

MINUTE ITEM

10/75
MCL

38. AUTHORIZATION FOR OFFICE OF ATTORNEY GENERAL TO FILE STIPULATION AND DISCLAIMER OF INTEREST; W 503.625.

After consideration of Calendar Item 36 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL TO ENTER INTO A STIPULATION THAT NO TIDE AND SUBMERGED LANDS OWNED OR CLAIMED BY THE STATE OF CALIFORNIA ARE BEING CONDEMNED BY THE FEDERAL GOVERNMENT IN PARCELS 1 THROUGH 10 AND 15 THROUGH 21 AS DESCRIBED IN EXHIBIT "A" TO THE COMPLAINT IN CONDEMNATION IN UNITED STATES V. 1,119.992 ACRES OF LAND, ETC., ET AL., CIVIL NO. S-1418, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA.
2. 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 36 (1 page)

AUTHORIZATION FOR OFFICE OF ATTORNEY GENERAL
TO FILE STIPULATION AND DISCLAIMER OF INTEREST

The State of California is one of numerous defendants in a Federal condemnation action entitled United States v. 1,119.992 Acres of Land, etc., et al., filed in United States District Court for the Eastern District of California, Civil No. S-1418. The condemnation action was brought to secure a two-mile protective buffer zone in Solano and Contra Costa Counties around the U. S. Naval Weapons Station at Port Chicago.

The State Lands Commission claims that some of the various parcels of the Federal Government's complaint in condemnation contain tide and submerged lands owned by the State of California and subject to the public trust for commerce, navigation and fisheries.

The State is prepared to stipulate with the Federal Government 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 the subject lands. Upon filing 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.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO ENTER INTO A STIPULATION THAT NO TIDE AND SUBMERGED LANDS OWNED OR CLAIMED BY THE STATE OF CALIFORNIA ARE BEING CONDEMNED BY THE FEDERAL GOVERNMENT IN PARCELS 1 THROUGH 10 AND 15 THROUGH 21 AS DESCRIBED IN EXHIBIT "A" TO THE COMPLAINT IN CONDEMNATION IN UNITED STATES V. 1,119.992 ACRES OF LAND, ETC., ET AL., CIVIL NO. S-1418, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA.
2. 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.