

MINUTE ITEM

This Calendar Item No. 23
was approved as Minute Item
No. 23 by the State Lands
Commission by a vote of 3
to 0 at its 1-26-81
meeting.

CALENDAR ITEM
23
SETTLEMENT OF LITIGATION

1/81
W 503.824
Grimes
Rusconi

On August 26, 1980, the State Lands Commission approved the settlement of the long standing litigation between Commercial and A Streets in the City of Eureka. At that time, appropriate findings were made to implement the settlement.

It has come to the attention of the staff of the Commission, however, that an ambiguity exists in the Commission's findings with regard to one of the parcels - the Christenson and Wells parcel involved in Action No. 58877.

It is the purpose of this item to specifically make the appropriate findings in regard to the parcel at issue in Action No. 58877 and described in Exhibit B to this Calendar Item.

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

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

1. APPROVE THE SETTLEMENT - (BLA 199), CONVEYANCES AND AGREEMENTS, SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION, FOR THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION: THE CITY OF EUREKA; AND HOLDERS OF RECORD TITLE, PURSUANT TO AND IN ACCORDANCE WITH SECTION 6, OF CHAPTER 1085, STATUTES OF 1970.
2. DETERMINE AND DECLARE, PURSUANT TO AND IN ACCORDANCE WITH SECTION 2(b) OF CHAPTER 1085, STATUTES OF 1970, THAT THOSE PORTIONS OF THE SETTLEMENT AREA, AS DESCRIBED IN EXHIBIT "B" TO THIS CALENDAR ITEM, WHICH WERE BELOW THE LINE OF MEAN HIGH TIDE IN ITS LAST NATURAL POSITION, ARE LAND 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

A 2

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NO LONGER NECESSARY OR USEFUL FOR COMMERCE, FISHERIES OR NAVIGATION, AND CONSEQUENTLY PURSUANT TO AND IN ACCORDANCE WITH PART 6 OF THE SETTLEMENT AGREEMENT ARE FREED OF THE PUBLIC USE AND TRUST FOR COMMERCE, FISHERIES AND NAVIGATION AND FROM SUCH USES, TRUSTS, CONDITIONS AND RESTRICTIONS AS ARE OR HAVE BEEN IMPOSED BY CHAPTER 82, STATUTES OF 1857; CHAPTER 438, STATUTES OF 1915; CHAPTER 187, STATUTES OF 1927; CHAPTER 225, STATUTES OF 1945; AND CHAPTER 1086, STATUTES OF 1970, AS SUBSEQUENTLY AMENDED AND MODIFIED.

3. APPROVE THE ADEQUACY OF CONSIDERATION WITH RESPECT TO THE SETTLEMENT, CONVEYANCES AND AGREEMENTS PROVIDED FOR IN THE PROPOSED SETTLEMENT AGREEMENT, PURSUANT TO AND IN ACCORDANCE WITH SECTION 4 OF CHAPTER 1085, STATUTES OF 1970.
4. AUTHORIZE EXECUTION OF AND DELIVERY INTO ESCROW 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, A CERTIFICATE THAT THE PRESENTLY FILLED LANDS DESCRIBED IN EXHIBIT "B" TO THIS CALENDAR ITEM, ARE 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 WHICH CERTIFICATE AND THE OTHER INSTRUMENTS PROVIDED FOR IN THE AGREEMENT, THE LANDS WITHIN SAID PARCEL SHALL BE FREED OF THE PUBLIC USE AND TRUST FOR COMMERCE, FISHERIES 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.
5. AUTHORIZE EXECUTION OF THE PROPOSED SETTLEMENT AGREEMENT SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND OTHER APPROPRIATE TITLE DOCUMENTS ON BEHALF OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LAND COMMISSION, AND DELIVERY OF SAID AGREEMENT INTO ESCROW FOR RECORDATION IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF HUMBOLDT, PURSUANT TO AND IN ACCORDANCE WITH SECTIONS 3 AND 5 OF CHAPTER 1085, STATUTES OF 1970.

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6. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO FILE, IN ANY PENDING ACTION TO QUIET TITLE, A DISCLAIMER BY THE STATE LANDS COMMISSION ON BEHALF OF THE STATE OF CALIFORNIA OF ANY RIGHT, TITLE OR INTEREST IN OR TO THOSE CERTAIN LANDS DESCRIBED IN EXHIBIT "B" TO THIS CALENDAR ITEM OR ENTER INTO STIPULATIONS OF FACTS AND FOR JUDGMENTS IN THE PENDING ACTION CONFIRMING THE VALIDITY OF THE SETTLEMENT AND ESTABLISHING TITLE TO THE PRIVATELY OWNED PARCEL DESCRIBED IN EXHIBIT "B" TO THIS CALENDAR ITEM CONSISTENT WITH THE 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 PROPOSED SETTLEMENT AGREEMENT.
8. FIND THAT THE PROPOSED AGREEMENT IS IN SETTLEMENT OF TITLE AND BOUNDARY LITIGATION AND THE PROVISIONS OF CEQA ARE INAPPLICABLE.
9. RATIFY THE EXECUTION BY THE ATTORNEY GENERAL'S OFFICE OF THE MAP SHOWN AS EXHIBIT "C" TO THE AUGUST 26, 1980, CALENDAR ITEM OF THE STATE LANDS COMMISSION AS AN OFFICIAL MAP OF THE STATE LANDS COMMISSION.

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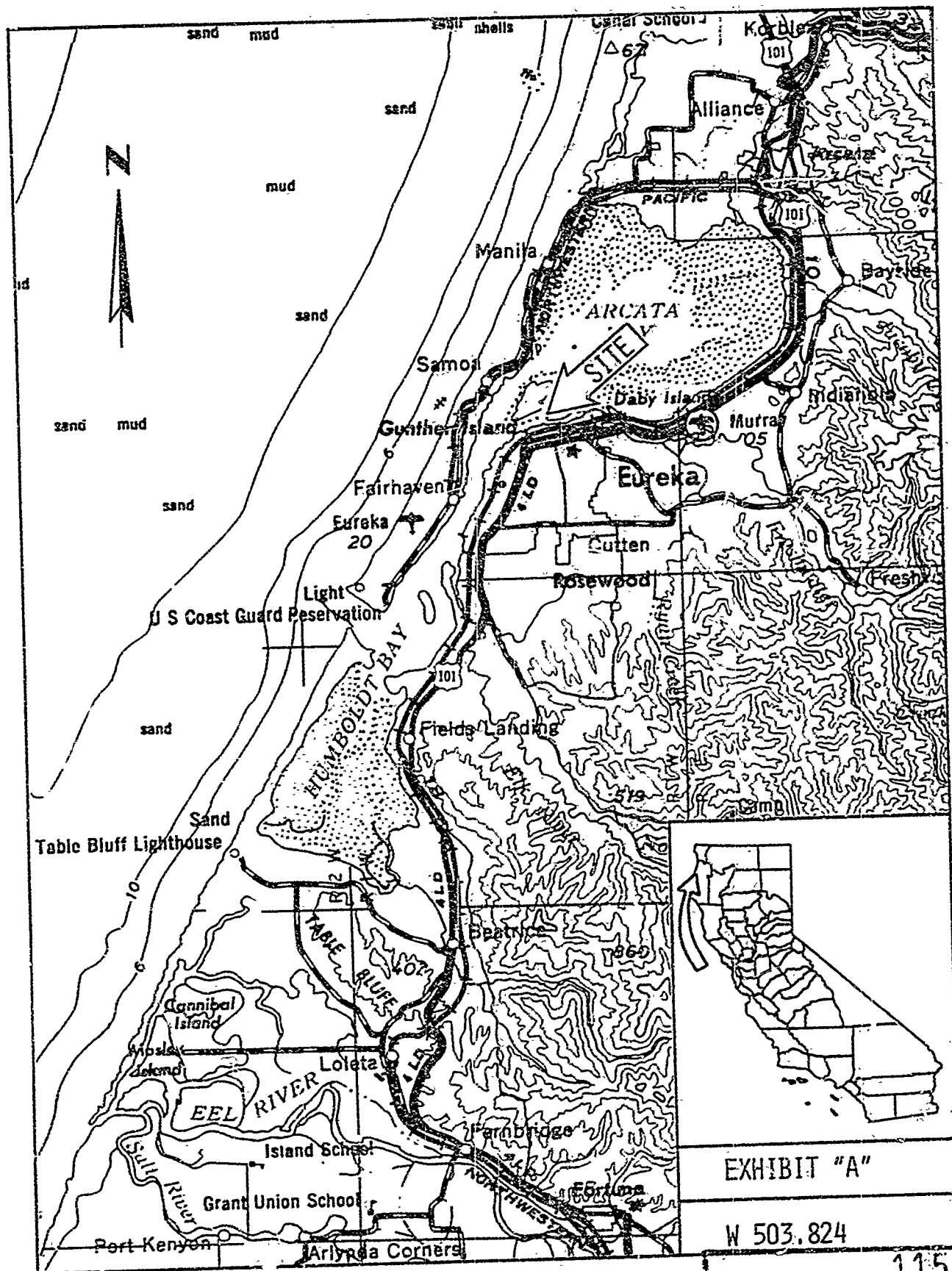


EXHIBIT "A"

W 503.824

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EXHIBIT "B"

LENA GRACE CHRISTENSEN AND JACK WELLS

NO. 58877

All that real property in the City of Eureka, County of Humboldt, State of California, described as follows:

BEGINNING on the easterly line of Commercial Street at a point distant thereon N 10° 45' 44" W 270.00 feet from the northeasterly corner of Commercial and Second Streets;

1. thence N 10° 45' 44" W along said easterly line of Commercial Street a distance of 60.00 feet;
2. thence N 79° 14' 16" E a distance of 25.00 feet;
3. thence N 10° 45' 44" W a distance of 14.00 feet;
4. thence N 79° 14' 16" E a distance of 30.00 feet;
5. thence S 10° 45' 44" E a distance of 74.00 feet;
6. thence S 79° 14' 16" W a distance of 55.00 feet to the point of beginning.

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