

MINUTE ITEM

6/23/75
RCH

20. DISCLAIMER OF INTEREST IN CASE ENTITLED UNITED STATES V. 1,393.464 ACRES OF LAND, MORE OR LESS, ETC., ET AL., UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, CIVIL NO. C-69 369 RFP; CONTRA COSTA COUNTY. W 503.628.

After consideration of Calendar Item 19 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL TO ENTER A STIPULATION THAT NO TIDE AND SUBMERGED LANDS CLAIMED BY THE STATE OF CALIFORNIA IN PARCELS 23, 24, 643, 646, and 647, ARE BEING TAKEN BY THE FEDERAL GOVERNMENT IN UNITED STATES V. 1,393.464 ACRES OF LAND, ETC., ET AL., CIVIL NO. C-69 369 RFP, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, AND FURTHER AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL TO FILE ON BEHALF OF THE COMMISSION A DISCLAIMER OF ANY RIGHT TO COMPENSATION FOR THE TAKING OF SAID PARCELS.

Attachment:
Calendar Item 19 (1 page)

CALENDAR ITEM

19.

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W 503.628

DISCLAIMER OF INTEREST IN CASE ENTITLED
UNITED STATES V. 1,393,464 ACRES OF LAND,
MORE OR LESS, ETC., ET AL.,
UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA,
CIVIL NO. C-69 369 RFP

The State of California is one of numerous defendants in a Federal condemnation action entitled United States v. 1,393.464 Acres of Land, etc., et al., filed in the United States District Court for the Northern District of California, Civil No. C-69 369 RFP. The condemnation action was brought to secure a 2-mile protective buffer zone around the U. S. Naval Weapons Station at Port Chicago in Contra Costa County.

The State Lands Commission claims that Parcels 23, 24, 643, 646, and 647 of the Federal government's complaint in condemnation include tide and submerged lands owned by the State of California subject to the public trust for commerce, navigation and fisheries.

With regard to Parcels 23 and 24, the State's claim is to tide and submerged lands in Suisun Bay in the vicinity of Middle Ground Island. As to Parcels 643, 646, and 647, the State's claim is to portions of the beds of certain tidal creeks which run through these complaint parcels.

The State and the Federal government are prepared to stipulate that any State improvements on said lands would require a permit from the U. S. Army Corps of Engineers, that the State has no present intent to improve said lands, and that the Federal government does not intend by this condemnation action to take any interest of the State in tide and submerged lands as may exist in such lands. Upon filing of such a stipulation, the State Lands Commission would file a disclaimer of any right to compensation for the taking of these parcels by the Federal government.

EXHIBITS: A-1 and A-2: Location Maps.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO ENTER A STIPULATION THAT NO TIDE AND SUBMERGED LANDS CLAIMED BY THE STATE OF CALIFORNIA IN PARCELS 23, 24, 643, 646, AND 647, ARE BEING TAKEN BY THE FEDERAL GOVERNMENT IN UNITED STATES V. 1,393.464 ACRES OF LAND, ETC., ET AL., CIVIL NO. C-69 369 RFP, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, AND FURTHER AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO FILE ON BEHALF OF THE COMMISSION A DISCLAIMER OF ANY RIGHT TO COMPENSATION FOR THE TAKING OF SAID PARCELS.