

MINUTE ITEM

This Calendar Item No. 29
was approved as Minute Item
No. 29 by the State Lands
Commission by a vote of 3
to 0 at its 3/22/84
meeting.

CALENDAR ITEM

29 1

3/22/84
W 23173
Valentine
SLL 118

COMPROMISE TITLE SETTLEMENT AGREEMENT
CONCERNING TITLE TO LAND IN NOVATO,
MARIN COUNTY

A dispute exists between the Commission and Ronald F. and Pamela Antonioli, concerning legal title to approximately 25 acres in Novato, Marin County. Mr. and Mrs. Antonioli are the record owners of the real property in question, which lies along Novato Creek in the City of Novato, Marin County. The parcel is depicted on the attached Exhibit "A" and described in Exhibit "B".

The property was originally conveyed to the predecessor in interest of the Antoniolis by a State patent which characterized the property as swamp and overflowed lands. However, evidence exists to indicate that in its last natural condition, the property was tidal salt marsh of San Pablo Bay. Staff has therefore taken the position that the effect of the State patent was to convey the underlying fee to the predecessor of the Antoniolis, reserving to the State an easement over the property for public trust purposes. The Trust Termination Parcel has been removed from the public channels and is no longer in fact tidelands or submerged lands.

Mr. and Mrs. Antonioli have proposed settlement of this dispute as follows:

1. They would grant to the State a strip of land 300 feet wide along the bank of Novato Creek the entire length of their property. This sub-parcel consisting of 8.41 acres

A 9

Revised 3/22/84.

-1-

S 5

CALENDAR PAGE	154
MINUTE PAGE	640

CALENDAR ITEM NO. 29 (CONT)

would be accepted as sovereign lands of the State. The sub-parcel is depicted on Exhibit "A" as the Flood Control Parcel. The sub-parcel will be used by the State primarily for flood control purposes and the levee within the Flood Control Parcel will be maintained by the Antonioli and their successors. The Antonioli will agree to indemnify and hold the State harmless for any damages associated with failure of the levee located on the Flood Control Parcel;

2. The State would patent to the Antonioli the balance of the parcel, consisting of approximately 17 acres, free of the public trust;
3. The Antonioli would pay \$25,000 into the Land Bank Trust Fund administered by the State Lands Commission. This sum would be used to acquire other property more useful for trust purposes.

Staff has appraised the subject parcel and reviewed the strength and value of the State's claim. Based on this analysis, staff has concluded that the value of the land and money being transferred to the State by the Antonioli is equal to or greater than the value of the State interests being relinquished in the Trust Termination Parcel.

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's Delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a statutory exempt project. The project is exempt because it involves settlements of title and boundary problems.

Authority: PRC 21080.11.

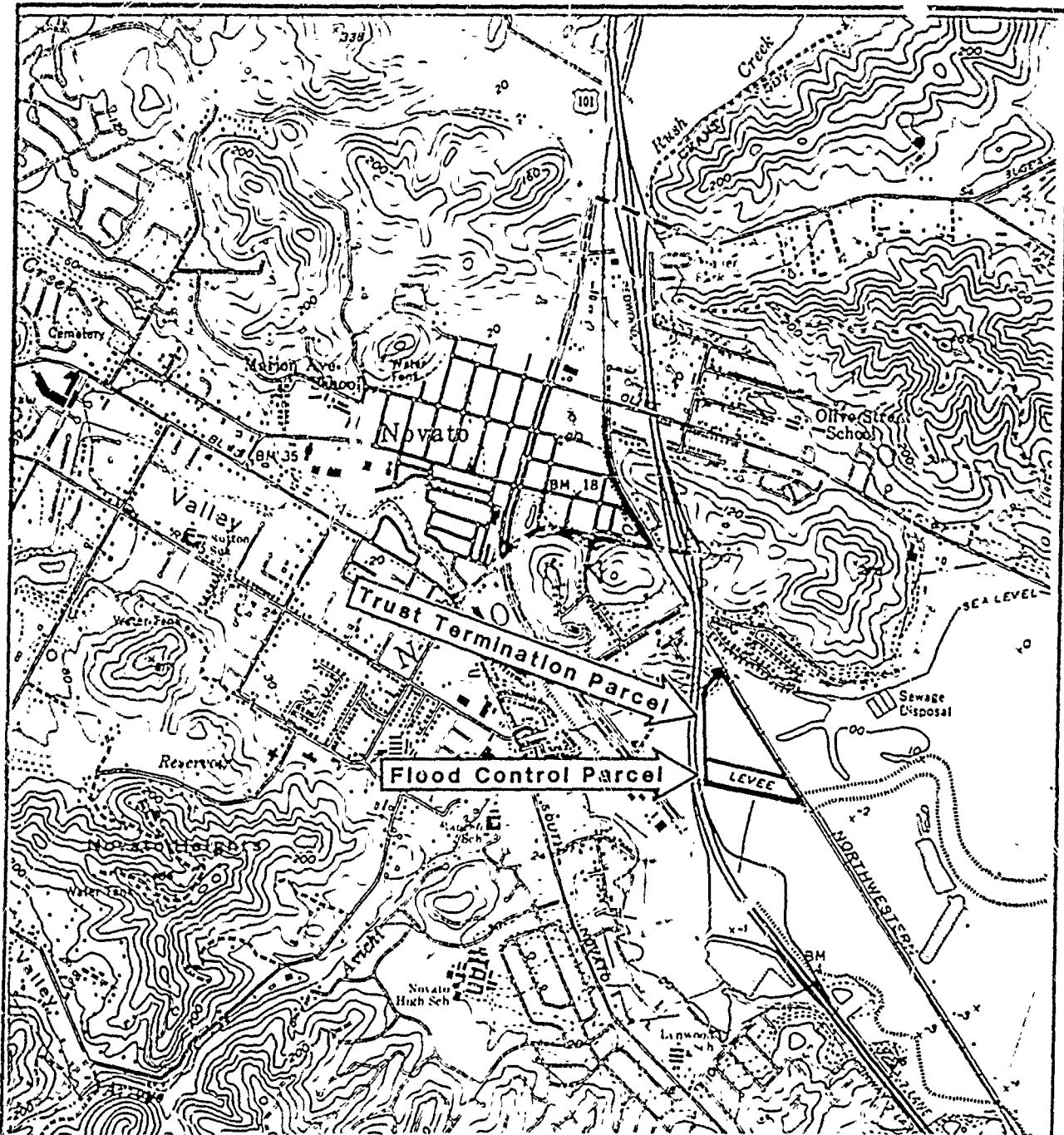
- EXHIBITS:
- A. Plat of Settlement Parcel.
 - B. Description of Settlement Parcel.

THEREFORE, IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO PRC 21080.11;

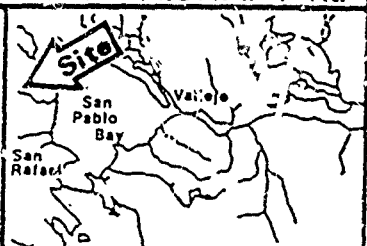
2. APPROVE THE COMPROMISE TITLE SETTLEMENT AGREEMENT, AS OUTLINED ABOVE, A COPY OF WHICH IS ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION;

AUTHORIZE THE STAFF TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE COMPROMISE TITLE SETTLEMENT AGREEMENT, INCLUDING INITIATING LITIGATION AND EXECUTING AND RECORDING SUCH DOCUMENTS AS MAY BE APPROPRIATE.
4. FIND THAT THE EXCHANGE IS IN THE BEST INTERESTS OF THE STATE, THAT THE TRUST TERMINATION PARCEL IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF USE FOR PUBLIC TRUST PURPOSES AND THAT THE VALUE OF THE MONEY AND LAND BEING TRANSFERRED TO THE STATE IS EQUAL TO OR GREATER THAN THE VALUE OF THE STATE INTEREST BEING TERMINATED IN THE EXCHANGE PARCEL. P.F.C. SECTION 6307.



STATE LANDS COMMISSION

TITLE SETTLEMENT PLAT
SLL NO. 118



Prepared by: **B. Lee** Date: **3-02-84 A: 9 S: 5**

EXHIBIT A

Title Study **STUBER/STROEH** **W 23173**

Z 3 -N58-E 140

CALENDAR PAGE 157
 MINUTE PAGE 643

EXHIBIT "B"

Property Description
Trust Termination Parcel

BEGINNING at a point on the easterly corner of Lot 1 of Franklin Place as shown on the map entitled "Map of the Town of Novato, Marin County, California", filed March 29, 1890 in Book 1 of Maps, Page 52, Marin County Records, said point being on the southwesterly line of Franklin Avenue, distant thereon 1000 feet southeasterly from the southeasterly line of Lamont Avenue; thence along said southwesterly line of Franklin Avenue S 30° 42' 14" E 708.00 feet; thence S 32° 24' 14" E 1088.07 feet; thence leaving said southwesterly line of Franklin Avenue N 77° 23' 00" W 1141.95 feet to the easterly line of the parcel conveyed from John Novak Inc. to the State of California by deed recorded September 22, 1966, in Book 2080 of Official Records, at Page 396, Marin County Records; thence along the easterly line of said parcel the following five (5) courses:

- 1) N 03° 33' 21" W 852.70 feet;
- 2) N 10° 19' 12" E 196.65 feet;
- 3) N 49° 50' 04" E 99.01 feet;
- 4) N 28° 22' 06" E 93.23 feet;
- 5) N 20° 22' 34" W 46.96 feet; thence leaving said

easterly line N 62° 33' 35" E 94.46 feet to the POINT OF BEGINNING.

Containing 19.33 acres more or less.

Added 3/21/84

1 of 2

CALENDAR PAGE	158
MINUTE PAGE	644

Property Description
Flood Control Parcel

COMMENCING at a point on the easterly corner of Lot 1 of Franklin Place as shown on that certain map entitled "Map of the Town of Novato, Marin County, California", filed March 29, 1890 in Book 1 of Maps, Page 52, Marin County Records, said point being on the southwesterly line of Franklin Avenue distant thereon 1000 feet southeasterly from the southeasterly line of Lamont Avenue; thence along said southwesterly line of Franklin Avenue, S 30° 42' 14" E 708.00 feet, and S 32° 24' 14" E 1088.07 feet to the TRUE POINT OF BEGINNING; thence continuing along said southwesterly line of Franklin Avenue, S 32° 24' 14" E 332.46 feet to the northeasterly corner of the parcel conveyed to Louis Buzzine, et ux, by deed recorded November 1, 1950, in Book 560 of Official Records, at Page 465, Marin County Records; thence along the northerly line of the above said parcel, N 77° 23' 00" W 1308.96 feet to the easterly line of the parcel conveyed from John Novak Inc. to the State of California by deed recorded September 22, 1966, in Book 2080 of Official Records, at Page 496, Marin County Records; thence along the easterly line of said State of California parcel, N 03° 33' 21" W 244.68 feet; thence leaving said easterly line, S 77° 23' 00" E 1141.95 feet to the TRUE POINT OF BEGINNING.

Containing 6.61 acres more or less.

Added 3/21/84

2 of 2

CALENDAR PAGE	158.1
MINUTE PAGE	645