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1/23/86

CALENDAR ITEM

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AD 42  
G 04-02  
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CITY OF EUREKA - SETTLEMENT OF CONDEMNATION ACTION INVOLVING GRANTED LANDS - PARCELS L AND F; APPROVAL OF LEASE BY CITY OF EUREKA TO THE DEPARTMENT OF FISH AND GAME

The City of Eureka has instituted an action (City of Eureka v. State of California, et al., Humboldt County Superior Court, Case Nos. 69966 and 71031) in eminent domain to acquire lands needed for the construction of a new wastewater treatment plant. Along with lands needed for the plant itself, lands surrounding the plant are also to be acquired and held for open space to satisfy one of the conditions of the City's coastal permit. A portion of the lands to be acquired are subject to sovereign claims by the City as grantees of the State of California pursuant to Chapter 225 of the Statutes of 1945, as amended.

The City is proposing to pay \$1,500 for the private rights in Parcel L as it is described in the complaint and \$5,000 for the private rights in Parcel F as it is described in the Settlement Agreement. Both Parcels L and F are required to be held as open space pursuant to the City's coastal permit and are shown in their general locations for reference only on Exhibit "8" to this calendar item.

Parcel L is within the City limits and a portion of said parcel is subject to the terms of the Eureka tideland grant and the public trust. In order to satisfy their coastal permit, the City is proposing to lease all of Parcel L to the California Department of Fish and Game, rent-free, for 49 years. The Coastal Commission is satisfied that this will comply with the conditions of the coastal permit.

Parcel F is outside the City Limits and any sovereign interests are held by the Humboldt Bay Harbor Recreation and Conservation District pursuant to Chapter 1283 of the Statutes of 1970. The

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City is proposing to acquire the private rights in Parcel F, quiet the City's title as against everyone except the Harbor District and the State, and then quitclaim their interest to the Harbor District. The District will, in turn, lease Parcel F to the California Department of Fish and Game for 49 years. The Coastal Commission has, again, approved the lease arrangement.

That portion of Parcel L waterward of the last natural position of the mean high tide line will be held by the City as sovereign lands subject to the public trust for commerce, navigation and fisheries, and the Eureka grant statute. The last natural portion of the mean high tide line within Parcel L has not been determined. All of Parcel F will be held by the Humboldt Bay Harbor Recreation and Conservation District as sovereign lands subject to the public trust and the District's statutory grant.

The State Lands Commission must, pursuant to Chapter 1085 of the Statutes of 1970, approve the transaction both as a settlement of the condemnation action and as the approval of a lease of granted lands for more than one year. The staff of the Commission and the Attorney General's Office recommends approval of the transaction as outlined above.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT ACTIVITIES:

- 1. 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 CEQA as a statutory exempt project. The project is exempt because it involves settlements of title and boundary problems.

Authority: P.R.C. 21080.11.

EXHIBITS:

- A. Site Map.
- B. Location Map for reference only.

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

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. APPROVE THE SETTLEMENT, CONVEYANCE, AND AGREEMENTS, SUBSTANTIALLY IN THE FORM ON FILE IN THIS OFFICE OF THE STATE LANDS COMMISSION AS OUTLINED ABOVE, BY AND AMONG THE STATE LANDS COMMISSION, THE CITY OF EUREKA, THE HUMBOLDT BAY HARBOR RECREATION AND CONSERVATION DISTRICT AND HOLDERS OF RECORD TITLE.
3. AUTHORIZE THE 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 LANDS COMMISSION, AND DELIVERY OF SAID AGREEMENT AND DOCUMENTS INTO ESCROW FOR RECORDATION IN THE OFFICE OF THE COUNTY RECORDER OF HUMBOLDT COUNTY.
4. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY OR APPROPRIATE TO EFFECTUATE THE PROPOSED SETTLEMENT AGREEMENT.
5. APPROVE THE LEASE FOR OPEN SPACE PURPOSES BY THE CITY OF EUREKA TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME OF PARCEL L AS THAT PARCEL IS DESCRIBED IN THE COMPLAINT IN EMINENT DOMAIN FOR A PERIOD OF 49 YEARS.

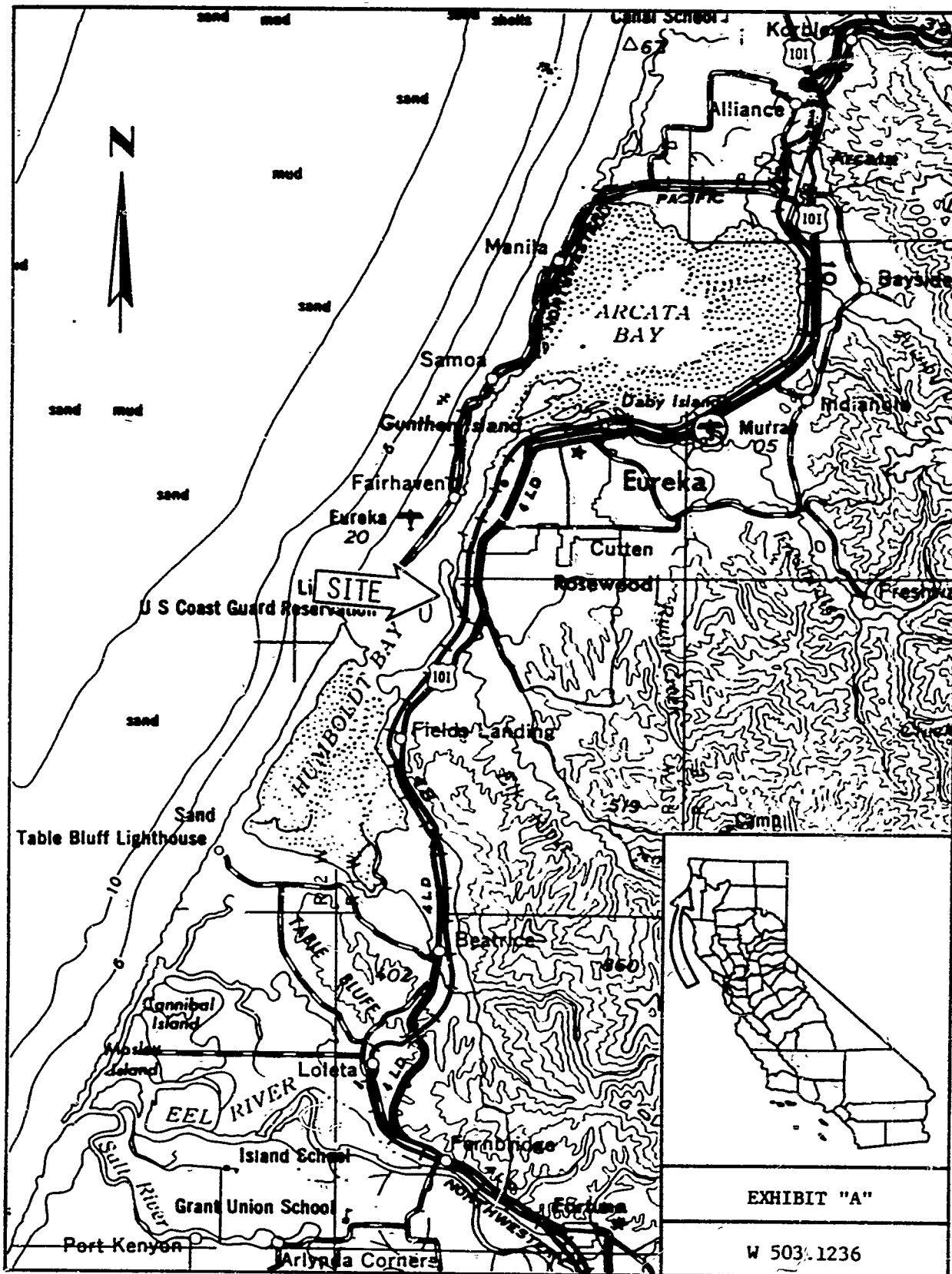


EXHIBIT "A"

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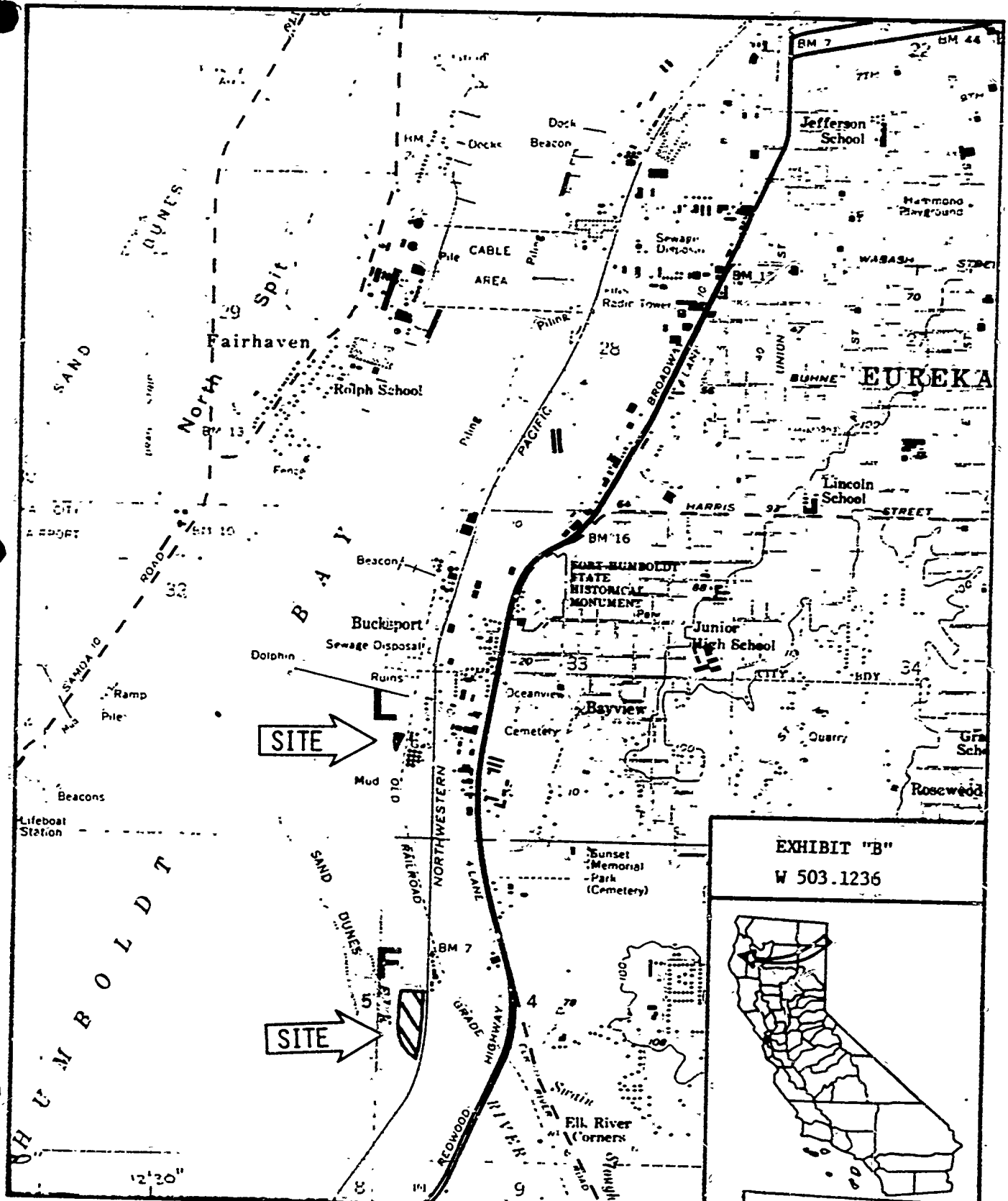


EXHIBIT "B"  
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