

MINUTE ITEM

This Calendar Item No. 27
was approved as Minute Item
No. 27 by the State Lands
Commission by a vote of 2
to 0 at its 3/23/82
meeting.

CALENDAR ITEM

27

3/23/82
W 503.988
A. Scott
Fossum
Wylie

AMENDMENT OF MINUTE ITEM 18,
COMMISSION MEETING OF NOVEMBER 23, 1981
AUTHORIZING EXECUTION OF A
BOUNDARY SETTLEMENT AND EXCHANGE AGREEMENT
BETWEEN L R PARTNERSHIP LTD.
AND THE STATE OF CALIFORNIA
AT AGUA HEDIONDA LAGOON, SAN DIEGO COUNTY

The Commission, at its meeting of November 23, 1981, approved and authorized execution of a title settlement agreement involving a parcel of land adjoining Agua Hedionda Lagoon in San Diego County. During the process of preparing for execution of the required agreement, the finding required by Section 6307 of the P.R.C. regarding filled and reclaimed tidelands was omitted from the staffs recommendation. In order to complete and finalize the settlement agreement, such a finding must be made by the Commission. Also, the original legal description requires modification, and has been revised to describe separately each parcel involved in the previously approved transaction. The amended and additional exhibits are Exhibits B through G.

AB 884: N/A.

EXHIBITS:

- A. Site Map.
- B. Agreement Area.
- C. Legal Description of Boundary Line
- D. Legal Description of Agreement Area.
- E. Legal Description of Parcel to State.
- F. Legal Description of Access to State.
- G. Legal Description of Parcel to Private Parties.

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION:

AMEND MINUTE ITEM 18, OF ITS MEETING OF NOVEMBER 23, 1981,
BY AMENDING AND ADDING THE FOLLOWING FINDINGS:

1. FINDING NO. 5 - THAT UPON EXECUTION AND RECORDATION OF THE BOUNDARY LINE AND EXCHANGE AGREEMENT THE COMMISSION FINDS AND DECLARES THAT THE LANDS DESCRIBED IN EXHIBIT "G", ATTACHED HERETO, HAVE BEEN IMPROVED, FILLED, AND RECLAIMED, AND HAVE THEREBY BEEN EXCLUDED FROM THE PUBLIC CHANNELS

A 76

S 38

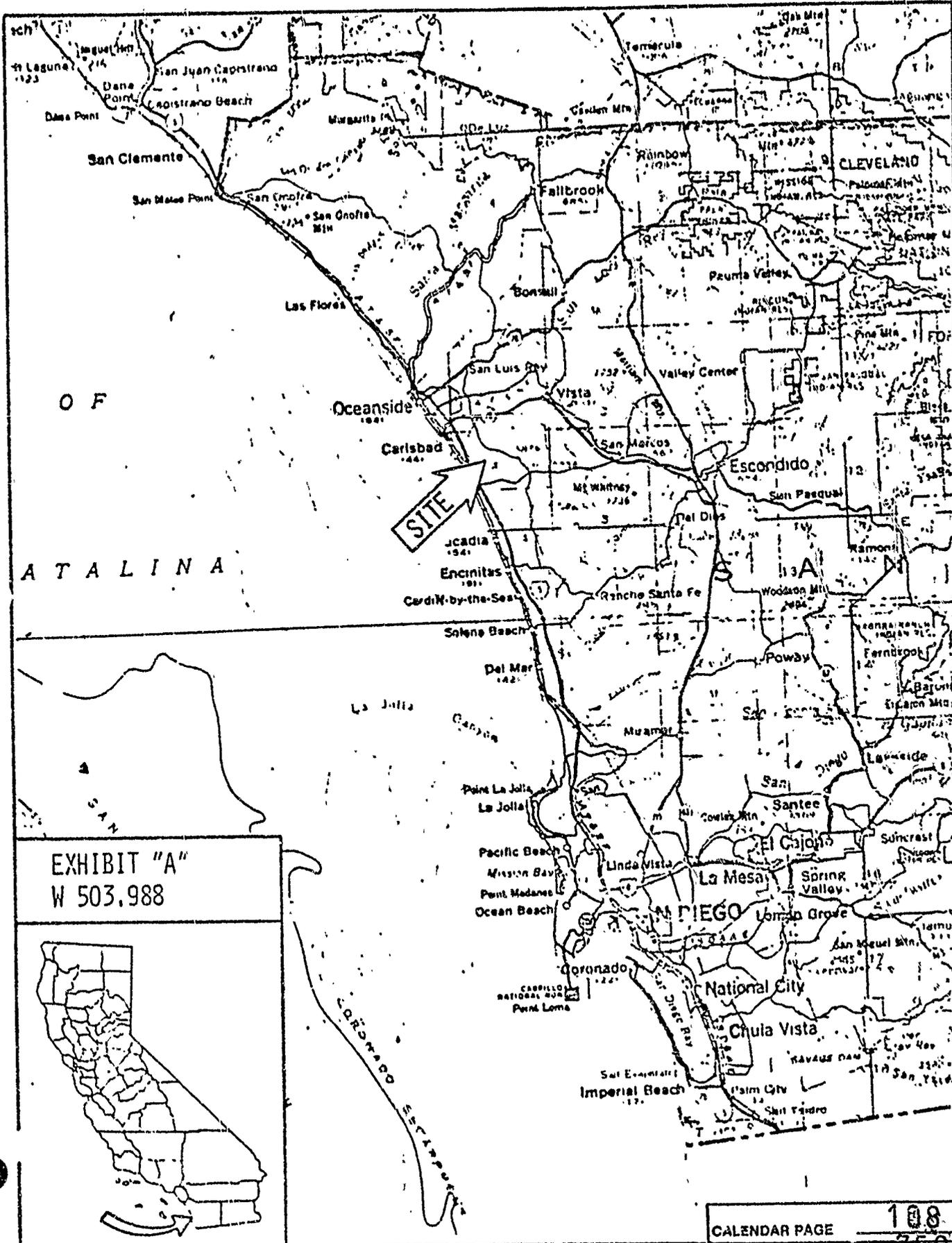
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AND ARE NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING AND ARE NO LONGER IN FACT TIDELANDS OR SUBMERGED LANDS, AND PURSUANT TO THIS AGREEMENT ARE FREED FROM THE PUBLIC TRUST FOR NAVIGATION AND FISHING.

2. ADD PARAGRAPH NO. 9 - DIRECT THE STAFF OF THE COMMISSION TO REVIEW AND APPROVE THE SURVEY MAP PRIOR TO ITS RECORDATION, PURSUANT TO THE TERMS OF THE SETTLEMENT AGREEMENT.
3. ADD FINDING NO. 10 - SUBSTITUTE THE ATTACHED AGREEMENT AREA MAP MARKED EXHIBIT "B" FOR THAT AGREEMENT AREA MAP CONTAINED IN THE SUBJECT MINUTE ITEM 18, EXHIBIT "B".
4. ADD FINDING NO. 11 - SUBSTITUTE THE ATTACHED LEGAL DESCRIPTION MARKED EXHIBIT "C" FOR THAT LEGAL DESCRIPTION CONTAINED IN THE SUBJECT MINUTE ITEM 18, EXHIBIT "C".
5. ADD FINDING NO. 12 - ADD THE FOLLOWING EXHIBITS ATTACHED HERETO AND MARKED EXHIBITS "D", "E", "F" AND "G".



O F
A T A L I N A

EXHIBIT "A"
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EXHIBIT "C"

LAND DESCRIPTION

W 503.988

A line 404.57 feet long in Lot "I" of Rancho Agua Hedionda, in the City of Carlsbad, County of San Diego, State of California, according to Map thereof No. 823, filed in the Office of the County Recorder of said county, described as follows:

BEGINNING at the said TRUE POINT OF BEGINNING of said EXHIBIT "B"; thence N 71° 33' 55" E 206.14 feet; thence S 59° 29' 39" E 251.51 feet; thence S 25° 01' 15" W 652.37 feet to the beginning of the herein described line; thence N 73° 36' 47" W 404.57 feet more or less to a point in the southeasterly line of said land of Phipps as described in said EXHIBIT "E", that is S 25° 01' 15" W 605.37 feet from the said true point of beginning and the end of the herein described line.

Said herein described Compromise Boundary Line is shown on that certain record of survey recorded as Survey No. , Records of San Diego County.

END OF DESCRIPTION

REVIEWED MARCH 4, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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EXHIBIT "D"

LAND DESCRIPTION

W 503.988

That portion of Lot "I" of Rancho Agua Hedionda, in the City of Carlsbad, County of San Diego, State of California, according to Map thereof No. 823, filed in the Office of the County Recorder of San Diego County, described as follows:

BEGINNING at Corner No. 15 of said Lot "I" as shown on said Map No. 823; thence southeasterly along the southerly line of said Lot "I", S 53° 44' 35" E 499.45 feet to the most southwesterly corner of that parcel of land described in deed to Robert W. Phipps, et ux, recorded October 29, 1958, under Document No. 179767 of Official Records; thence along the boundary line of said land as follows: N 25° 01' 15" E (Record-N 24° 53' 50" E) 597.82 feet; thence continuing along said boundary line S 47° 36' 05" E 153.79 feet to the beginning of a tangent curve, concave northerly, having a radius of 355.00 feet; thence easterly along said curve 376.92 feet, through an angle of 60° 50' 00"; thence tangent to said curve N 71° 33' 55" E 100.40 feet to the north-easterly corner of said land and the TRUE POINT OF BEGINNING; thence continuing N 71° 33' 55" E 206.14 feet; thence S 59° 29' 39" E 251.51 feet; thence S 25° 01' 15" W 902.08 feet to the southwesterly line of said Lot; thence N 64° 25' 37" W, along said southwesterly line 400.00 feet to the southeasterly corner of said Phipps land; thence N 25° 01' 15" E along the southeasterly line of said land, 780.49 feet to the true point of beginning.

EXCEPTING THEREFROM all oil, gas and other hydrocarbons lying 500.00 feet below the surface of said land, but without right of entry to remove the same, as granted to Carlsbad Bay Properties Ltd., a limited partnership by deed recorded June 10, 1968, as File No. 96363.

Said land is shown on that certain record of survey recorded as Survey No. , Records of San Diego County.

END OF DESCRIPTION

REVIEWED MARCH 4, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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EXHIBIT "E"

LAND DESCRIPTION

W 503.988

That portion of Lot "I" of Rancho Agua Hedionda, in the City of Carlsbad, County of San Diego, State of California, according to Map thereof No. 823, filed in the Office of the County Recorder of San Diego County, described as follows:

BEGINNING at Corner No. 15 of said Lot "I" as shown on said Map No. 823; thence southeasterly along the southerly line of said Lot "I" S 53° 44' 35" E 499.45 feet to the most southwesterly corner of that parcel of land described in deed to Robert W. Phipps, et ux, recorded October 29, 1958 under Document No. 179767 of Official Records; thence along the boundary line of said land as follows: N 25° 01' 15" E (Record-N 24° 53' 50" E) 597.82 feet; thence continuing along said boundary line S 47° 36' 05" E 153.79 feet to the beginning of a tangent curve, concave northerly, having a radius of 355.00 feet; thence easterly along said curve 376.92 feet, through an angle of 60° 50' 00"; thence tangent to said curve N 71° 33' 55" E 100.40 feet to the northeasterly corner of said land and the TRUE POINT OF BEGINNING; thence continuing N 71° 33' 55" E 206.14 feet; thence S 59° 29' 39" E 251.51 feet; thence S 25° 01' 15" W 902.08 feet to the southwesterly line of said Lot; thence N 64° 25' 37" W along said southwesterly line 400.00 feet to the southeasterly corner of said Phipps land; thence N 25° 01' 15" E along the southeasterly line of said land, 780.49 feet to the true point of beginning.

EXCEPTING THEREFROM that portion of said land which lies northeasterly of the following described line:

BEGINNING at the said TRUE POINT OF BEGINNING; thence N 71° 33' 55" E 206.14 feet; thence S 59° 29' 39" E 251.51 feet; thence S 25° 01' 15" W 662.37 feet to the beginning of the herein described line; thence N 73° 36' 47" W 404.57 feet more or less to a point in the southeasterly line of said land of Phipps that is S 25° 01' 15" W 605.37 feet from the true point of beginning and the end of the herein described line.

ALSO EXCEPTING THEREFROM all oil, gas and other hydrocarbons lying 500.00 feet below the surface of said land, but without right of entry to remove the same, as granted to Carlsbad Bay Properties, Ltd., a limited partnership by deed recorded June 10, 1968, as File No. 96383.

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EXHIBIT "E"

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Said land is shown on that certain record of survey recorded as Survey
No. , Records of San Diego County.

END OF DESCRIPTION

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EXHIBIT "F"

LAND DESCRIPTION

W 503.988

Two parcels of land being a portion of Lot "I" of Rancho Agua Hedionda, in the City of Carlsbad, County of San Diego, State of California, according to Map thereof No. 823, filed in the Office of the County Recorder of said county, more particularly described as follows:

PARCEL 1

A strip of land 25.00 feet wide lying southeasterly of the following described line:

COMMENCING at Corner No. 15 of said Lot "I" as shown on said Map No. 823; thence southeasterly along the southerly line of said Lot "I", S 53° 44' 35" E 499.45 feet to the most southwesterly corner of that parcel of land described in deed to Robert W. Phipps, et ux, recorded October 29, 1958 under Document No. 179767 of Official Records; thence along the boundary line of said land as follows: N 25° 01' 15" E (Record-N 24° 53' 50" E) 597.82 feet; thence continuing along said boundary line S 47° 36' 05" E 153.79 feet to the beginning of a tangent curve, concave northerly, having a radius of 355.00 feet; thence easterly along said curve 376.92 feet, through an angle of 60° 50' 00"; thence tangent to said curve N 71° 33' 55" E 100.40 feet to the northeasterly corner of said land and the TRUE POINT OF BEGINNING of the herein described line; thence S 25° 01' 15" W 605.37 feet to the end of the herein-described line.

EXCEPTING THEREFROM that portion of said land included within Park Drive as described in deed recorded May 10, 1965, as Document No. 83318.

The side lines of said 25.00 foot strip are to be prolonged or shortened so as to terminate at the Compromise Boundary Line and at the south line of said Park Drive respectively.

PARCEL 2

A strip of land 20.00 feet wide lying northwesterly of the following described line:

COMMENCING at Corner No. 15 of said Lot "I" as shown on said Map thereof No. 823; thence southeasterly along the southerly line of said Lot "I", S 53° 44' 35" E 499.45 feet to the most southwesterly corner of that parcel of land described in deed

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EXHIBIT "F"

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to Robert W. Phipps, et ux, recorded October 29, 1958 under Document No. 179767 of Official Records; thence along the boundary line of said land as follows: N 25° 01' 15" E (Record-N 24° 53' 50" E) 597.82 feet; thence continuing along said boundary line S 47° 36' 05" E 153.79 feet to the beginning of a tangent curve, concave northerly, having a radius of 355.00 feet; thence easterly along said curve 376.92 feet, through an angle of 60° 50' 00"; thence tangent to said curve N 71° 33' 55" E 100.40 feet to the north-easterly corner of said land; thence N 71° 33' 55" E 206.14 feet; thence S 59° 29' 39" E 251.51 feet to the true point of beginning of the herein described line; thence S 25° 01' 15" W 662.37 feet to the end of the herein described line.

EXCEPTING THEREFROM that portion of said land included within Park Drive as described in deed recorded May 10, 1965, as Document No. 83318.

The side lines of said 20.00 foot strip are to be prolonged or shortened so as to terminate at the Compromise Boundary Line and at the south line of said Park Drive respectively.

END OF DESCRIPTION

REVIEWED MARCH 4, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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EXHIBIT "G"
LAND DESCRIPTION

W 503.988

That portion of Lot "I" of Rancho Agua Hedionda, in the City of Carlsbad, County of San Diego, State of California, according to Map thereof No. 823, filed in the Office of the County Recorder of San Diego County, described as follows:

BEGINNING at Corner No. 15 of said Lot "I" as shown on said Map No. 823; thence southeasterly along the southerly line of said Lot "I", S 53° 44' 35" E 499.45 feet to the most southwesterly corner of that parcel of land described in deed to Robert W. Phipps, et ux, recorded October 29, 1958 under Document No. 179767 of Official Records; thence along the boundary line of said land as follows: N 25° 01' 15" E (Record-N 24° 53' 50" E) 597.82 feet; thence continuing along said boundary line S 47° 36' 05" E 153.79 feet to the beginning of a tangent curve, concave northerly, having a radius of 355.00 feet; thence easterly along said curve 376.92 feet, through an angle of 60° 50' 00"; thence tangent to said curve N 71° 33' 55" E 100.40 feet to the north-easterly corner of said land and the TRUE POINT OF BEGINNING; thence continuing N 71° 33' 55" E 206.14 feet; thence S 59° 29' 39" E 251.51 feet; thence S 25° 01' 15" W 902.08 feet to the southwesterly line of said Lot; thence N 64° 25' 37" W along said southwesterly line 400.00 feet to the southeasterly corner of said Phipps land; thence N 25° 01' 15" E along the southeasterly line of said land, 780.49 feet to the true point of beginning.

EXCEPTING THEREFROM that portion of said land which lies southwesterly of the following described line:

BEGINNING at the said TRUE POINT OF BEGINNING; thence N 71° 33' 55" E 206.14 feet; thence S 59° 29' 39" E 251.51 feet; thence S 25° 01' 15" W 662.37 feet to the beginning of the herein described line; thence N 73° 36' 47" W 404.57 feet more or less to a point in the southeasterly line of said land of Phipps that is S 25° 01' 15" W 605.37 feet from the true point of beginning and the end of the herein described line.

ALSO EXCEPTING THEREFROM all oil, gas and other hydrocarbons lying 500.00 feet below the surface of said land, but without right of entry to remove the same, as grant to Carlsbad Bay Properties, Ltd., a limited partnership by deed recorded June 10, 1968 as File No. 96383.

Said land is shown on that certain record of survey recorded as Survey No. , Records of San Diego County.

END OF DESCRIPTION

REVIEWED MARCH 4, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR

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