

**From:** Erin Epperson <e2@associatecapital.com>  
**Sent:** Monday, October 22, 2018 3:43 PM  
**To:** Petrick, Molly (PUC) <MPetrick@sfgwater.org>  
**Cc:** Lau, Jon (ECN) <jon.lau@sfgov.org>; PPS Compliance ecn (ECN) <pps\_compliance.ecn@sfgov.org>  
**Subject:** Re: PPS 23rd Street - No Port Jurisdiction

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That would be great. Thanks Molly

On Oct 19, 2018, at 3:20 PM, Petrick, Molly <MPetrick@sfgwater.org> wrote:

Hi Erin,

I think your agenda sounds great. Let's just meet with a small group (without lawyers) and find a path forward for #2 and #3. Once we get the title report, we can reengage the lawyers. I might just cancel the meeting and send a meeting request to a smaller group. Can I just invite the two of you (and you can forward it as necessary)?

Thanks,  
Molly

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**From:** Erin Epperson [<mailto:e2@associatecapital.com>]  
**Sent:** Thursday, October 18, 2018 10:15 PM  
**To:** Petrick, Molly <MPetrick@sfgwater.org>  
**Cc:** Lau, Jon (ECN) <jon.lau@sfgov.org>; PPS Compliance ecn (ECN) <pps\_compliance.ecn@sfgov.org>  
**Subject:** Re: PPS 23rd Street - No Port Jurisdiction

Hi Molly -

Hope you are well. We have three things on our radar that need further discussion with PUC.

- 1) 23rd Street. We owe you a title report and will forward as soon as it is available.
- 2) Second point of connection for LPW. We have proposed to do this in our existing easement through Humboldt Street and would like to continue discussing how this might work.
- 3) MUPS. We'd like to start moving forward on these. Hopefully we can reschedule that meeting we had organized for last month.

Perhaps we can get together next Thursday for a brief meeting to figure out how to best attack each of these?

Thanks for your help.

Erin

On Sep 24, 2018, at 11:42 AM, Petrick, Molly <MPetrick@sfgwater.org> wrote:

Sounds good. I'll cancel the meeting. Thanks!

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**From:** Erin Epperson [<mailto:e2@associatecapital.com>]  
**Sent:** Monday, September 24, 2018 11:20 AM  
**To:** Petrick, Molly <MPetrick@sfgwater.org>  
**Subject:** Re: PPS 23rd Street - No Port Jurisdiction

Nothing urgent; I think we can cancel this week. We can set up a meeting with attorneys and Port once I get the title report over to you guys. Thanks Molly.

Erin

On Sep 24, 2018, at 11:08 AM, Petrick, Molly <MPetrick@sfgwater.org> wrote:

Hi Erin,

Are there other things you want to talk about instead? I agree that the focused discussion on 23<sup>rd</sup> should wait until after the city attorneys office (and the Port) have had a chance to review the title report. Let me know.

Thanks!  
Molly

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**From:** Erin Epperson [<mailto:e2@associatecapital.com>]  
**Sent:** Monday, September 24, 2018 10:35 AM  
**To:** Petrick, Molly <MPetrick@sfgwater.org>  
**Subject:** Re: PPS 23rd Street - No Port Jurisdiction

Hi Molly -

I don't expect to have the preliminary title report until some time next week. I'm wondering if you want to have our regularly scheduled meeting this Thursday, or wait until after you guys have had a chance to review the report to continue our 23rd Street discussion?

Erin

On Aug 30, 2018, at 3:32 PM, Petrick, Molly <MPetrick@sfgwater.org> wrote:

Hey Erin,

Sorry I missed your call. The attorneys are still discussing. Hopefully a determination will be made soon!

-Molly

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**From:** Erin Epperson [<mailto:e2@associatecapital.com>]  
**Sent:** Wednesday, August 29, 2018 4:28 PM  
**To:** Lau, Jon (ECN) <jon.lau@sfgov.org>; Petrick, Molly <MPetrick@sfgwater.org>; GELLER DIAMANT, SHARI (CAT) <Shari.Geller.Diamant@sfcityatty.org>

Cc: Angelo Obertello <[aobertello@cbandg.com](mailto:aobertello@cbandg.com)>; James Abrams <[jabrams@jabramslaw.com](mailto:jabrams@jabramslaw.com)>; Charles Thornton <[c3@associatecapital.com](mailto:c3@associatecapital.com)>  
Subject: Re: PPS 23rd Street - No Port Jurisdiction

Hi Jon, Molly and Shari - I wanted to follow up last week's email to see if there are still outstanding questions regarding Port jurisdiction as it relates to PPS?

Thanks,  
Erin

On Aug 22, 2018, at 6:52 PM, Erin Epperson <[e2@associatecapital.com](mailto:e2@associatecapital.com)> wrote:

Please find David's email below and attachments regarding Port jurisdiction in PPS owned areas of 23rd Street. I trust this will resolve the question. We look forward to continuing our 23rd Street discussions with you at our regular 9/27 meeting, if not sooner. Please let me know if you need additional information.

Thank you!  
Erin

Begin forwarded message:

**From:** "Hamsher, David A." <[davidhamsher@paulhastings.com](mailto:davidhamsher@paulhastings.com)>  
**Subject:** PPS 23rd Street - No Port Jurisdiction  
**Date:** August 22, 2018 at 5:48:10 PM PDT  
**To:** "Erin Epperson" <[e2@associatecapital.com](mailto:e2@associatecapital.com)>  
**Cc:** "Charles Thornton" <[c3@associatecapital.com](mailto:c3@associatecapital.com)>, "Enrique Landa" <[e5@associatecapital.com](mailto:e5@associatecapital.com)>, "Barrasso, Lane" <[lanebarrasso@paulhastings.com](mailto:lanebarrasso@paulhastings.com)>, "James Abrams" <[jabrams@jabramslaw.com](mailto:jabrams@jabramslaw.com)>

Hi Erin -

I understand that the City has asked whether portions of 23rd Street owned by California Barrel Company (CBC) are subject to the public trust as tidelands and are thus under the jurisdiction of the Port of San Francisco (Port). As outlined below, this property is not subject to the public trust and thus not under the jurisdiction of the Port.

Under a Judgment and Decree Quieting Title No. 385603 decided on December 23, 1949, a copy of which is attached (the Quiet Title Judgment), title to the property owned by CBC on 23rd Street bayward of the Pueblo Line of 1883 was quieted in favor of J. D. and A. B. Spreckels Company (a predecessor to CBC) against the State of California (State). The property quieted in favor of Spreckels under the Quiet Title Judgment, including property not currently owned by CBC, is shown in the attached map. The Quiet Title Judgment also quieted title in favor of the State against Spreckels over certain portions of land not located on property owned by CBC, including property bayward of CBC's property and the "Port Bulb" located to the southeast of CBC's property. Pursuant to the 1968 Burton Act, the state was authorized to transfer to the Port all of the right, title and interest held by the State of California, which transfer occurred under the Burton Act Transfer Agreement. Inasmuch as the State did not have any such interest in the property quieted in favor of Spreckels under the Quiet Title Judgment, this property was not transferred to the Port and is thus not subject to its jurisdiction. See Burton Act Map (excluding all of CBC's current property—including what is now 23rd street—from transfer).

We are happy to discuss further if helpful.

Best,  
David

<image003.png>

**David Hamsher | Partner, Real Estate Department**

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<Quiet Title Judgment.pdf>

<Quiet Title Judgment - Map.pdf>

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