

MINUTE ITEM

22. AUTHORIZATION FOR PUBLICATION OF NOTICE OF INTENT TO EXCHANGE CERTAIN STATE SOVEREIGN LANDS FOR CERTAIN PRIVATELY OWNED LANDS IN SAN FRANCISCO BAY; ALAMEDA, SANTA CLARA, AND SAN MATEO COUNTIES - W.O. 1339.

After consideration of Calendar Item 22 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION FINDS:

1. THAT THE SUBJECT EXCHANGE IS NECESSARY IN ORDER TO SETTLE AND CONFIRM THE TITLE OF THE STATE AND TO ESTABLISH THE BOUNDARIES THEREOF;
2. THAT THE EXCHANGE IS IN THE INTEREST OF COMMERCE, NAVIGATION, AND RECLAMATION;
3. THAT THE VALUE OF THE INTERESTS OF THE STATE IN THE PARCELS OF LAND TO BE CONVEYED BY IT IS NO GREATER THAN THE VALUE OF THE INTERESTS TO BE ACQUIRED BY THE STATE;
4. THAT THE EXECUTIVE OFFICER IS AUTHORIZED TO PUBLISH NOTICE IN ALAMEDA, SANTA CLARA, AND SAN MATEO COUNTIES OF THE COMMISSION'S INTENTION TO EXCHANGE THE LANDS DESCRIBED IN EXHIBITS "1" AND "2" ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION, AS PROVIDED BY SECTION 3 OF CH. 1885, STATS. OF 1959.

Attachment  
Calendar Item 22 (2 pages)

CALENDAR ITEM

22.

AUTHORIZATION FOR PUBLICATION OF NOTICE OF INTENT TO EXCHANGE CERTAIN STATE SOVEREIGN LANDS FOR CERTAIN PRIVATELY OWNED LANDS IN SAN FRANCISCO BAY; ALAMEDA, SANTA CLARA, AND SAN MATEO COUNTIES - W.O. 1339.

Under Ch. 1885, Stats. 1959, the State Lands Commission is authorized, for the purposes of commerce, navigation and reclamation and the settlement of title and boundary questions, to exchange certain parcels of State sovereign lands for certain privately owned lands in San Francisco Bay southerly of latitude 37° 40', in Alameda, Santa Clara and San Mateo Counties.

Section 1 of the aforesaid Act requires that the Commission find: "(a) that such exchange is necessary in order to settle and confirm the title of the State in and to the parcels to be conveyed to it and to establish the boundaries thereof, and (b) that such exchange is in the interest of the promotion of commerce, navigation and reclamation, and (c) that the value of the interests of the State in the parcels of land to be conveyed by it is no greater than the value of the interests to be acquired by the State in such other parcels of land in such exchange. . . ."

During the years of California's infancy, many parcels of land were patented under what later proved to be inadequate authority. Many surveys of these patented lands were incomplete or erroneous. Information accumulated over the years indicates that while the record title to many tidal parcels is now in private parties, the true ownership of at least portions is still in the State. The State asserts title to all of the sloughs and channels within the area of the proposed transaction that were, or are, navigable in fact or were declared so by the State Legislature.

As to a substantial number of the waterways, Leslie Salt Company as the successor to original patentees asserts no title but wishes to have the boundaries of respective ownerships determined. The remainder of the waterways were included within Swamp and Overflow patents issued by the State to Leslie Salt Company's predecessors in title many years ago.

In the Swamp and Overflow patents, the areas contained within navigable waterways were not always specifically excluded from the legal descriptions, and consequently the record title holder argues that title thereto passed to the patentee. It is the State Lands Division position that title to the navigable waterways was not intended to pass, and in fact could not pass, to the patentee of Swamp and Overflowed lands, the beds of navigable waterways being State sovereign lands which were never authorized to be sold. However, litigation concerning each parcel in a quiet title action would consume many years and considerable expense, and would not guarantee that title would be confirmed in the State.

The proposed agreement, as authorized by Ch. 1885/1959, would settle a large number of boundary and title questions and promote the orderly development of the subject lands. Further, the State would not be conveying any new

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title that has not heretofore been conveyed. Many diking, filling, dredging, and other related reclamation and navigation projects that would enhance the value of the south San Francisco Bay area cannot now be seriously considered because of the uncertain state of the titles. If these clouds are removed, the foundation will have been laid for much needed planned development in this vicinity.

Section 3 of Ch. 1885/1959 requires: "Before making any exchange herein authorized the commission shall publish notice of its intention to make the exchange. The notice need not particularly describe the lands or the interest therein proposed to be exchanged but shall refer to the maps and records on file with the commission for a detailed description thereof and for further particulars. Any affected city or county, within thirty (30) days after the publication of such notice, may request in writing to the commission that a hearing be held with respect thereto. Upon receipt of such request, the commission shall hold such a hearing and give not less than ten (10) days' written notice thereof to each city or county making such request and to the Department of Natural Resources...."

An independent appraiser has placed a value of \$2,869,350 on the 1,551 acres to be granted (returned) to the State, and a value of \$1,170,200 on the 490 acres proposed to be quitclaimed (regranted) by the State to Leslie Salt Company. The staff review of the appraisal report indicates that these figures represent a fair and reasonable valuation of the subject lands.

The staff study of this problem indicates that the intent and purposes of Ch. 1885/59 would best be served by the conveyance to the State by Leslie Salt Company, the record title holder, of all of the navigable waterways shown on Exhibit "1" on file in the offices of the State Lands Commission, and by the State quitclaiming any interest it may have to the parcels described in Exhibit "2" on file in the offices of the State Lands Commission. The true and correct boundary between the State tide and submerged lands and the privately owned lands shall upon consummation of this transaction be as shown on a map entitled Exhibit "A" on file in the offices of the State Lands Commission.

IT IS RECOMMENDED THAT THE COMMISSION FIND:

1. THAT THE SUBJECT EXCHANGE IS NECESSARY IN ORDER TO SETTLE AND CONFIRM THE TITLE OF THE STATE AND TO ESTABLISH THE BOUNDARIES THEREOF;
2. THAT THE EXCHANGE IS IN THE INTEREST OF COMMERCE, NAVIGATION, AND RECLAMATION;
3. THAT THE VALUE OF THE INTERESTS OF THE STATE IN THE PARCELS OF LAND TO BE CONVEYED BY IT IS NO GREATER THAN THE VALUE OF THE INTERESTS TO BE ACQUIRED BY THE STATE;
4. THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO PUBLISH NOTICE IN ALAMEDA, SANTA CLARA, AND SAN MATEO COUNTIES OF THE COMMISSION'S INTENTION TO EXCHANGE THE LANDS DESCRIBED IN EXHIBITS "1" AND "2" ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION, AS PROVIDED BY SECTION 3 OF CH. 1885, STATS. OF 1959.