

MINUTE ITEM

This Calendar Item No. C-26
was approved by the Commission
No. 26 by the State Lands
Commission on the date of 6-5-77
to the 0 of the 6-5-77
meeting.

CALENDAR ITEM

26.

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RATIFICATION OF DISCLAIMER

The State Lands Commission is a party to a condemnation action brought by the United States entitled, United States of America v. 35.76 Acres of Land, etc., United States District Court (N.D. Cal.), Civil No. C77-1420-WHO. The land is to be used in connection with the radar and telemetry systems of Pillar Point Air Force Station in San Mateo County.

The 2 condemnation parcels which are the subject of the action contained a total of 5 courses which adopt along the waterward boundary of the parcels certain rancho courses running along the Pacific Ocean. The descriptions have been examined by the Commission's engineering staff, and they have concluded that there are no sovereign lands of the State of California included within either parcel. In addition, the United States has formally stipulated that these waterward courses are meanders of the last natural position of the ordinary highwater mark of the Pacific Ocean and do not include artificial accretions, if any. The stipulation further states that it is not plaintiff's intention to condemn, nor has it condemned, any sovereign lands of the State.

In view of the determination of the Commission's staff, the stipulation by the United States, the federal government's urgent desire to have a stipulated judgment awarding compensation to the private condemnees entered as soon as possible, and the impossibility of having the matter calendared for the Commission's April meeting, the Attorney General's Office, with the concurrence of staff, filed a disclaimer on behalf of the Commission in this case. The action is now brought before the Commission for ratification.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION RATIFY THE ACTION OF THE OFFICE OF THE ATTORNEY GENERAL IN FILING A DISCLAIMER IN UNITED STATES OF AMERICA v. 35.76 ACRES OF LAND, ETC., IN THE COUNTY OF SAN MATEO, UNITED STATES DISTRICT COURT (N.D. CAL.), CIVIL NO. C77-1420-WHO.

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