

MINUTE ITEM

This Calendar Item No. 32
was approved as Minute Item
No. 32 by the State Lands
Commission by a vote of 3
0 at its 10/26/89
meeting.

CALENDAR ITEM

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10/26/89
W 24019 AD 71
J. Sekelsky

APPROVAL OF EXTENSION OF FINAL DATE OF RECORDATION
OF A TITLE SETTLEMENT AGREEMENT REGARDING CERTAIN
REAL PROPERTY IN THE CITY OF OAKLAND, ALAMEDA COUNTY

By Minute Item No. 52 on January 21, 1988, the State Lands Commission approved a title settlement agreement ("Agreement") between the State, the City of Oakland, as legislative grantee of the State's sovereign interests, and Kumam Corporation, a California corporation. The real property which is the subject of that agreement is hereinafter referred to as the Settlement Parcel, and is more particularly described on Exhibit "A", and depicted on Exhibits "B" and "C", attached hereto.

In general, the Agreement provided that the State and the City would terminate any sovereign claims, including their public trust interests, in the Settlement Parcel, in exchange for payment of \$165,000 into the Kapiloff Land Bank. The Agreement further provided that Kumam could submit the Agreement to a court of competent jurisdiction to request a judgment confirming the validity of the Agreement. The Agreement was to become effective only upon recordation, and was to be recorded no later than December 31, 1988, or within 30 days following entry of any court judgment as set forth above.

Kumam did submit the Agreement to the Alameda County Superior Court. The Court issued its judgment confirming the validity of the Agreement on June 23, 1989. The parties inadvertently failed to instruct the escrow agent to record the Agreement and related documents within 30 days following issuance of the judgment.

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CALENDAR ITEM NO. 32 (CONT'D)

In order to allow the recordation of the Agreement and the disbursement of the \$165,000 into the Kapiloff Land Bank, staff recommends that the Commission approve the extension of the final date for recordation of the Agreement to December 31, 1989.

AB 884: N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because it is not a project as defined by P.R.C. Section 21065, and 14 Cal. Code Regs. Section 15378.

Authority: P.R.C. 21065, 21080.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL. CODE REGS. SECTION 15061 BECAUSE IT IS NOT A PROJECT AS DEFINED BY P.R.C. SECTION 21065, AND 14 CAL. CODE REGS. SECTION 15378.
2. WITH REGARD TO THAT TITLE SETTLEMENT AGREEMENT APPROVED BY THE STATE LANDS COMMISSION ON JANUARY 21, 1988, BETWEEN THE STATE, THE CITY OF OAKLAND, AND KUMAM CORPORATION, CONCERNING THAT SETTLEMENT PARCEL IN THE CITY OF OAKLAND, MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO; APPROVE THE EXTENSION OF THE FINAL DATE FOR RECORDATION OF THAT AGREEMENT TO DECEMBER 31, 1989.

EXHIBIT "A"

The following described real property is situated in the City of Oakland, County of Alameda, State of California.

PARCEL ONE

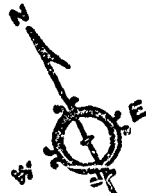
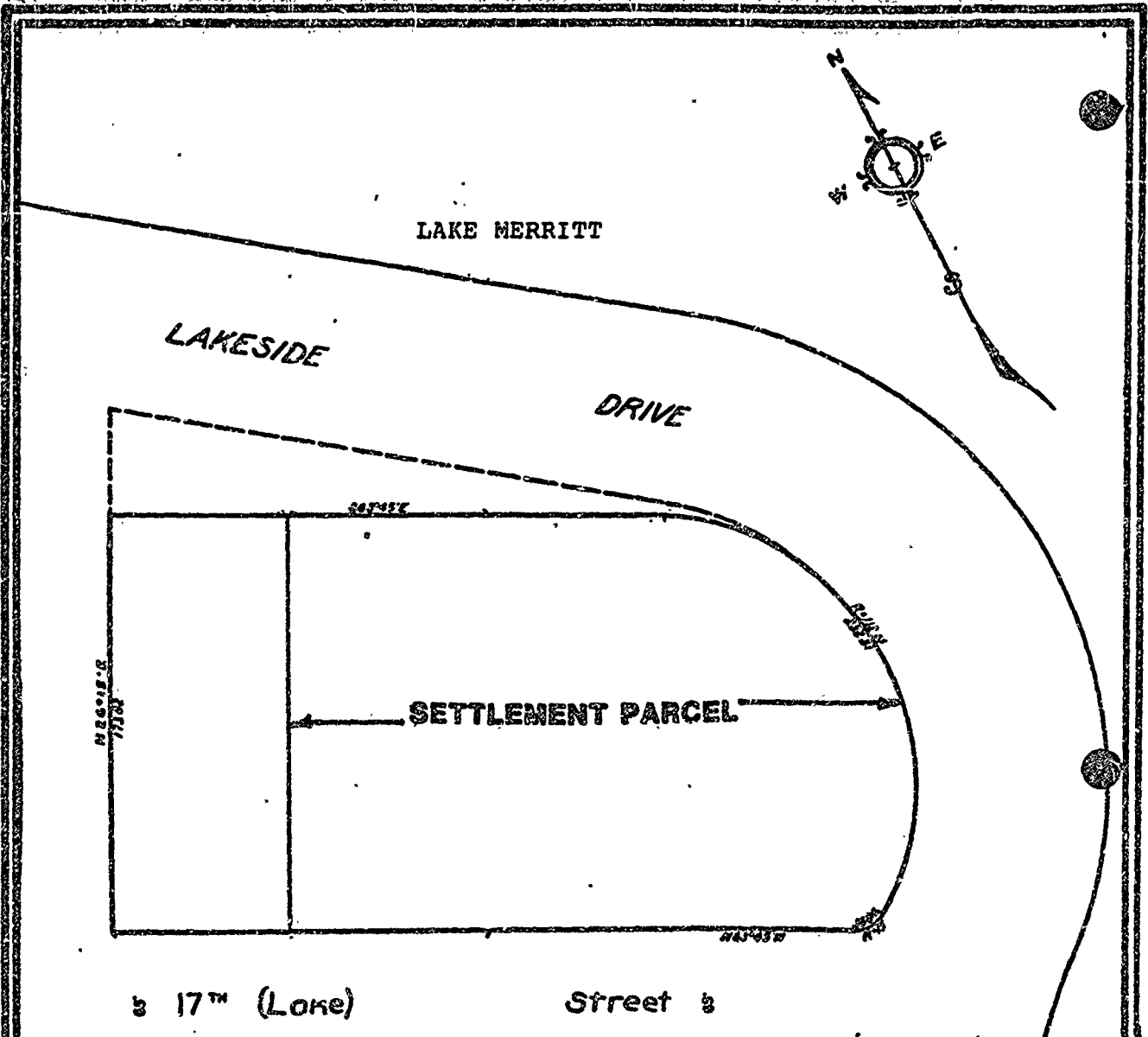
Beginning at a point on the northern line of Lake Street, distant thereon easterly 455 feet from the point of intersection thereof with the eastern line of Jackson Street; running thence easterly along said line of Lake Street, 85 feet; thence at right angles northerly 173.82 feet; thence at right angles westerly 85 feet; thence southerly 173.82 feet to the point of beginning.

PARCEL TWO

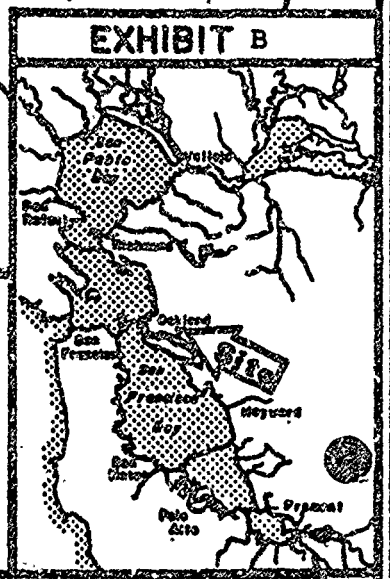
Beginning at a point on the northern line of 17th, formerly Lake, Street distant thereon 540 feet easterly from the eastern line of Jackson Street; thence easterly along said line of 17th Street, 60 feet; thence leaving said line of 17th Street, northerly at right angles thereto, 173.82 feet; thence at right angles westerly 60 feet; and thence southerly at right angles to the northern line of 17th Street, 173.82 feet to the point of beginning.

PARCEL THREE

Beginning at the point of intersection of the northwestern boundary line of that certain piece or parcel of land described in that certain deed to Emma May Burnham and recorded January 30, 1902 in Book 816 of Deeds, page 387, Records of Alameda County, with the northeastern line of 17th Street, formerly Lake Street; running thence north $26^{\circ} 15'$ east along the said northwestern boundary line of said land conveyed to said Emma May Burnham, 173.82 feet; thence south $63^{\circ} 45'$ east 7.88 feet to a point from which the center of a circle having a radius of 112.14 feet bears south $26^{\circ} 15'$ west 112.14 feet; thence in a southerly direction along the arc of said circle, 232.31 feet to a point from which the center of a circle having a radius of 15 feet bears north $35^{\circ} 03' 20''$ west distant 15 feet and thence westerly along the arc of said last mentioned circle, 16.04 feet; thence north $63^{\circ} 45'$ west along the northeastern line of 17th Street, 92.04 feet to the point of beginning.



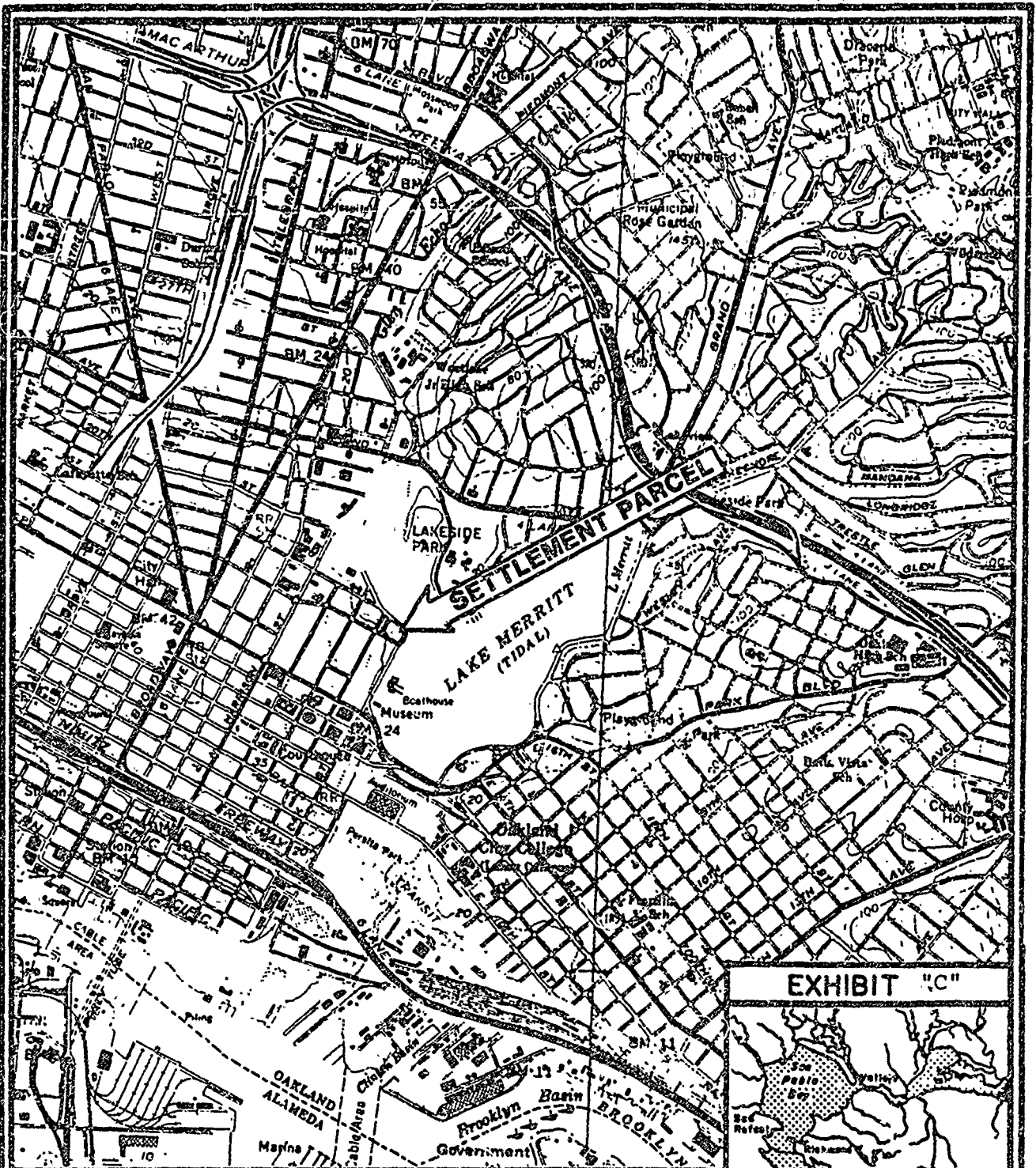
17th (Lake) Street



STATE LANDS COMMISSION
SETTLEMENT PLAT
 Portion of Alameda County Assessors Map 8-633

Prepared by: R.D. La Force Date: 10/5/87 A:13S:9

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STATE LANDS COMMISSION

SETTLEMENT PLAT

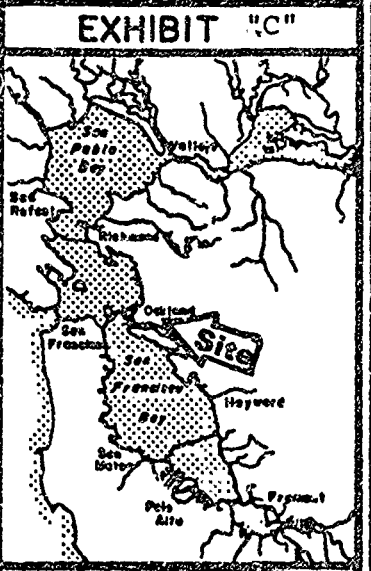
Portion of USGS Quadrangle Oakland East & west
1959 (PR 1980)

Prepared by: R. D. La Force

Date: 10/5/87 A:13S:9

Title Study: Lake Merritt

W 24019



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