

MINUTE ITEM NO. 27
APPROVED 12/1/75

CALENDAR ITEM

12/75
JR
W 20400

27.

AUTHORIZATION TO INSTITUTE LITIGATION

Over a period of years, the State Lands Division has had title discussions with various parties claiming ownership to an approximately 55-acre area of former salt marsh interwoven with historic navigable tide and submerged lands located within the City of Belmont. The area includes a former major branch of O'Neill or Belmont Slough. During these discussions, sovereign title claims have been made known to the private parties, and a proposed settlement considered.

However, recently it has come to the attention of the Staff that the private parties have nevertheless proceeded to cause fill dirt to be placed on portions of the lands in question, preparing the lands for development.

Additionally, an earthen bridge has been constructed over O'Neill Slough for which no record of a State Lands permit has been found.

Further placement of fill and maintenance of unauthorized structures shall cause jeopardy to the sovereign title claims to these lands. Therefore, it is recommended that legal action be taken to protect any State interest within the described lands.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE STAFF OF THE DIVISION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO PERFECT AND PROTECT ANY SOVEREIGN TITLE WITHIN AN APPROXIMATE 55-ACRE PARCEL, AND ADJACENT AREAS, WITHIN THE CITY OF BELMONT, SAN MATEO COUNTY.

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