

MINUTE ITEM

This Calendar Item No. 21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 3
to 0 at its 12/30/81
meeting.

CALENDAR ITEM

21

10/30/81
W 22154
Scott
Collins
BLA 192

AMENDMENT OF SAN LUIS REY RIVER
BOUNDARY SETTLEMENT AND
EXCHANGE - BLA NO. 192

The Commission at its meeting of October 29, 1979 (Calendar Item No. 28) authorized the execution of the San Luis Rey River Boundary Settlement and Exchange - BLA No. 192 between the State of California, the City of Oceanside and certain private parties including North Coast Village, Ltd. Said Agreement was recorded on December 21, 1979, with the San Diego County Recorder as File/Page No. 79-533452. The conveying documents required by the Agreement were recorded at the close of escrow on July 3, 1980.

The Agreement settled a title dispute which existed among the parties involving the ownership of certain areas (totaling some 25 acres) located along the Pacific Ocean at the mouth of the San Luis Rey River in the City of Oceanside. (The Agreement Area is more particularly shown in the attached Exhibits A and B.) The State and City's claims were based upon the public trust and implied dedication. Without the Agreement, this dispute could have resulted in extensive litigation. The Agreement cleared the private parties' title to the area on which the North Coast Village apartment complex was built; this area is shown as parcel 3 in Exhibit B. The Agreement cleared the City's title, a tidelands trustee, to the beach and river areas shown as Parcels 1A and 1B in Exhibit B. The Agreement also provided for a public recreational and access easement around the north and west sides of North Coast Village, this easement area being shown as Parcel 2A in Exhibit B.

Since this Agreement became effective, the North Coast Village apartment complex has been converted into a stock cooperative and its ownership has been transferred to North Coast Village, Inc., Recently, representatives of North Coast Village, Inc., have stated that they believe there was a misunderstanding as to the location of the northerly boundaries of Parcels 2A and 3; they believe that it was the intention of the parties that the northerly boundaries of these parcels follow the underground revetment which was built along the northerly side of North Coast Village

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for flood control purposes. The boundaries used in the Agreement do not follow this revetment as precisely as they could have, because at the time the Agreement was executed the precise location of the revetment was not known. Due in part to this misunderstanding, certain private improvements have been built in a small area which encroaches approximately 15 feet north of the present boundaries along the northwest side of North Coast Village.

Representatives of North Coast Village, Inc., have threatened to file suit to correct this alleged misunderstanding; however, as an alternative to litigation they have also proposed a settlement. Under this proposed settlement the directional bearings of the boundaries in dispute would be slightly rotated, thus giving North Coast Village slightly more area on the northwesterly side of its property but giving the City more area on the northeasterly side (under this proposal there would be a net increase in area in favor of the City). The proposed change in location of the northern boundary line of Parcel 2A is shown in the attached Exhibit C.

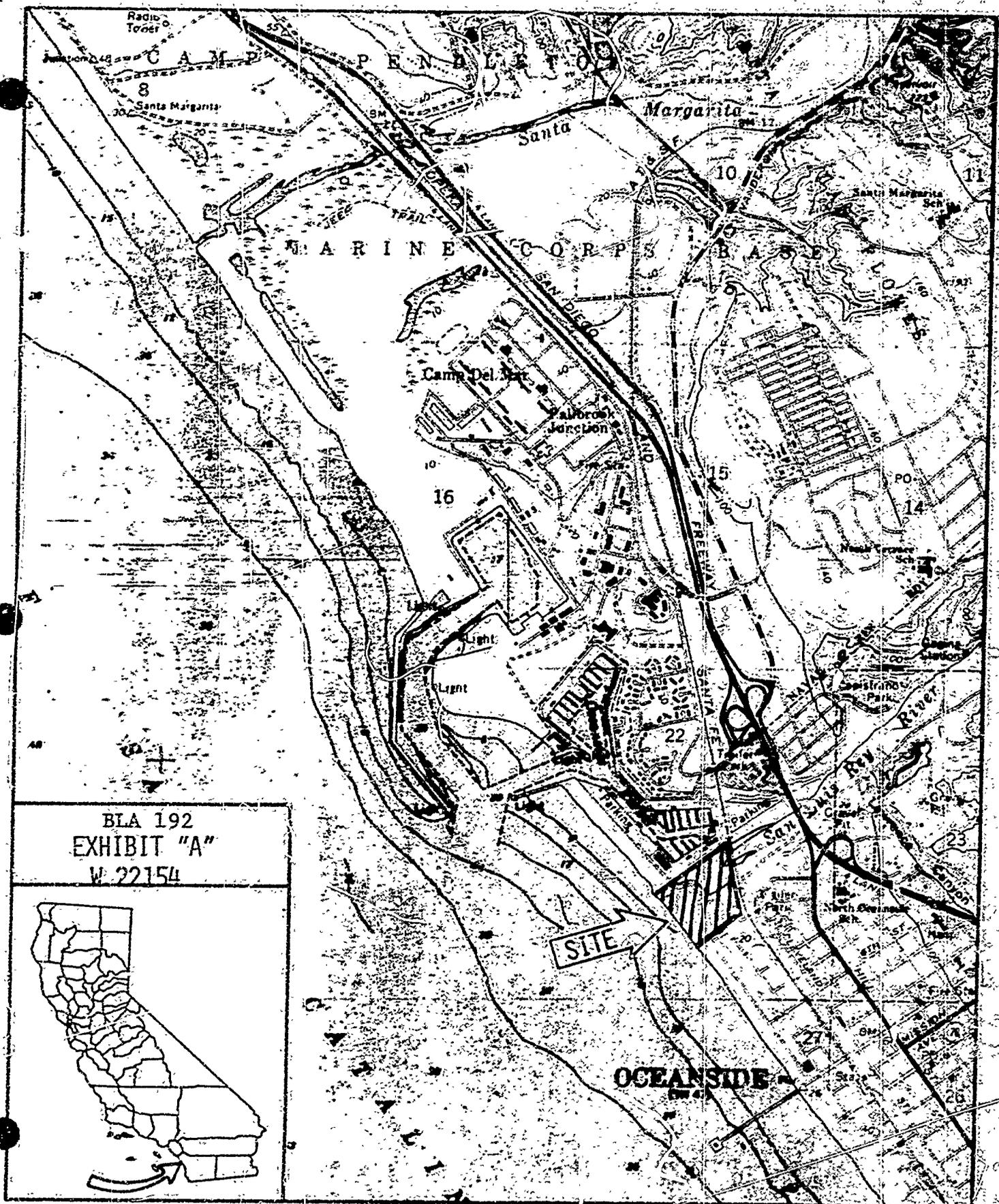
It is the recommendation of staff and the Attorney General's Office, who have investigated this matter, that the Commission accept this proposed settlement. not only will it preclude potential litigation but it will provide better access for the public to the tideland trust areas around the mouth of the San Luis Rey River. Moreover, it will enhance and enlarge public rights in the Agreement Area and increase the utilization of the waterways for trust purposes. Furthermore, by causing the fee ownerships in the area to more precisely correspond with the location of the underground revetment, the settlement will provide the further public benefit of assuring that the responsibility for maintenance of the revetment remains with North Coast Village, Inc.

EXHIBITS: A. Site Map.
 B. Agreement Area Map.
 C. Map Showing Boundary Change.

IT IS RECOMMENDED THAT THE COMMISSION:

AUTHORIZE THE COMMISSION STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO: (A) ENTER INTO AND EXECUTE AN AMENDMENT OF THE SAN LUIS REY BOUNDARY SETTLEMENT AND EXCHANGE - BLA 192 WHICH WILL HAVE THE EFFECT OF CHANGING THE BOUNDARIES OF THE VARIOUS PARCELS IN THE MANNER DESCRIBED IN THIS CALENDAR ITEM; AND (B) TAKE ALL OTHER FURTHER STEPS NECESSARY TO IMPLEMENT THE TERMS OF SUCH AN AMENDMENT, INCLUDING BUT NOT LIMITED TO EXECUTION OF AL DEEDS, MAPS, AND ESCROW INSTRUCTIONS, THE RECORDING OF SUCH DOCUMENTS, AND APPEARING IN ANY LEGAL PROCEEDINGS CONCERNING THIS MATTER.

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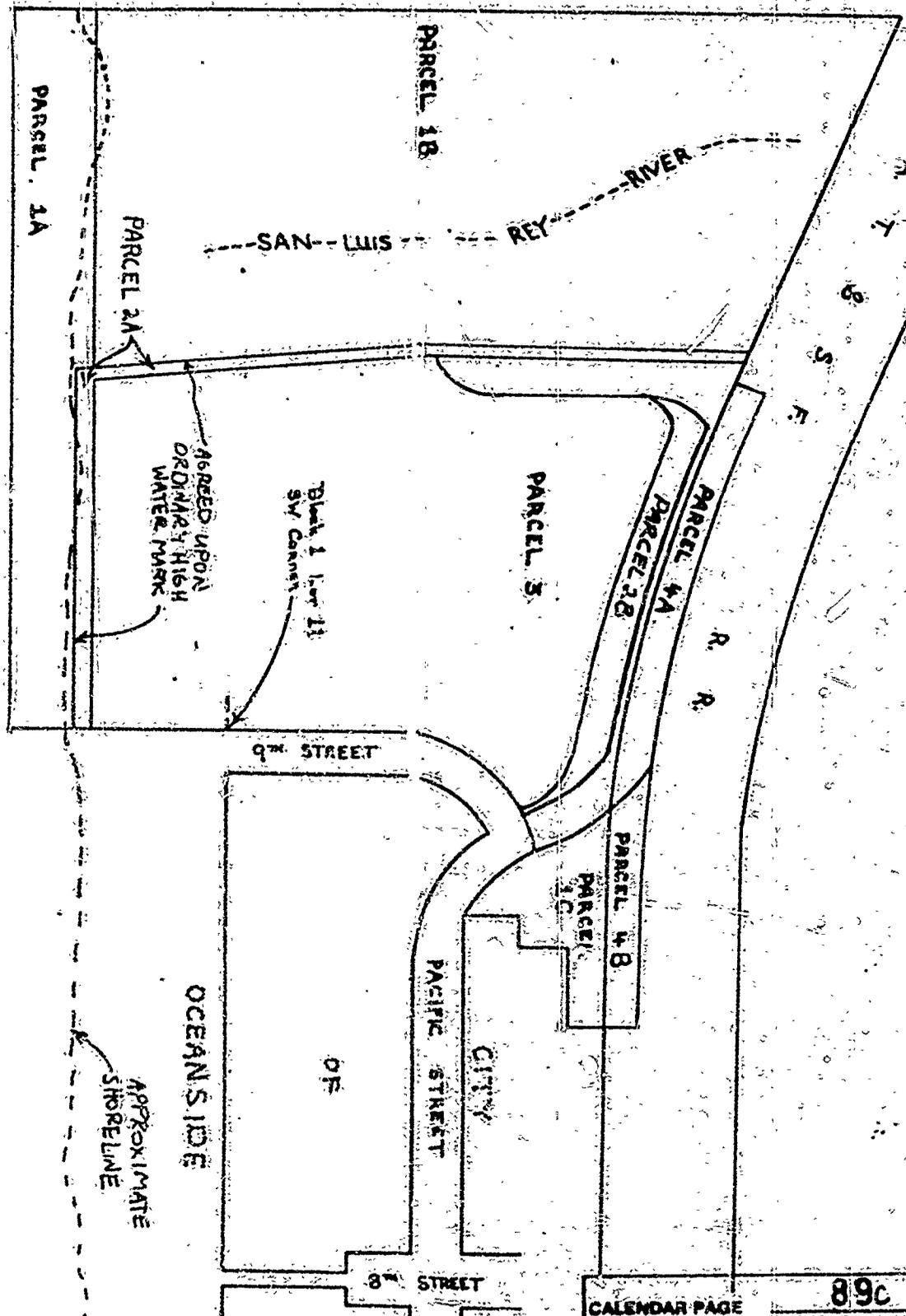
BLA 192
 EXHIBIT "A"
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SAN LUIS REY RIVER BOUNDARY
SETTLEMENT AND EXCHANGE - BLA No. 192,

EXHIBIT B



PACIFIC OCEAN

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