

MINUTE ITEM

5/27/71
JFS

14. REQUEST FOR RELINQUISHMENT BY THE STATE OF ANY AND ALL RIGHT IT MAY HAVE TO ENTER UPON THE DESCRIBED LANDS TO DEVELOP MINERALS IN AND ABOVE A PLANE 500' BELOW THE SURFACE - LA 9776.

After consideration of Calendar Item 19 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT THERE ARE NO KNOWN DEPOSITS OF COMMERCIALY VALUABLE MINERALS IN AND ABOVE A PLANE LOCATED 500' BELOW THE SURFACE OF THE SUBJECT PARCEL, AS DISCLOSED BY INDEPENDENT STUDIES BY A CONSULTING GEOLOGIST AND THE GEOLOGISTS OF THE DIVISION.
2. AUTHORIZES THE EXECUTIVE OFFICER TO EXECUTE A QUITCLAIM DEED, ON A FORM ON FILE WITH THE COMMISSION, RELINQUISHING ANY AND ALL RIGHT TO SURFACE ENTRY THAT THE STATE MAY HAVE TO ENTER UPON THE E $\frac{1}{2}$ OF SE $\frac{1}{4}$ OF SECTION 25, T. 12 S., R. 4 W., S.B.B.M., SAN DIEGO COUNTY, IN AND ABOVE A PLANE 500' BELOW THE SURFACE, AS REQUESTED BY THE SURFACE OWNER, THE LA COSTA LAND COMPANY.

Attachment:

Calendar Item 19 (3 pages)

CALENDAR ITEM

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19.

REQUEST FOR RELINQUISHMENT BY THE STATE OF ANY AND ALL RIGHT IT MAY HAVE TO ENTER UPON THE DESCRIBED LANDS TO DEVELOP MINERALS IN AND ABOVE A PLANE 500' BELOW THE SURFACE.

APPLICANT: La Costa Land Company.

LOCATION: E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 25, T. 12 S., R. 4 W., S.B.B.M., San Diego County.

TYPE OF LAND: Lieu land with a 1/16th mineral reservation to the State.

ACREAGE: Approximately 80 acres.

SURFACE OWNER: La Costa Land Company.

REQUEST: Request for relinquishment by the State of any and all right it may have to enter upon the described lands in and above a plane 500' below the surface so as to permit the development of said parcel by the surface owner, free of any hindrance that may be imposed by the State reservation of a 1/16th mineral interest.

PURPOSE: To develop Unit 4, comprising 57 R-1 lots, 102 E-1A lots, and one school/park site, on the above-mentioned acreage. Such acreage is a part of a recreation-oriented planned community, designed for eventual incorporation or annexation, containing diversified residential communities with public facilities, utilities, services, employment opportunities, and recreation. Unit 4 is a portion of the area known as La Costa Meadows, which is part of an overall development that will encompass some 4,514 acres, including open space and recreational areas.

OTHER PERTINENT INFORMATION:

1. Section 6401(b) of the Public Resources Code provides in part that ... "upon a finding by the commission that there are no known deposits of commercially valuable minerals in and above a plane located 500 feet below the surface of any lands sold ... and wherein any ... of the mineral deposits ... are required by law to be reserved to the State, the commission may by ... appropriate instrument, modify the accompanying rights of the State to the use of the surface of such lands, including any right to enter such lands to a depth of 500 feet below the surface of such lands, as will permit the orderly use and development of all such sold or exchanged lands".
2. Section 6373, provides in part that "Before any disposition of State lands to a private party or other governmental agency, the intended recipient of such lands shall submit to the commission and to the Legislature a general plan ..."

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3. Rezoning requests for the area known as La Costa Meadows (Units 1-4) have been approved by the San Diego Board of Supervisors. It is understood that the grading and the underground improvements have been completed on Unit 1. Unit 2 is approaching the same stage of completion as Unit 1. In Unit 3 the grading and underground improvements are under construction. At this time no actual work has started on Unit 4.
4. A geological study made by a registered consulting geologist on behalf of the La Costa Land Company, reports that the subject parcel's commercial mineral potential is minimal. A study made by the Division's geologists concurs.
5. Review of the project by concerned units of the Resources Agency has determined that there will be no significant detrimental environmental effect. The consideration will be the public benefit in permitting an orderly development of vacant land.
6. Urbanization of La Costa which is near and accessible to Escondido, San Marcos, Vista, Oceanside, Carlsbad, Encinitas and Leucadia is inevitable. The surrounding area is considered urbanized, containing within one mile of the subject area 96 single-family residences, four condominium complexes with some 120 units, two hotels, one 41-unit cottage motel, and one mobil home park with 250 spaces in a more distant proximity.
7. The applicant has filed with the State Lands Division, three copies of a general plan of the proposed development area, which have been distributed as follows:
 - a. One copy for State Lands Division.
 - b. One copy for Chief Clerk of the Assembly.
 - c. One copy for Secretary of the Senate.

EXHIBITS: A. Agreement form.
 B. Location map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THERE ARE NO KNOWN DEPOSITS OF COMMERCIALY VALUABLE MINERALS IN AND ABOVE A PLANE LOCATED 500' BELOW THE SURFACE OF THE SUBJECT PARCEL, AS DISCLOSED BY INDEPENDENT STUDIES BY A CONSULTING GEOLOGIST AND THE GEOLOGISTS OF THE DIVISION.
2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A QUITCLAIM DEED, ON A FORM ON FILE WITH THE COMMISSION, RELINQUISHING ANY AND ALL RIGHT TO SURFACE ENTRY THAT THE STATE MAY HAVE TO ENTER UPON THE E $\frac{1}{2}$ OF SE $\frac{1}{4}$ OF SECTION 25, T. 12 S., R. 4 W., S.B.B.M., SAN DIEGO COUNTY, IN AND ABOVE A PLANE 500' BELOW THE SURFACE, AS REQUESTED BY THE SURFACE OWNER, THE LA COSTA LAND COMPANY.

Attachment: Exhibit "A"

EXHIBIT "A"QUITCLAIM DEED

For a valuable consideration, the State of California, acting by and through the State Lands Commission, and pursuant to its finding in Calendar Item _____ at its meeting on _____ that there are no known deposits of commercially valuable minerals in and above a plane located 500 feet below the surface of the lands described below, hereby remises, releases and forever quitclaims to _____ its right to the use of the surface, including its right to enter such lands to a depth of 500 feet below the surface, of the following described lands in the County of San Diego, State of California:

E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 25, T. 12 S., R. 4 W., S.B.B.M.

IN WITNESS WHEREOF, and pursuant to the authority delegated to him by the State Lands Commission by Minute Item 22, page 889, on August 21, 1967, the Executive Officer of the State Lands Commission has executed this quitclaim deed on behalf of the State Lands Commission on this _____ day of _____, 197____.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

By _____
F. J. HORTIG
Executive Officer

STATE OF CALIFORNIA)
) ss.
COUNTY OF)

On this _____ day of _____ A.D., 19____, before me, the undersigned, a Notary Public in and for the State of California, with principal office in the County of _____ personally appeared F. J. HORTIG, known to me to be the Executive Officer of the STATE LANDS COMMISSION, STATE OF CALIFORNIA, the Commission that executed the within Instrument, known to me to be the person who executed the within Instrument, on behalf of the Commission therein named, and acknowledged to me that such Commission executed the within Instrument pursuant to a resolution of its Commissioners.

WITNESS my hand and official seal.

Notary Public in and for the County
of _____, State of California