

MINUTE ITEM

This Calendar Item No. 28
was approved as Minute Item
No. 28 by the State Lands
Commission by a vote of 2
to 0 at its 2-24-80
meeting.

CALENDAR ITEM

28.

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Peterson

STATE OF CALIFORNIA,
ACTING BY AND THROUGH THE
STATE LANDS COMMISSION
AND THE CITY OF RICHMOND v.
RICHMOND SANITARY SERVICE, ET AL.,
CONTRA COSTA SUPERIOR COURT NO. 160686

APPROVAL OF AN AMENDMENT TO
PREVIOUSLY AUTHORIZED SETTLEMENT AGREEMENT

In February 1980, the State Lands Commission authorized settlement of the above-entitled action. The approved Compromise Settlement Agreement provided that Richmond Sanitary Service would convey to the State Lands Commission unspecified lands suitable for public trust purposes valued at \$100,000 as part of Richmond Sanitary Service's consideration in exchange for the State's claims in lands to be retained by Richmond Sanitary Service. Suitable lands for this part of the exchange have not yet been identified. The proposed amendment would provide for deposit of the \$100,000 in a trust, to be administered by the East Bay Regional Park District. The sole trust purpose would be acquisition for administration as sovereign lands by the State Lands Commission of lands suitable for public trust purposes valued at \$100,000 or more. Other provisions of the authorized Compromise Settlement Agreement and Stipulation for Judgment would remain unchanged.

The proposed amended Compromise Settlement Agreement is on file in the Sacramento Office of the Commission. The Office of the Attorney General advises that execution of the amended Agreement is in the best interests of the Commission and the public. The proposed amendment is for the purpose of expediting closure of the settlement proceedings. The Commission is enabled to settle pending litigation and acquire suitable land without jeopardizing the agreed upon settlement terms by protracted searches for appropriate property before closing.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE EXCHANGE PROPOSAL AS AMENDED AND AUTHORIZE THE STAFF OF THE COMMISSION AND THE OFFICE OF THE ATTORNEY

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CALENDAR ITEM NO. 28.(CONTD)

GENERAL, IN SETTLEMENT OF STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, AND THE CITY OF RICHMOND v. RICHMOND SANITARY SERVICE, ET AL., CONTRA COSTA COUNTY SUPERIOR COURT NO. 160686, TO EXECUTE THE AMENDED COMPROMISE SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF JUDGMENT ON FILE IN THE OFFICE OF THE COMMISSION, WHICH IS INCORPORATED HEREIN BY REFERENCE.

2. AUTHORIZE COMMISSION STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE AMENDED EXCHANGE TRANSACTION, INCLUDING BUT NOT LIMITED TO THE EXECUTION OF ALL DOCUMENTS, SETTING UP THE TRUST FOR ACQUISITION BY EAST BAY REGIONAL PARK DISTRICT, AS TRUSTEE, OF LANDS SUITABLE FOR PUBLIC TRUST PURPOSES WITH THE \$100,000 DEPOSITED IN ESCROW BY RICHMOND SANITARY SERVICE, ESCROW INSTRUCTIONS, AND ANY APPEARANCES IN ANY LEGAL PROCEEDINGS NECESSARY OR REQUIRED TO ACCOMPLISH THE TERMS AND PROVISIONS OF THE AMENDED EXCHANGE TRANSACTION.