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8/31/78
Meeting

CALENDAR ITEM

28.

8/78
W 21805
Mills

APPROVAL OF SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS IN THE CITY OF EUREKA

BLA 178

In November of 1977 the State Lands Commission's staff received an application submitted to North Coast Regional Coastal Commission to construct a warehouse/office building on a small parcel of land containing approximately 2 acres on the north side of the City of Eureka. Because this parcel bordered in Eureka Slough and because portions of the property were included within the perimeter description of both tideland and swamp and overflowed land patents, as well as federal upland patents, the staff of the Commission responded that it had serious reservations as to the project because of title and boundary problems.

The North Coast Regional Coastal Commission granted the permit on condition that the applicant resolve the title and boundary problems with the City of Eureka as grantee of the State's interest in the area and the State Lands Commission. Following negotiations between the applicant, the City of Eureka, the Office of Attorney General and the State Lands Commission's staff a settlement has been reached with the applicant.

Pursuant to Chapter 1035 of the Statutes of 1970 the State Lands Commission is required to approve any settlement of any dispute involving the right, title and interest to any tide and submerged lands within the City of Eureka.

The essential elements of this settlement are:

1. The city with the approval of the State Lands Commission will convey all of its right, title and interest to parcel 4 as shown on Exhibit "B" of this calendar item.
2. The present owners, Mr. and Mrs. Blanc, will convey all of their right, titles and interest in parcels 1, 2 and 3 together with all improvements located thereon as shown on Exhibit "B" of this calendar item.
3. The city will be guaranteed access between parcels 2 and 3 because of the offer to dedicate access which has been given by Mr. and Mrs. Blanc. If, however, better access can be obtained through a settlement with Montgomery Wards, a owner of the adjoining property,

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CALENDAR ITEM NO. 28. (CONTD)

the Commission's staff and the City of Eureka will request the Coastal Commission release the offer to dedicate.

Because of the difficulty in determining the exact nature, character and lands involved in this settlement, because litigation of title questions covering the lands involved in this settlement would be costly and would probably exceed the value of the parcels involved and because the net effect of this settlement will consolidate the city's landholdings, and enable the city to formulate plans for the orderly utilization of the parcels to be quitclaimed to the city under this agreement (possibly for use as part of a bicycle trail) and because this settlement will provide additional public access to the people of the State of California to Eureka Slough the Commission's staff and the City of Eureka recommend the approval of this agreement by the State Lands Commission.

The settlement has also been reviewed and approved by the Office of the Attorney General.

EXHIBITS: A. Location Map. B. Parcel Map.

IT IS RECOMMENDED THAT THE COMMISSION, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 1085, STATUTES OF 1970:

1. DETERMINE THAT PURSUANT TO SECTION 6371 OF THE PUBLIC RESOURCES CODE, SETTLEMENTS OF TITLE AND BOUNDARY ARE EXEMPT FROM THE ENVIRONMENTAL IMPACT REPORT REQUIREMENTS OF CEQA.
2. DETERMINE AND DECLARE, PURSUANT TO AND IN ACCORDANCE WITH SECTION 2(b) OF CHAPTER 1085, STATUTES OF 1970, THAT PARCEL 4, AS DESCRIBED IN EXHIBIT "A" OF THE PROPOSED SETTLEMENT AGREEMENT, ARE LANDS WITHIN THE HUMBOLDT BAY AREA WHICH HAVE HERETOFORE BEEN IMPROVED IN CONNECTION WITH THE DEVELOPMENT OF THE HUMBOLDT BAY AREA, AND IN THE PROCESS OF SUCH DEVELOPMENT HAVE BEEN FILLED AND RECLAIMED; ARE NO LONGER SUBMERGED OR BELOW THE PRESENT LINE OF MEAN HIGH TIDE AND ARE NO LONGER NECESSARY OR USEFUL FOR COMMERCE, FISHERIES OR NAVIGATION.
3. APPROVE THE SETTLEMENT, AS OUTLINED ABOVE BETWEEN THE CITY OF EUREKA, THE STATE LANDS COMMISSION AND VICTOR B. AND JOSEPHINE P. BLANC, PURSUANT TO AND IN ACCORDANCE WITH SECTION 6 OF CHAPTER 1085, STATUTES OF 1970.

CALENDAR ITEM NO. 28. (CONTD)

4. APPROVE OF THE ADEQUACY OF THE CONSIDERATION WITH RESPECT TO THE SETTLEMENT, PURSUANT TO AND IN ACCORDANCE WITH SECTION 4 OF CHAPTER 1085, STATUTES OF 1970.
5. AUTHORIZE THE EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE A SETTLEMENT AGREEMENT AS OUTLINED ABOVE FOR RECORDATION IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF HUMBOLDT, PURSUANT TO AND IN ACCORDANCE WITH SECTIONS 2(b) AND 5 OF CHAPTER 1085, STATUTES OF 1970, WHICH AGREEMENT WILL CERTIFY THAT PARCEL 4 IS PRESENTLY COMPRISED OF LANDS ABOVE THE PRESENT LINE OF MEAN HIGH TIDE AND HAVE BEEN FOUND TO BE NO LONGER NECESSARY OR USEFUL FOR COMMERCE, FISHERIES, OR NAVIGATION, UPON THE RECORDATION OF SUCH CERTIFICATION AND THE OTHER INSTRUMENTS PROVIDED OR IN THE SETTLEMENT, THE LANDS WITHIN SAID PARCELS SHALL BE FREED OF THE PUBLIC USE AND TRUST FOR COMMERCE, FISHERY, AND NAVIGATION, AND FROM SUCH USES, TRUSTS, CONDITIONS AND RESTRICTIONS AS ARE OR HAVE BEEN IMPOSED BY CHAPTER 187, STATUTES OF 1927; CHAPTER 225, STATUTES OF 1945; AND CHAPTER 1086, STATUTES OF 1970; AS SUBSEQUENTLY AMENDED AND MODIFIED.
6. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO FILE, IN ANY ACTION TO QUIET TITLE BROUGHT BY THE RECORD OWNERS PURSUANT TO AND CONSISTENT WITH THE SETTLEMENT AGREEMENT, A DISCLAIMER BY THE STATE OF CALIFORNIA ON BEHALF OF THE STATE LANDS COMMISSION OF ANY RIGHT, TITLE OR INTEREST IN OR TO THOSE CERTAIN LANDS DESCRIBED AS PARCEL 4 IN EXHIBIT "A" OF PROPOSED SETTLEMENT AGREEMENT.
7. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS WHICH THEY DEEM NECESSARY OR APPROPRIATE TO EFFECTUATE THE SETTLEMENT AGREEMENT.

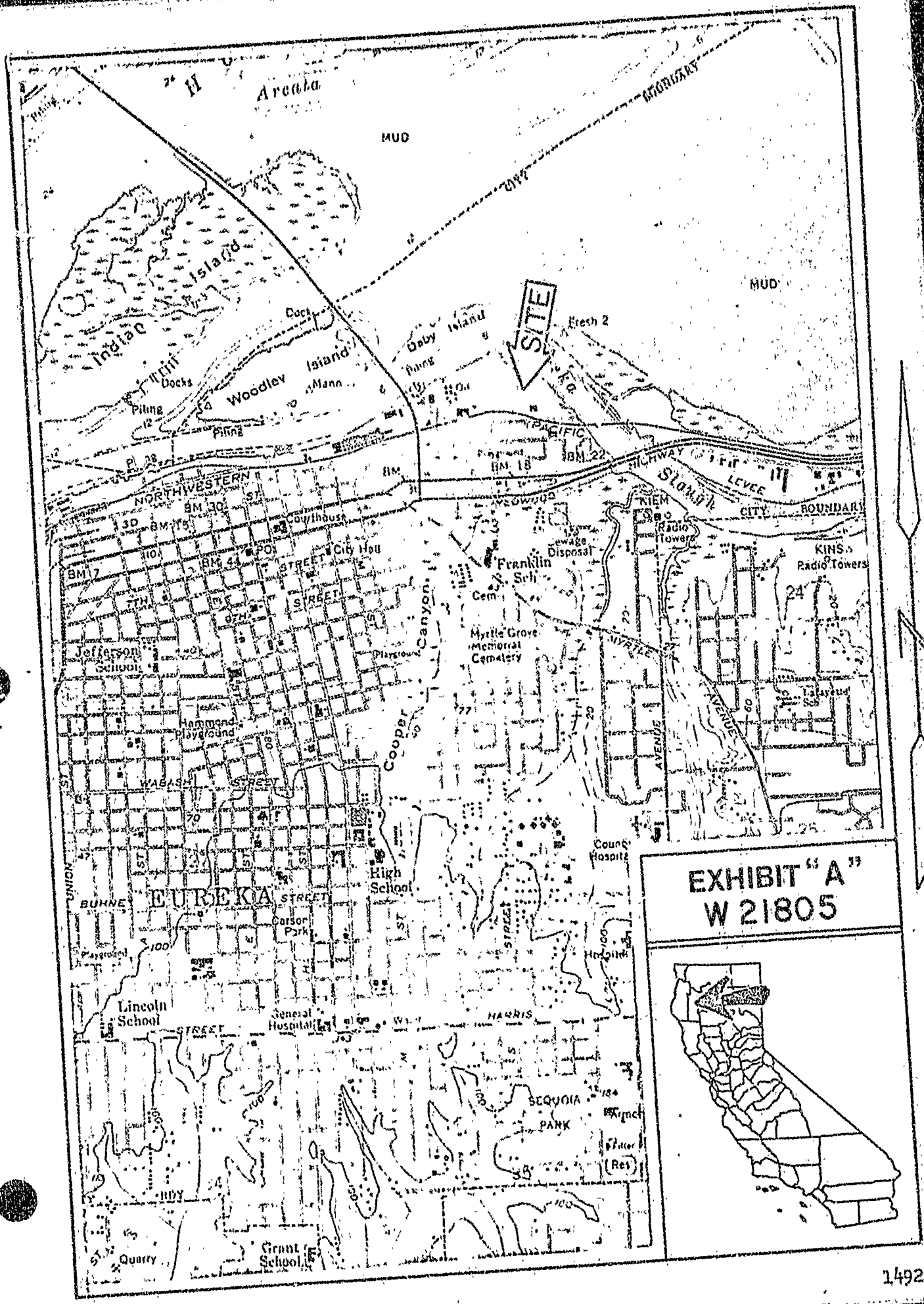


EXHIBIT "A"
W 21805



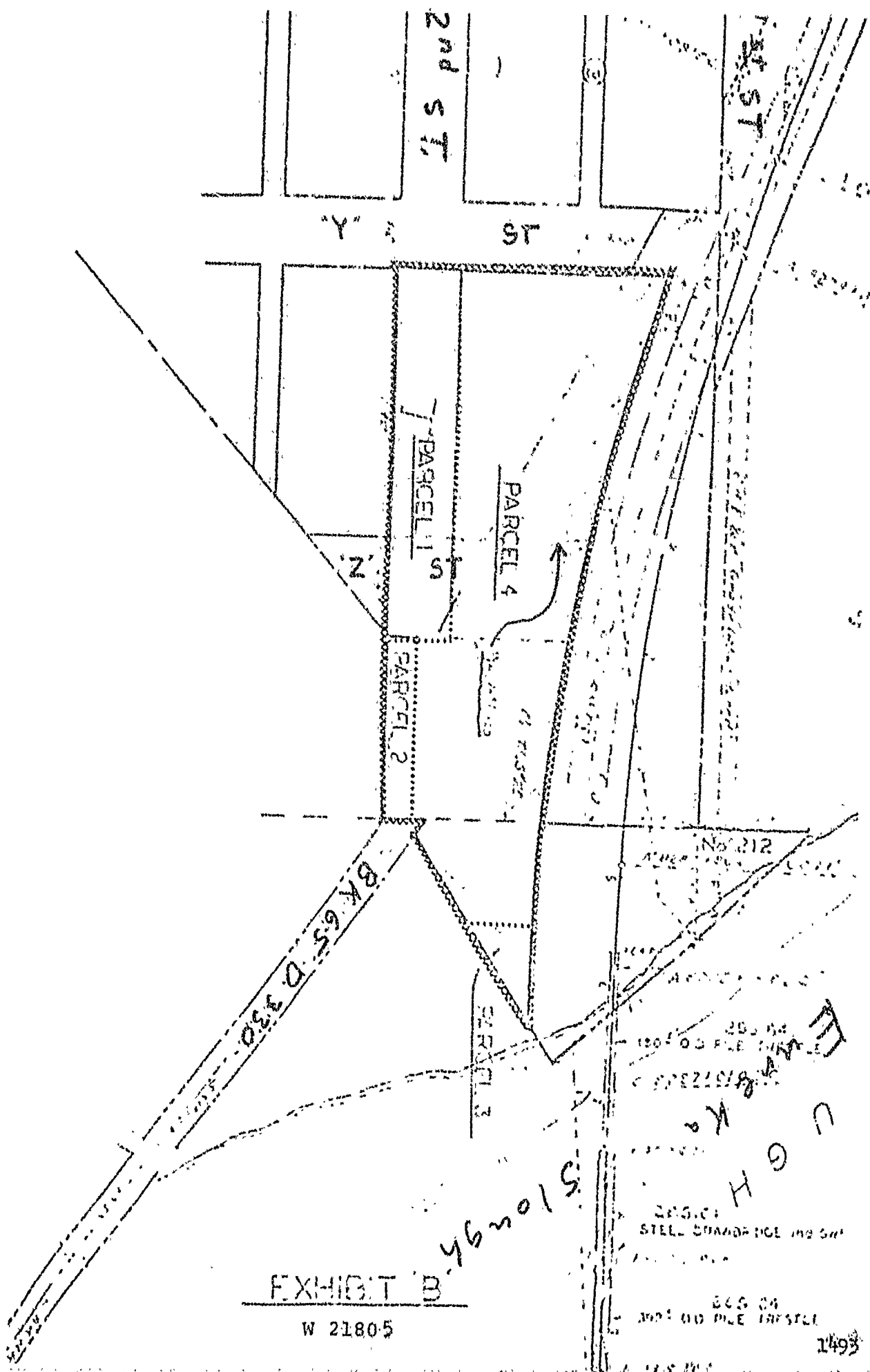


EXHIBIT B

W 21805

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 211
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 200' 00" PILE
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