APN  
74-1334-24-2

APN  
74-1334-23-2

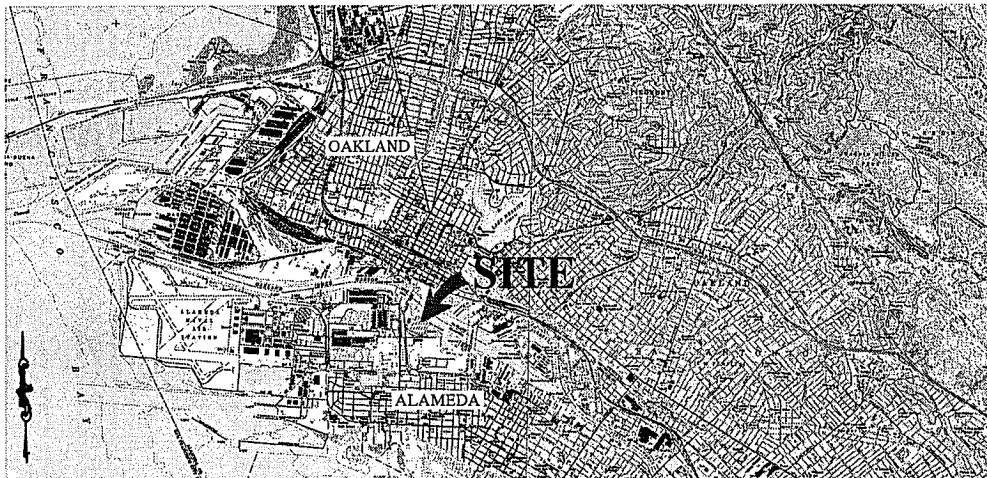
MARINA VILLAGE PARKWAY

MARINA VILLAGE PARKWAY, ALAMEDA



NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

### **Exhibit A**

G 01-01  
LEGACY PARTNERS I  
ALAMEDA II LLC  
QUIET-TITLE ACTION  
ALAMEDA COUNTY



JWP 6/06/18