

was approved as Minute Item
No. 42 by the State Lands
Commission by a vote of 2
to 0 at its 10/28/76
meeting.

MINUTE ITEM

10/28/76
WC

42. AUTHORIZATION TO PROCEED WITH TITLE LITIGATION AT PETER'S
HARBOR, REDWOOD CITY, SAN MATEO COUNTY - W 320.457.

During consideration of Calendar Item, 42 attached, Mr.
R. S. Golden, Assistant Executive Officer, explained the
item. He stated that Mr. Uccelli's attorney had requested
the staff to clarify that his client does not contend he has
ownership of submerged land within the parcel.

With the above understanding, the item was approved without
objection.

Upon motion duly made and carried, the resolution, as
presented in Calendar Item 42, was adopted by a vote of 2-0.

Attachment: Calendar Item 42 (1 page)

A 20

S 10

1471

CALENDAR ITEM

10/76
W 320.457
WC

42.

AUTHORIZATION TO PROCEED WITH TITLE LITIGATION
AT PETE'S HARBOR, REDWOOD CITY,
SAN MATEO COUNTY

The parcel of land now occupied and used as Pete's Harbor was included within the State Swamp and Overflowed Lands Patent of Location No. 4166, the Certificate of Purchase was issued on or about August 16, 1930.

Location 4166, was traversed by Smith Slough, a major tidal and navigable waterway which has continuously existed since before statehood to the present time and upon which the marina is located.

The patent would appear to have been issued in direct violation of California Constitution Article XV, Section 3, and would therefore appear to be void, in whole or in part.

The private occupants claim ownership of the parcel free of any right, title, or interest of the State.

IT IS THEREFORE RECOMMENDED THAT STAFF COUNSEL OF THE STATE LANDS DIVISION AND/OR THE ATTORNEY GENERAL BE AUTHORIZED AND DIRECTED TO PROCEED WITH SUCH LITIGATION AS MAY BE NECESSARY TO ESTABLISH, IDENTIFY, AND PROTECT THE STATE'S RIGHT, TITLE, AND INTEREST IN THE REAL PROPERTY INCLUDED WITHIN SWAMP AND OVERFLOWED LANDS LOCATION 4166.

EXHIBITS: A. Estuary Plat.
B. Air Photo Plat.
C. Quad Map.
D. Assessor's Parcel.