

MINUTE ITEM

1/28/71
NB

16. AUTHORIZATION FOR ATTORNEY GENERAL TO SETTLE LITIGATION IN THE MATTER OF FERRANDO ET AL. V. CITY OF SOUTH SAN FRANCISCO ET AL., SAN MATEO COUNTY SUPERIOR COURT CASE NO. 124790; SAN MATEO COUNTY - W 503.518.

After consideration of Calendar Item 11 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL TO APPEAR ON BEHALF OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, IN THE CASE OF FERRANDO ET AL. V. CITY OF SOUTH SAN FRANCISCO ET AL., SAN MATEO COUNTY SUPERIOR COURT CASE NO. 124790, TO STIPULATE TO ENTRY OF A QUIET TITLE JUDGMENT AGAINST THE STATE AS TO THE TIDELAND PORTIONS OF THE LAND DESCRIBED IN SAID COMPLAINT, WITH THE PROPERTY TO BE DESCRIBED IN SAID STIPULATION BY REFERENCE TO AND IN ACCORDANCE WITH THAT RECORD OF SURVEY MAP RECORDED AUGUST 21, 1970 (VOL. 7 OF L.L.S. MAPS AT P. 30); AND TO TAKE ANY OTHER APPROPRIATE LEGAL ACTION NECESSARY TO CONCLUDE THE CASE.

Attachment:

Calendar Item 11 (1 page)

CALENDAR ITEM

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NB

11.

AUTHORIZATION FOR ATTORNEY GENERAL TO SETTLE LITIGATION IN THE MATTER OF FERRANDO ET AL. V. CITY OF SOUTH SAN FRANCISCO ET AL., SAN MATEO COUNTY SUPERIOR COURT CASE NO. 124790; SAN MATEO COUNTY - W 503.518.

The plaintiffs filed the above action against the City of South San Francisco to quiet title to tidelands and swamp and overflowed lands abutting San Bruno Canal in the City of South San Francisco. The tideland portions of the lands described in the complaint are claimed by the plaintiffs by virtue of conveyances of tideland lots sold by the Board of Tideland Commissioners pursuant to Statutes 1867-1868, Chapter 543, page 716, and Statutes 1869-1870, Chapter 388, page 541, as shown on Map No. 1 of Salt Marsh and Tidelands situated in San Mateo County. This map showed the area reserved for San Bruno Canal. The area within San Bruno Canal was granted to the City of South San Francisco by the State of California under Chapter 345, Statutes of 1913, and Chapter 56, Statutes of 1925.

A Record of Survey Map, prepared by an engineering firm, was recorded August 21, 1970 (Vol. 7 of L.L.S. Maps at p. 30), which delineates the boundary line between the lands claimed by the plaintiffs and San Bruno Canal. (A copy of said map is attached as Exhibit "B".) The Division has found the survey to be technically sufficient as properly relocating and delineating said boundary line, and believes it is in the best interest of the State to stipulate to entry of quiet title judgment against the State as to the tideland portions of land described in the complaint as long as the property is described in said stipulation by reference to and in accordance with said Record of Survey Map.

The Office of the Attorney General agrees with the conclusions of the Division.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO APPEAR ON BEHALF OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, IN THE CASE OF FERRANDO ET AL. V. CITY OF SOUTH SAN FRANCISCO ET AL., SAN MATEO COUNTY SUPERIOR COURT CASE NO. 124790, TO STIPULATE TO ENTRY OF A QUIET TITLE JUDGMENT AGAINST THE STATE AS TO THE TIDELAND PORTIONS OF THE LAND DESCRIBED IN SAID COMPLAINT, WITH THE PROPERTY TO BE DESCRIBED IN SAID STIPULATION BY REFERENCE TO AND IN ACCORDANCE WITH THAT RECORD OF SURVEY MAP RECORDED AUGUST 21, 1970 (VOL. 7 OF L.L.S. MAPS AT P. 30); AND TO TAKE ANY OTHER APPROPRIATE LEGAL ACTION NECESSARY TO CONCLUDE THE CASE.