

**CALENDAR ITEM
C47**

A 21

06/24/08
W 24029/ AD 166
Smith, N.
Rader, J

S 11

CONSIDER APPROVAL OF EXTENDING THE RECORDATION DEADLINE FOR A COMPROMISE TITLE SETTLEMENT AGREEMENT PREVIOUSLY AUTHORIZED BY THE COMMISSION RESOLVING TITLE TO REAL PROPERTY IN REDWOOD CITY, SAN MATEO COUNTY

APPLICANT:

Thomas A. Branson, Fred R. Brinkop, Dwight S. Haldan, Joseph C. Howard, Jr. and Dennis Royer, or their successors in interest, dba Bayport Marina Plaza
Attn: Fred R. Brinkop
643 Bair Island Road, Suite 400
Redwood City, California 94063

The Commission authorized entering into a title settlement agreement between the State and Bayport Marina Plaza (Bayport) by Minute Item #C21 at the August 12, 1991 Commission meeting. The agreement called for transferring \$20,000 into the Kapiloff Land Bank Fund. Bayport transmitted a check for the \$20,000. The agreement approved by the Commission had a final date for recording of June 30, 1992. It appears that although Bayport conveyed the money to the State, this transaction was misplaced and never completed.

The oversight has recently come to light and staff is working with Bayport to expeditiously complete the earlier agreement. Except for the recordation deadline, the modified agreement is substantially in the form previously approved by the Commission.

AB 884: N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project because it involves the settlements of title and boundary problems.
Authority: Public Resources Code 21080.11
2. In taking action on this staff recommendation, the Commission is acting as the Trustee of the Kapiloff Land Bank Fund created by Public Resources Code 8610.

CALENDAR ITEM NO. **C47** (CONT'D)

EXHIBITS:

- A. Legal Description
- B. Location and Site Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14 CALIFORNIA CODE OF REGULATIONS SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE 21080.11.
2. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGMENT AND RECORDATION ON BEHALF OF THE COMMISSION OF THE BAYPORT COMPROMISE TITLE SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE FORM OF THE COPY OF SUCH AGREEMENT CURRENTLY ON FILE WITH THE COMMISSION, WITH A RECORDATION DEADLINE MODIFICATION TO DECEMBER 31, 2008.
3. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION, AND/OR THE CALIFORNIA ATTORNEY GENERAL, TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AND PAYMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE COMPROMISE TITLE SETTLEMENT AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.