

MINUTE ITEM

25. (SETTLEMENT OF SUIT BETWEEN STATE OF CALIFORNIA AND SOUTHERN PACIFIC COMPANY CONCERNING THE OWNERSHIP OF CERTAIN STREET AREAS IN THE VICINITY OF CHANNEL AND SIXTH STREETS IN THE CITY AND COUNTY OF SAN FRANCISCO - P.R.C. 462, W. O. 3051, J.T.O. 10.)

Following presentation of Calendar Item 36 attached, Deputy Attorney General Miriam E. Wolff explained to the Commission that, because of the question of statute meaning, the vested agency jurisdiction in the area had never been clearly defined, that the State Lands Commission and the San Francisco Port Authority have shared responsibility in the past, and indicated that the lands which are now proposed for compromise settlement should be put under the jurisdiction of the Port Authority whose adjoining land has a clear, ascertainable value and whose interest is definite and specific.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE STATE LANDS COMMISSION APPROVES THE SETTLEMENT PROPOSED BY THE ATTORNEY GENERAL'S OFFICE OF SUPERIOR COURT CASE NO. 400043, SAN FRANCISCO COUNTY, AS TO ANY INTEREST THE STATE MAY HAVE IN THE STATE LANDS INVOLVED THAT ARE UNDER THE COMMISSION'S JURISDICTION AS SAID EXCHANGE IS SET FORTH IN EXHIBIT "A" ATTACHED AND HEREBY MADE A PART HEREOF, SUBJECT TO THE FOLLOWING CONDITIONS:

1. THAT THE COMMISSION RECOGNIZES THAT THE PROPERTY HEREIN CONCERNED APPEARS TO BE UNDER THE JURISDICTION OF THE SAN FRANCISCO PORT AUTHORITY.
2. THAT THE RESPONSIBILITY FOR PROTECTING THE STATE'S INTERESTS AND THE AUTHORITY TO CARRY OUT THIS TRANSACTION IS VESTED IN THE ATTORNEY GENERAL AND THE SAN FRANCISCO PORT AUTHORITY.
3. THAT THERE BE TRANSFERRED FROM THE STATE LANDS COMMISSION TO THE SAN FRANCISCO PORT AUTHORITY, AND THAT THE LATTER ACCEPT CONTROL OF, THAT CERTAIN AGREEMENT COVERING THE LANDS DESCRIBED THEREIN, BETWEEN THE SOUTHERN PACIFIC COMPANY AND THE STATE LANDS COMMISSION, KNOWN AS P.R.C. 462, DATED AUGUST 3, 1950, SAID TRANSFER TO BE CONSUMMATED BY THE EXECUTIVE OFFICER.

Attachment

Calendar Item 36 (8 pages)

CALENDAR ITEM

SUPPLEMENTAL

36.

(SETTLEMENT OF SUIT BETWEEN STATE OF CALIFORNIA AND SOUTHERN PACIFIC COMPANY CONCERNING THE OWNERSHIP OF CERTAIN STREET AREAS IN THE VICINITY OF CHANNEL AND SIXTH STREETS IN THE CITY AND COUNTY OF SAN FRANCISCO - P.R.C. 462, W. O. 3051.)

On July 6, 1950, the Commission authorized the execution of an agreement with the Southern Pacific Company under which the State was to institute and prosecute a quiet title action for such interests as the State may have in the street areas in the vicinity of Channel and Sixth Streets in the City and County of San Francisco. The agreement also provides for the leasing to the Southern Pacific Company of the street areas, or such interest as the State is found to have in the street areas, for a period of fifty years. As consideration for entering into the agreement, the Southern Pacific Company paid the State \$3,000, to be used as advance rental if the final adjudication should be that the State has an interest in said areas, or to be retained by the State in the event that no State interest is found.

A complaint to quiet title to the street areas was initiated as Case No. 400043 in Superior Court, San Francisco County, by the office of the Attorney General.

Negotiations with Southern Pacific toward the settlement of the litigation have been conducted by the San Francisco Port Authority and the office of the Attorney General, and have resulted in an offer by Southern Pacific Company which needs the approval of the Commission before the suit is amended to include additional areas and the filing of stipulations to conclude the matter.

The Southern Pacific offer, which is acceptable to both the San Francisco Port Authority and the office of the Attorney General, is as follows:

1. Southern Pacific to quitclaim to the State the following described strip of land: Commencing at the intersection of the northwesterly line of Channel Street and the northeasterly line of Seventh Street; thence northeasterly along the northwesterly line of Channel Street 258 feet to the true point of beginning; thence continuing along the northwesterly line of Channel Street a distance of 1,530 feet to the northeasterly line of Fifth Street; thence northwesterly along the northeasterly line of Fifth Street 35 feet; thence southwesterly and parallel to Channel Street a distance of 1,505 feet; thence in a southerly direction to the true point of beginning.

(Staff comments: The San Francisco Port Authority has estimated that the value of this property is \$14,600. It is highly desirable for the State to clear title to this area, in order to preclude the loss of interest in the property through adverse judgment as has occurred to property adjoining the channel to the north.)

SUPPLEMENTAL 36. (CONTD.)

2. Southern Pacific to quitclaim to the State a parcel of land adjoining the southeasterly line of Channel Street, said parcel described as follows: Beginning at the intersection of the southeasterly line of Channel Street and the northeasterly line of Sixth Street; thence southeasterly along the northeasterly line of Sixth Street a distance of 20 feet; thence southwesterly and parallel to Channel Street a distance of 82.5 feet to a point on the southwesterly line of Sixth Street; thence northwesterly along the southwesterly line of Sixth Street a distance of 20 feet to a point on the southeasterly line of Channel Street; thence northeasterly along the southeasterly line of Channel Street 82.5 feet to the point of beginning.

3. Southern Pacific to convey to the State a strip of land adjoining the southeasterly side of the channel, said strip being 100 feet in width and 1,732 feet, more or less, in length, extending from the southerly side of Fourth Street to the northerly side of Sixth Street, and for approximately 655 feet from the southerly side of Sixth Street to a point approximately 170 feet northerly of Seventh Street. However, the easterly 40 feet of the above-described 100-foot strip is to be reserved as a nonexclusive easement for roadway and utility purposes. It is understood that when it is deemed advisable, the State and Southern Pacific will cooperate in dedicating the 40-foot strip to the City and County of San Francisco for street purposes, and that maintenance of the existing roadway between Fourth and Sixth Streets will be apportioned on a use basis between State and Southern Pacific so long as the roadway is not dedicated.

(Staff comments: This land is valued at \$56,100 by the San Francisco Port Authority. Ownership of it will result in an important source of revenue for the San Francisco Port Authority. The roadway easement is necessary for access to both the State and Southern Pacific property.)

4. Southern Pacific to convey to the State, property 137.50 feet in depth along the easterly side of Front Street, extending from the north side of Broadway to the south side of Vallejo Street. Southern Pacific to remove their trackage from the property and to lease from the Port Authority the 18-foot strip of land occupied by the industry-owned trackage, at a monthly rental of approximately \$62.

(Staff comments: The San Francisco Port Authority has estimated that the value of this property is \$130,000. Even though it is occupied in part by the overhead Embarcadero Freeway, it will be valuable in the operations of the Port Authority.)

In exchange for the above-mentioned properties, the State will convey to Southern Pacific all its right, title and interest in and to the following-described street areas:

1. That portion of Fifth Street lying between the southeasterly line of Channel Street and the southeasterly line of Hooper Street.

SUPPLEMENTAL 36. (CONTD.)

2. That portion of Hooper Street lying between the southwesterly line of Fifth Street and the northeasterly line of Sixth Street.
3. All of George Street, which street lies between the southeasterly line of Hooper Street and the northwesterly line of Hubbell Street.
4. That portion of Irwin Street lying between the southwesterly line of George Street and the northeasterly line of Sixth Street.
5. That portion of Hubbell Street lying between the southeasterly prolongation of the northeasterly line of George Street and the northeasterly line of Sixth Street.
6. All of Noble Street, which street lies between the southeasterly line of Hubbell Street and the northwesterly line of Daggett Street.
7. That portion of Daggett Street lying between the southeasterly prolongation of the northeasterly line of Noble Street and the northeasterly line of Sixth Street.
8. All of Yuma Street, which street lies between the northerly line of Sixteenth Street and the southwesterly line of Sixth Street.
9. All of Barstow Street, which street lies between the northerly line of Sixteenth Street and the southwesterly line of Sixth Street.
10. All of Daggett Street lying between the northeasterly line of Seventh Street and the southwesterly line of Sixth Street.
11. All of Hubbell Street lying between the northeasterly line of Seventh Street and the southwesterly line of Sixth Street.
12. All of Irwin Street lying between the northeasterly line of Seventh Street and the southwesterly line of Sixth Street.
13. All of Hooper Street lying between the northeasterly line of Seventh Street and the southwesterly line of Sixth Street.
14. All of Berry Street lying between the northeasterly line of Seventh Street and the southwesterly line of Sixth Street.
15. All of King Street lying between the northeasterly line of Seventh Street and the southwesterly line of Sixth Street.
16. That portion of Sixth Street lying between the southeasterly line of Townsend Street and the northwesterly line of King Street.
17. That portion of Sixth Street lying between the southeasterly line of Berry Street and the northwesterly line of that certain strip of land along the northwesterly side of Channel Street, which is to be quit-claimed to the State by Southern Pacific.

SUPPLEMENTAL 36. (CONTD.)

18. That portion of Fifth Street lying between the southeasterly line of Townsend Street and the northwesterly line of King Street.
19. That portion of Fifth Street lying between the southeasterly line of Berry Street and the northwesterly line of that certain strip of land along the northwesterly side of Channel Street, which is to be quit-claimed to the State by Southern Pacific.
20. That portion of Jewett Street lying between the southwesterly line of Fourth Street and the northeasterly line of Fifth Street.
21. That portion of King Street lying between the southwesterly line of Fourth Street and the northeasterly line of the proposed Fourth Street viaduct as shown on Southern Pacific Company Drawing No. 30774 Revision dated February 20, 1958.
22. That portion of Fourth Street lying between the southeasterly line of Townsend Street and the northwesterly line of Berry Street.
23. That portion of King Street lying between the northeasterly line of Fourth Street and the southwesterly line of Third Street.

(Staff comments: The first eight parcels and a portion of the ninth parcel are included in the present litigation. The remaining parcels are similar in character, namely, that the area in question was a part of the San Francisco Beach and Water Lots laid out pursuant to the Statutes of 1851, Chapter 41, page 307. By the Statutes of 1853, page 219, the State authorized the sale by the Tide Land Commissioners of its interest in the area. The Attorney General's staff has stated that certain evidence indicates that the Beach and Water Lots extended to the center of the streets in question. It therefore follows that upon abandonment of the streets the ownership reverted to the adjoining lot owners; thus the State would have no legal interest in the street areas.)

The State to convey to Southern Pacific a parcel of State land described as follows: Beginning at a point on the southeasterly line of Channel Street which is 170 feet northeasterly of the northeasterly line of Seventh Street; thence from said point of beginning southwesterly along the southeasterly line of Channel Street a distance of 170 feet to a point on the northeasterly line of Seventh Street; thence northwesterly along said northwesterly line of Seventh Street a distance of 165 feet, more or less, to the northwesterly line of Channel Street; thence northeasterly along the northwesterly line of Channel Street a distance of 285 feet; thence in a southerly direction across Channel Street to the point of beginning, containing approximately .86 acre.

(Staff comments: This parcel, located at the extreme landward end of Channel Street has little real productive value to the State. However, it is of great value to Southern Pacific, who will profit from its use to gain an additional access route between its yards and warehouses. The San Francisco Port Authority estimate that the value of this parcel is \$8,000.)

SUPPLEMENTAL 36. (CONTD.)

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION APPROVE THE SETTLEMENT PROPOSED BY THE ATTORNEY GENERAL'S OFFICE OF SUPERIOR COURT CASE NO. 400043, SAN FRANCISCO COUNTY, AS TO ANY INTEREST THE STATE MAY HAVE IN THE STATE LANDS INVOLVED THAT ARE UNDER THE COMMISSION'S JURISDICTION AS SAID EXCHANGE IS SET FORTH IN EXHIBIT "A" ATTACHED AND HEREBY MADE A PART HEREOF, SUBJECT TO THE FOLLOWING CONDITIONS:

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Attachment
Exhibit "A"

EXHIBIT "A"

PROPOSED SETTLEMENT OF SUPERIOR COURT CASE NO. 400043,
SAN FRANCISCO COUNTY, STATE OF CALIFORNIA VS. SOUTHERN
PACIFIC COMPANY

That Case No. 400043 be amended to include all of the lands hereinafter mentioned:

1. Southern Pacific to quitclaim to the State the following described strip of land: Commencing at the intersection of the northwesterly line of Channel Street and the northeasterly line of Seventh Street; thence northeasterly along the northwesterly line of Channel Street 258 feet to the true point of beginning; thence continuing along the northwesterly line of Channel Street a distance of 1,530 feet to the northeasterly line of Fifth Street; thence northwesterly along the northeasterly line of Fifth Street 35 feet; thence southwesterly and parallel to Channel Street a distance of 1,505 feet; thence in a southerly direction to the true point of beginning.
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3. Southern Pacific to convey to the State a strip of land adjoining the southeasterly side of the channel, said strip being 100 feet in width and 1,732 feet, more or less, in length, extending from the southerly side of Fourth Street to the northerly side of Sixth Street, and for approximately 655 feet from the southerly side of Sixth Street to a point approximately 170 feet northerly of Seventh Street. However, the easterly 40 feet of the above-described 100-foot strip is to be reserved as a nonexclusive easement for roadway and utility purposes. It is understood that when it is deemed advisable, the State and Southern Pacific will cooperate in dedicating the 40-foot strip to the City and County of San Francisco for street purposes, and that maintenance of the existing roadway between Fourth and Sixth Streets will be apportioned on a use basis between State and Southern Pacific so long as the roadway is not dedicated.

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