

MINUTE ITEM

This Calendar Item No. 32  
was approved as Minute Item  
No. 32 by the State Lands  
Commission by a vote of 2  
to 0 at its 12-20-79  
meeting.

CALENDAR ITEM

32.

12/79  
W 503.944  
Rusconi  
BLA 197

APPROVAL OF LAND EXCHANGE IN COMPROMISE AND SETTLEMENT  
OF LITIGATION INVOLVING FILLED TIDE AND SUBMERGED LANDS  
IN THE CITY OF STOCKTON, SAN JOAQUIN COUNTY, DARRAH V. STATE  
OF CALIFORNIA, ET AL., SAN JOAQUIN COUNTY SUPERIOR COURT  
NO. 137481.

In April of 1978, litigation was instituted against the  
State of California, State Lands Commission, by Guard C.  
Darrah, to quiet title to a parcel of land containing the  
filled Old Channel of the Calaveras River, San Joaquin  
County. In June of 1979, Lois Darrah was joined as a party  
plaintiff.

An exchange agreement has now been reached which will result  
in the settlement of the present litigation. In exchange  
for the State releasing its interest in a portion of the  
filled section of the Old Channel of the Calaveras River  
the Darrah's will convey to the State fee title, subject  
to a life estate in Mr. Darrah, Darrah Island and his access  
rights from the upland. Darrah Island is approximately  
one acre in size and located downstream in the Calaveras  
River from the complaint parcel. Being surrounded by water  
and with access from the nearby upland, Darrah Island is  
more suitable for public use and ownership than the filled  
Old Channel of the Calaveras River located within the complaint  
parcel. The State is also receiving quitclaims from the  
Darrahs to any interest which they may have in the present  
Channel of the Calaveras River.

Mr. Darrah is also desirous of repositioning the outfall  
drain for Reclamation District No. 1614 in return for conveyance  
to the Darrah's of the maintenance easement which the District  
has over the complaint parcel. This will involve some slight  
fill on the presently wet outfall channel which the Darrahs  
agree is owned by the State and is not part of the proposed  
exchange. At the time when Mr. Darrah's plans are formalized,  
he will return to the Commission for approval for this  
project.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE SETTLEMENT OF THE ABOVE LITIGATION AND  
THE EXCHANGE AGREEMENT BETWEEN THE STATE OF CALIFORNIA,

SEARCHED : 203  
SERIALIZED : 261

CALENDAR ITEM NO. 32. (CONTD)

STATE LANDS COMMISSION, AND GUARD C. AND LOIS DARRAH SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION.

2. DETERMINE AND DECLARE THAT THE STATE HAS IDENTIFIED THE LANDS DESCRIBED IN EXHIBIT "B" OF THE EXCHANGE AGREEMENT AS LANDS THAT MEET THE REQUIREMENTS OF THE NATURE, QUALITY AND VALUE PRESCRIBED IN SECTION 6307 OF THE PUBLIC RESOURCES CODE AND AGREE TO ACCEPT CONVEYANCE OF THE LANDS.
3. DETERMINE AND DECLARE, PURSUANT TO AND IN ACCORDANCE WITH SECTION 6307 OF THE PUBLIC RESOURCES CODE THAT THE SUBJECT EXCHANGE OF STATE AND PRIVATE TITLES IS IN THE BEST INTERESTS OF THE STATE AND THAT THE PARCEL OF LAND DESCRIBED IN EXHIBIT "A" OF THE EXCHANGE AGREEMENT HAS BEEN FILLED AND RECLAIMED AND HAS THEREBY BEEN EXCLUDED FROM THE PUBLIC CHANNELS AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION AND FISHING, IS NO LONGER, IN FACT, TIDELANDS OR SUBMERGED LANDS AND UPON RECORDATION OF THE STATE'S CONVEYANCE PURSUANT TO THE SUBJECT EXCHANGE AGREEMENT SHALL BE FREE FROM THE PUBLIC TRUST FOR COMMERCE, NAVIGATION AND FISHERIES.
4. DECLARE AND DETERMINE THAT THE VALUE OF THE PRIVATE INTERESTS IT IS RECEIVING IN DARRAH ISLAND IS EQUAL TO OR GREATER THAN THE VALUE OF THE STATE'S INTEREST BEING GIVEN UP IN THAT AREA DESCRIBED IN EXHIBIT "A" OF THE EXCHANGE AGREEMENT.
5. AUTHORIZE EXECUTION ON BEHALF OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, OF THE PROPOSED EXCHANGE AGREEMENT AND OTHER APPROPRIATE TITLE DOCUMENTS, AND DELIVERY OF SAID AGREEMENT AND OTHER DOCUMENTS INTO EXCROW FOR RECORDATION IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN JOAQUIN.
6. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO FILE, IN ANY PENDING ACTION TO QUIET TITLE BROUGHT BY THE DARRAH'S, OR IN ANY FUTURE ACTION TO QUIET TITLE BROUGHT BY THE DARRAH'S PURSUANT TO THE PROPOSED EXCHANGE 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 IN EXHIBIT "A" TO SAID AGREEMENT.
7. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY OR APPROPRIATE TO EFFECTUATE THE PROPOSED SETTLEMENT.

SEARCHED	204
INDEXED	2532

CALENDAR ITEM NO. 32. (CONTD)

8. FIND THAT THE PROPOSED EXCHANGE AGREEMENT IS IN SETTLEMENT OF TITLE AND BOUNDARY LITIGATION AND PROVISIONS OF CEQA ARE INAPPLICABLE.

205  
2003

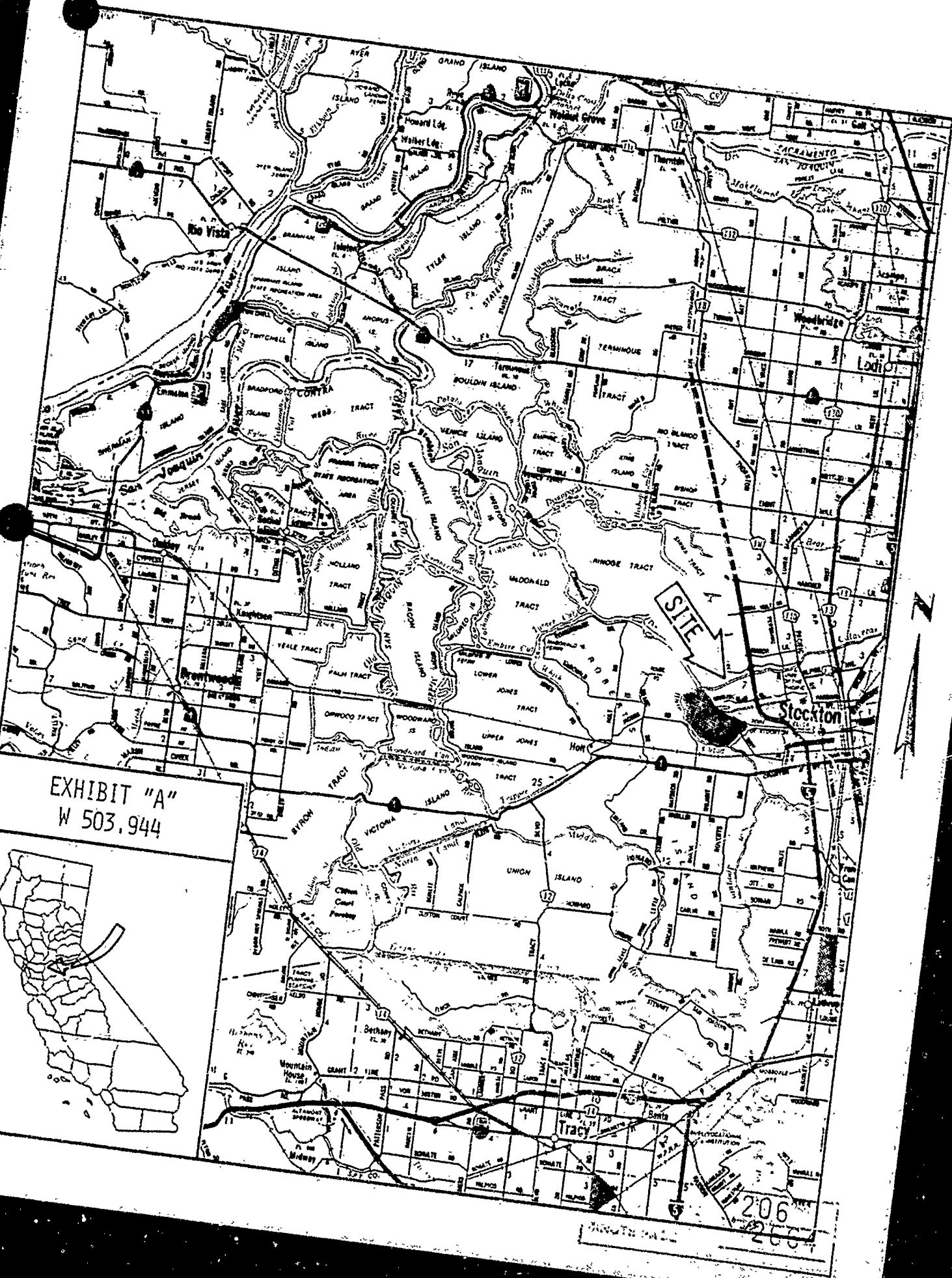


EXHIBIT "A"  
W 503,944



206  
206