

From: Erin Epperson <e2@associatecapital.com>
Sent: Monday, November 26, 2018 10:08 AM
To: Compliance, PPS (ECN) <pps_compliance.ecn@sfgov.org>
Cc: YANG, AUSTIN (CAT) <Austin.Yang@sfcityatty.org>
Subject: Fwd: PPS 23rd Street - No Port Jurisdiction
Attach: 181121_Preliminary Title Report_PPS.pdf

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Begin forwarded message:

From: Erin Epperson <e2@associatecapital.com>
Subject: Re: PPS 23rd Street - No Port Jurisdiction
Date: November 26, 2018 at 10:07:22 AM PST
To: "Geller Diamant, Shari (CAT)" <Shari.Geller.Diamant@sfcityatty.org>, "Petrick, Molly (PUC)" <MPetrick@sfgwater.org>
Cc: "Yang, Austin (CAT)" <Austin.Yang@sfcityatty.org>, "Lau, Jon (ECN)" <jon.lau@sfgov.org>, Angelo Obertello <aobertello@cbandg.com>, James Abrams <jabrams@jabramslaw.com>, Charles Thornton <c3@associatecapital.com>

Hope everyone had a fantastic holiday! Wanted to pass along the attached preliminary title report for our property (linked PDF version). Please let me know if you have any questions.
Thanks,
Erin

On Aug 31, 2018, at 5:12 PM, Geller Diamant, Shari (CAT) <Shari.Geller.Diamant@sfcityatty.org> wrote:

Hi Erin,

Can you please have the title report include the rest of the project site? We would like a linked PDF version. We are interested in understanding any potential trust cloud on the other formerly submerged streets and parcels before the City approves land use plans, etc. I'm sure that your team has already done all of this, it's just due diligence on the City's side.

Thanks!
Shari

Shari Geller Diamant
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Rm. 234
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102
Direct: (415) 554-4687
Email: shari.geller.diamant@sfcityatty.org

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From: Erin Epperson <e2@associatecapital.com>
Sent: Thursday, August 30, 2018 9:26 PM
To: Yang, Austin (CAT) <Austin.Yang@sfcityatty.org>
Cc: Geller Diamant, Shari (CAT) <Shari.Geller.Diamant@sfcityatty.org>; Lau, Jon (ECN) <jon.lau@sfgov.org>; Petrick, Molly (PUC) <MPetrick@sfgwater.org>; Angelo Obertello <aobertello@cbandg.com>; James Abrams <jabrams@jabramslaw.com>; Charles Thornton <c3@associatecapital.com>
Subject: Re: PPS 23rd Street - No Port Jurisdiction

Hi Austin,
No problem! We will order a title report and will pass along once we receive.
Thanks,
Erin

On Aug 30, 2018, at 9:12 AM, Yang, Austin (CAT) <Austin.Yang@sfcityatty.org> wrote:

Hi Erin,
Thanks for providing the information below. Can you provide a title report too, if there is one? Thanks!

Austin M. Yang
Deputy City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
(415) 554-6761 | austin.yang@sfcityatty.org

From: Erin Epperson <e2@associatecapital.com>
Sent: Wednesday, August 29, 2018 4:44 PM
To: Geller Diamant, Shari (CAT) <Shari.Geller.Diamant@sfcityatty.org>
Cc: Lau, Jon (ECN) <jon.lau@sfgov.org>; Petrick, Molly (PUC) <MPetrick@sfgwater.org>; Angelo Obertello <aobertello@cbandg.com>; James Abrams <jabrams@jabramslaw.com>; Charles Thornton <c3@associatecapital.com>; Yang, Austin (CAT) <Austin.Yang@sfcityatty.org>
Subject: Re: PPS 23rd Street - No Port Jurisdiction

Ok, thanks for the update Shari. Please let me know if you need any additional information.

On Aug 29, 2018, at 4:42 PM, Geller Diamant, Shari (CAT) <Shari.Geller.Diamant@sfcityattv.org> wrote:

Hi Erin,

We're working through it internally. We called in the Port for their trust expertise.

Thanks,
Shari

Shari Geller Diamant
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Rm. 234
1 Dr. Carlton B. Goodlett Pl.
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From: Erin Epperson <e2@associatecapital.com>
Sent: Wednesday, August 29, 2018 4:28 PM
To: Lau, Jon (ECN) <jon.lau@sfgov.org>; Petrick, Molly (PUC) <MPetrick@sfgwater.org>; Geller Diamant, Shari (CAT) <Shari.Geller.Diamant@sfcityattv.org>
Cc: Angelo Obertello <aobertello@cbandg.com>; James Abrams <jabrams@jabramslaw.com>; Charles Thornton <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> 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>
Subject: PPS 23rd Street - No Port Jurisdiction
Date: August 22, 2018 at 5:48:10 PM PDT
To: "Erin Epperson" <e2@associatecapital.com>
Cc: "Charles Thornton" <c3@associatecapital.com>, "Enrique Landa" <e5@associatecapital.com>, "Barrasso, Lane" <lanebarrasso@paulhastings.com>, "James Abrams" <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 Quietening 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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