

MINUTE ITEM

This Calendar Item No. 27
was approved as a Minute Item
No. 27 by the State Lands
Commission by a vote of 7
to 0 at its 4/24/79 CALENDAR ITEM
meeting.

27.

4/79
W 503.585
Eagan

AUTHORIZATION TO ENTER STIPULATION FOR ENTRY OF
JUDGMENT IN SETTLEMENT OF DELTA FARMS RECLAMATION
DISTRICT NO. 2028 v. STATE OF CALIFORNIA, SAN JOAQUIN
COUNTY SUPERIOR COURT NO. 97183

The State of California is defendant in a quiet title action entitled Delta Farms Reclamation District No. 2028 v. State of California, San Joaquin County Superior No. 97183. The property in question is a berm in Old River lying offshore of Bacon Island in San Joaquin County. The Reclamation District claims the berm as successor under a patent from the State of swamp and overflowed land. The State claims that the berm is sovereign land or, in the alternative, that it was not included in the swamp and overflowed land patent.

The litigation involves the resolution of various disputed issues of fact and law, and its outcome, were it to be pursued to final judgment in court, is uncertain. Accordingly, the District and the Commission's staff have arrived at a compromise settlement whereby title to a portion of the berm above the existing ordinary high water mark will be quieted in the State, to be held subject to the public trust for commerce, navigation, and fishery. Title to the remainder of the berm above the existing ordinary high water mark will be quieted in the Reclamation District. Roughly 3/5 of the 49-acre berm will be in State ownership as a result of the settlement.

The settlement will be accomplished by entry into a stipulation for entry of judgment. A copy of the proposed stipulation for entry of judgment is on file in the office of the State Lands Commission in Sacramento. The stipulation has been reviewed and approved by the Office of the Attorney General. In the opinion of the Commission's staff and of the Office of the Attorney General, the proposed settlement is in the best interests of the State and the public.

EXHIBITS: A. Location Map. B. Boundary Plat.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE EXECUTION BY THE EXECUTIVE OFFICER OF THE STIPULATION FOR ENTRY OF JUDGMENT ON FILE IN THE OFFICE

A. 26

S. 13

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CALENDAR ITEM NO. 27. (CONTD)

OF THE STATE LANDS COMMISSION IN DELTA FARMS RECLAMATION
DISTRICT NO. 2028 v. STATE OF CALIFORNIA, SAN JOAQUIN
COUNTY SUPERIOR COURT NO. 97183.

2. AUTHORIZE THE EXECUTIVE OFFICER AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, IN ORDER TO IMPLEMENT THE STIPULATION FOR ENTRY OF JUDGMENT.
3. AUTHORIZE THE APPROVAL OF THE PLAT TITLED "BOUNDARY LINE ON BERM N ESTABLISHED BY STIPULATED JUDGEMENT IN SAN JOAQUIN COUNTY SUPERIOR COURT CASE NO. 97183".
4. AUTHORIZE THE FILING OF THE PLAT REFERRED TO IN NO. 3 ABOVE WITH THE COUNTY SURVEYOR OR COUNTY RECORDER OF SAN JOAQUIN COUNTY.

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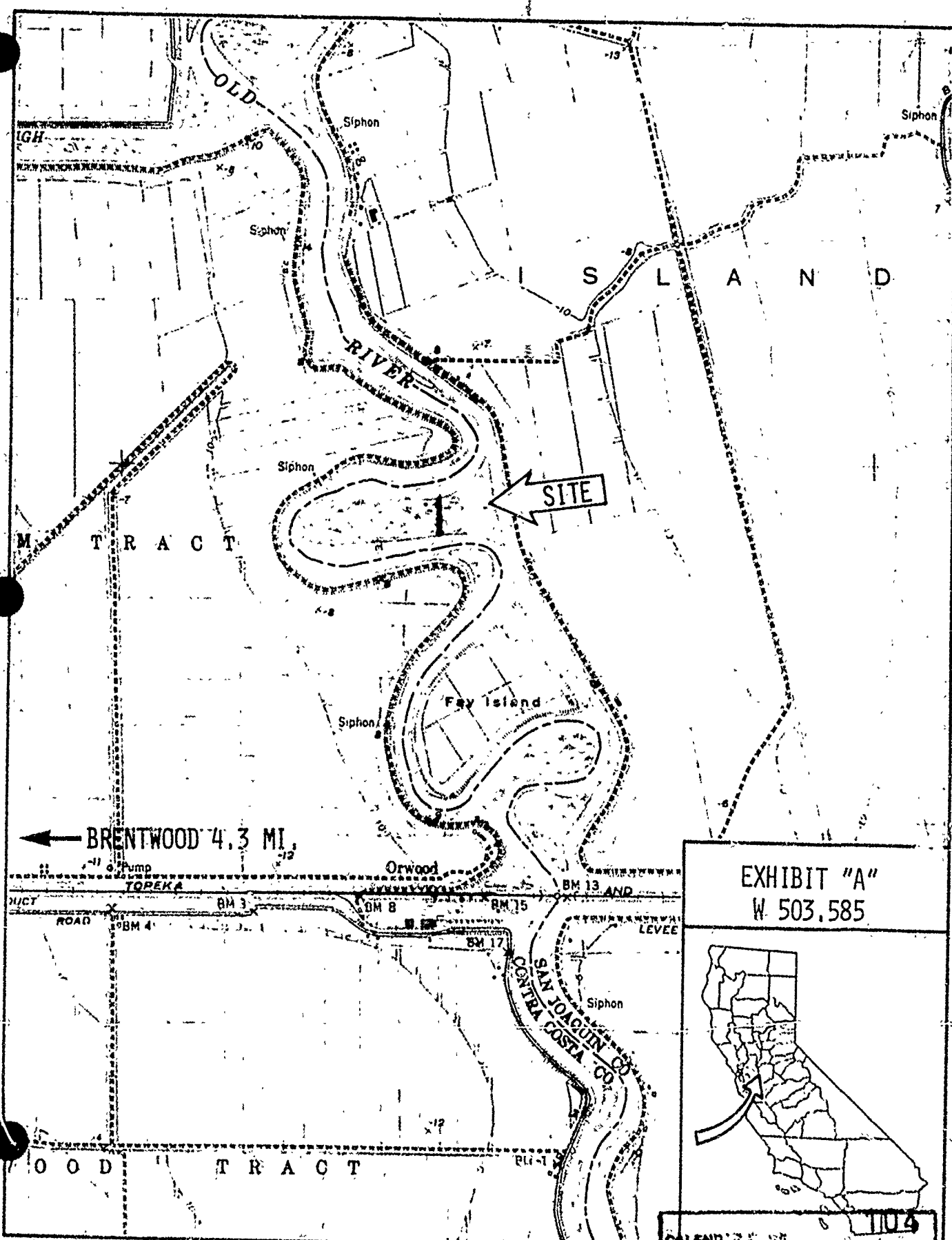
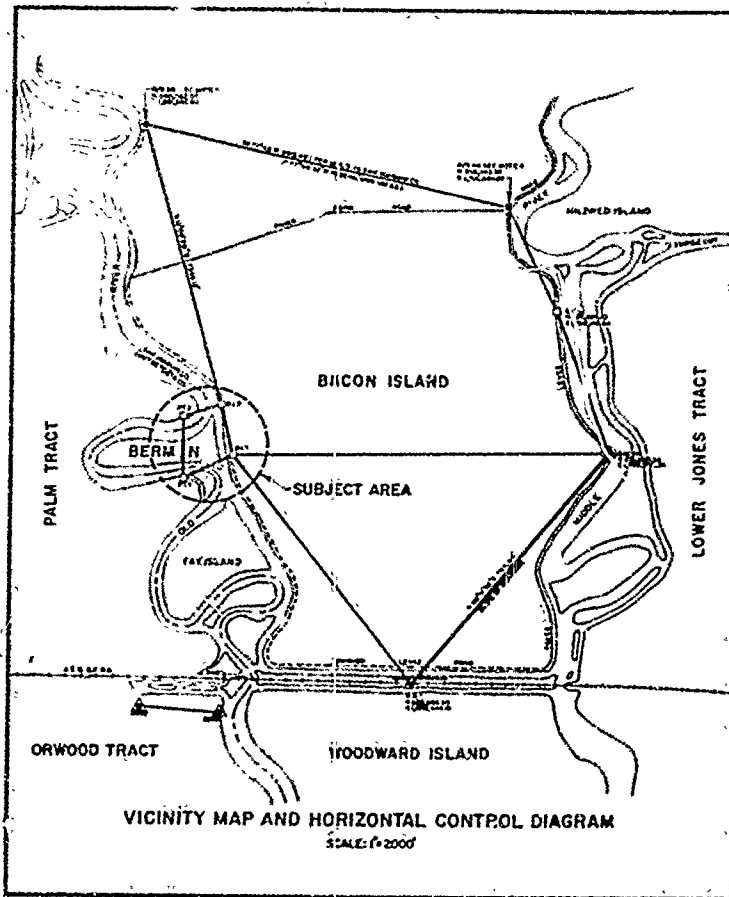


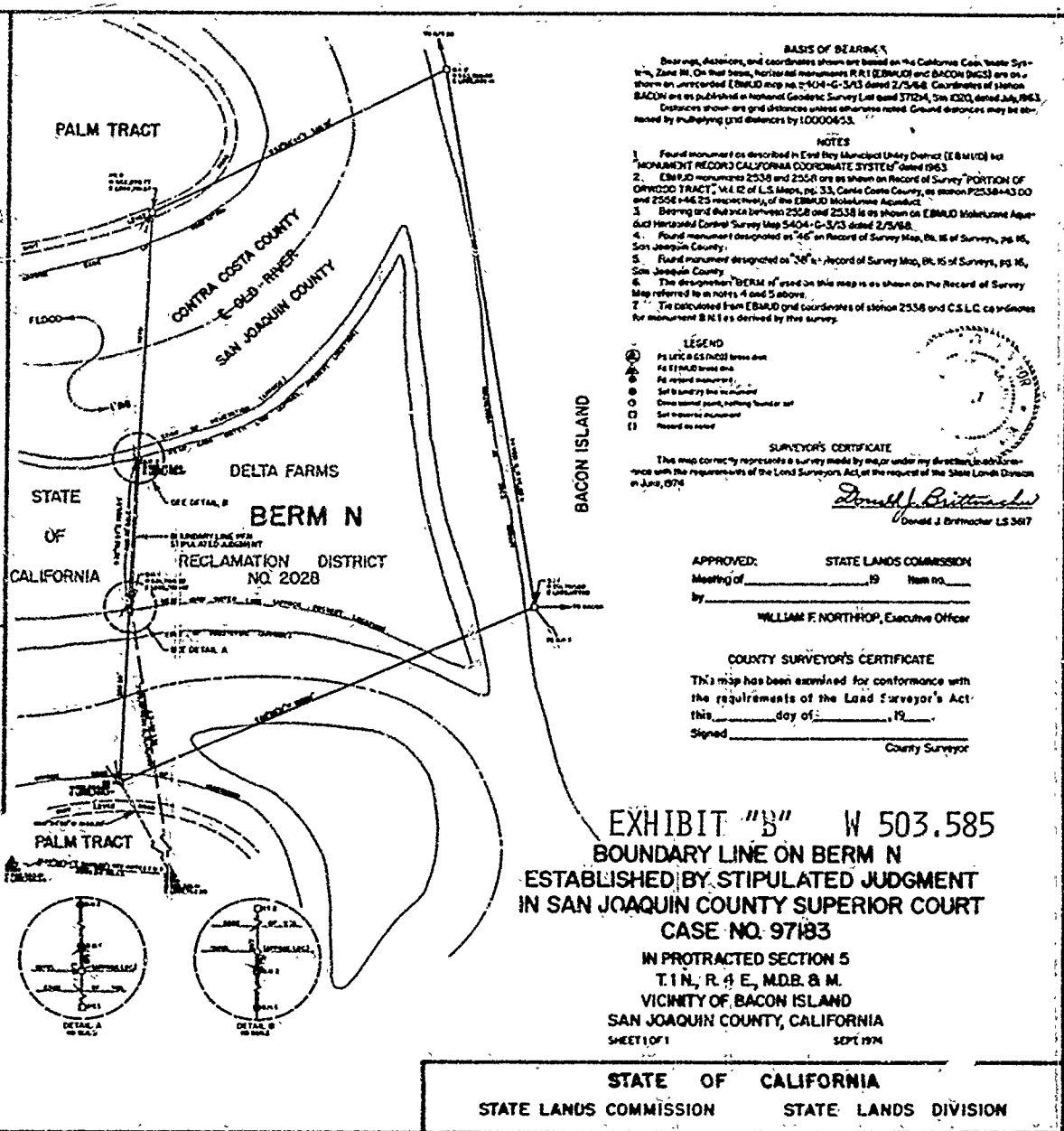
EXHIBIT "A"
W 503,585



CALENDAR PLATE 1104
MINUTE 754



VICINITY MAP AND HORIZONTAL CONTROL DIAGRAM
SCALE: 1:2000



BASIS OF BEARING
Bearings, distances, and coordinates shown are based on the California Coast and Range System, Zone 10. On that basis, horizontal monuments R1 (EBMUD) and BACON (CSLC) are shown as uncorrected (EBMUD map no. 2504-G-3/3 dated 2/5/48. Coordinates of station BACON are as published in National Geodetic Survey List dated 3/24/48, Sta. 2320, dated July, 1943. Distances shown are grid distances unless otherwise noted. Ground distances may be obtained by multiplying grid distances by 1.00004633.

- NOTES**
1. Found monument as described in East Bay Municipal Utility District (EBMUD) but MONUMENT RECORD CALIFORNIA COORDINATE SYSTEM dated 1963.
 2. EBMUD monuments 2538 and 2539 are as shown on Record of Survey PORTION OF ORWOOD TRACT, Vol. 12 of L.S. Maps, pg. 33, Contra Costa County, re station P2538+43.00 and 2556+46.25 respectively, of the EBMUD Mole-Land Agreement.
 3. Bearing and distance between 2538 and 2539 is as shown on EBMUD Mole-Land Agreement Horizontal Control Survey Map 5404-G-3/3 dated 2/5/48.
 4. Found monument designated as "46" on Record of Survey Map, Bl. 16 of Surveys, pg. 16, San Joaquin County.
 5. Found monument designated as "26" on Record of Survey Map, Bl. 16 of Surveys, pg. 16, San Joaquin County.
 6. The designation "BERM N" used on this map is as shown on the Record of Survey Map referred to in notes 4 and 5 above.
 7. The distances from EBMUD grid coordinates of station 2538 and CS.L.C. coordinates for monument B.N. 1 are derived by the survey.

LEGEND

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