

A special meeting of the State Lands Commission was held in Room 180 Business & Professions Building, Sacramento, on October 23, 1950, at 11 A. M. This meeting was called under the provisions of Section 1902 of Article 1 of the Rules of the State Lands Commission issued under the provisions of the California Administrative Code at the instance of Messrs. Dean and Kuchel.

Present: Honorable James S. Dean, Chairman  
Honorable Thomas H. Kuchel, Member

Absent: Honorable Goodwin J. Knight, Member

1. Upon motion duly made and unanimously carried, the minutes of the meeting of October 5, 1950, were approved and confirmed as submitted.

2. Upon motion duly made and unanimously carried, it was decided to defer setting a date for the next Commission meeting.

3. (RIGHT-OF-WAY ON TIDE AND SUBMERGED LANDS - OIL TERMINALS COMPANY - CRESCENT CITY HARBOR - W. O. 637, P. R. C. 541, P. R. C. 502) Messrs. Tom Crowley of the Oil Terminals Company, and Berry D. Brown, Esq., of the Crescent City Harbor District, appeared in connection with this matter. The Commission was informed as follows:

At its meeting on August 29, 1950, the Commission authorized the Executive Officer to issue a permit to the Oil Terminals Company for the installation of two dolphins and for a right-of-way along the inner breakwater and sand barrier at Crescent City Harbor, California, subject to certain stipulated conditions. At the meeting of the Commission on October 5, 1950, the Commission adopted a resolution postponing temporarily action on the issuance of said lease.

Meanwhile, despite continued negotiations, no agreement has been reached for a lease between the Oil Terminals Company and the Crescent City Harbor District, and it appears unlikely that any such agreement may be reached in the near future.

In the letter opinion of the Attorney General in which the authority of the Commission to issue such a lease to the Oil Terminals Company was upheld the Attorney General stated "I am of the further opinion that your Commission must take an affirmative action to otherwise effect the purpose of the trust". In view of the continued delay, it is believed that it would be advisable for the Commission to take affirmative action at this time.

UPON MOTION BY MR. KUCHEL, SECONDED BY MR. DEAN, AND UNANIMOUSLY CARRIED, ACTION ON THIS MATTER WAS DEFERRED FOR FURTHER CONSIDERATION.

4. (HEARINGS PURSUANT TO SECTION 126 OF THE GOVERNMENT CODE - W. O. 801) The Commission was informed that request is about to be received for action by the Commission under Section 126 of the Government Code relative to the acquisition by the United States through the Department of Agriculture of lands located in Sections 17 and 18, T. 12 N., R. 2 E., H. M., in Humboldt County, California. These lands are proposed to be acquired for an extension of the National Forest area in that vicinity. The Federal legislation under which the Department of Agriculture is to acquire these lands (Act of Congress approved March 1, 1911 - 36 Stat. 961, Weeks Act) requires approval of the acquisition by the Legislature

of the State and the latter has delegated to the State Lands Commission, under the provisions of Section 126 of the Government Code, the authority to execute such approval.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE EXECUTIVE OFFICER IS AUTHORIZED AND DIRECTED TO CONDUCT THE REQUISITE HEARINGS, PURSUANT TO SECTION 126 OF THE GOVERNMENT CODE AND UNDER THE RULES AND REGULATIONS OF THE COMMISSION, ON AN APPLICATION BY THE SECRETARY OF THE DEPARTMENT OF AGRICULTURE FOR APPROVAL OF ACQUISITION OF A NATIONAL FOREST AREA IN SECTIONS 17 AND 18, T. 12 N., R. 2 E., H. M., IN HUMBOLDT COUNTY, CALIFORNIA, THE HEARINGS TO BE HELD AT SUCH TIME AND PLACE AS MAY BE DETERMINED BY THE EXECUTIVE OFFICER, AND THE PROCEEDINGS AND DETERMINATIONS OF SUCH HEARINGS TO BE REPORTED TO THE COMMISSION FOR FINAL CONSIDERATION AND ACTION.

5. (KEY SYSTEM PROPERTY ADJOINING LAKE MERRITT, OAKLAND, ALAMEDA COUNTY, W. O. 727 - QUIET TITLE ACTION, COUNTY OF ALAMEDA, CASE NO. 228089) A complaint to quiet title has been filed against the State by the Alameda County-East Bay Title Insurance Company, the property involved being located in the vicinity of Lake Merritt, Oakland, California, and comprises approximately 0.694 acres of land within an area bounded by East 18th Street, 3d Avenue, Foothill Boulevard, and 2d Avenue. This property has been occupied by the Key System Transit Lines since about 1906 and is now under contract for sale. Advice has been received that the title companies in the area refuse to issue a policy of title insurance due to the possibility of a claim by the State on the grounds that the land in question was a part of tidelands and thus sovereign lands of the State.

The Attorney General of California has recently filed an Answer to the Complaint denying in full the claims of Plaintiff on the ground that the lands were reclaimed from tide and submerged lands covered by the Estuary of San Antonio, of which Lake Merritt was originally a part. Representatives of the Key System Transit Lines and of the Alameda County-East Bay Title Insurance Company have conferred with the Division of State Lands with a view to effecting a settlement promptly because of the imminence of the expiration date of the sale contract. Results to date indicate that procedures similar to those followed in the Marin Meadows Ranch Case in 1945, No. 16468, in the Superior Court of the State of California, Marin County, might result in a practical solution. These procedures involve the drafting and execution of a compromise agreement and a stipulation for Judgment to be approved by the Governor and a final Judgment and Decree by the Court. Plaintiff has agreed orally to the payment to the State of the sum of \$5,000 as a part and on account of a compromise settlement. The Deputy Attorney General handling this case for the State, Miss Miriam E. Wolff, has approved this procedure orally.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE A COMPROMISE AGREEMENT WITH THE PLAINTIFFS AND THE PRESENTLY ALLEGED OWNERS OF THE PROPERTY UNDER WHICH A COMPROMISE BOUNDARY LINE FOR SOVEREIGN LANDS IN LAKE MERRITT WILL BE FIXED ACCEPTABLE TO ALL PARTIES INVOLVED, SAID AGREEMENT TO REQUIRE PAYMENT TO THE STATE OF CALIFORNIA OF THE SUM OF \$5,000 AS A PART AND ON ACCOUNT OF THE SETTLEMENT AND TO BE APPROVED BY THE GOVERNOR OF THE STATE AND THE CHAIRMAN OF THE STATE LANDS