

MINUTE ITEM:

This Calendar Item No. 24
was approved as Minute Item
No. 24 by the State Lands
Commission by a vote of 3
to 0 at its 11/29/82
meeting.

CALENDAR ITEM

24

11/29/82
W 503.1165
Summers
Fossum

AUTHORIZATION TO FILE A LIMITED DISCLAIMER

The State Lands Commission is a party to a condemnation action brought by San Diego County involving three parcels of land in and adjacent to San Elijo Lagoon. The case is entitled County of San Diego v. Raymond V. Johnson, et al, Superior Court No. 47021 (Parcel 75-0203-AL).

The State was named as to one of the parcels only. As to that parcel, an examination of the Commission's records pertinent to the subject area shows that a significant portion of the property to be present and historic tide and submerged land. As to these lands, the County of San Diego has agreed that it does not seek to condemn any sovereign interest of the State involving public trust lands.

The State Lands Commission has previously issued public agency permits to the Department of Fish and Game who together with San Diego County are operating San Elijo Lagoon as a regional park and ecological reserve.

A 75

-1-

S 38

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It is contemplated by staff that as to the public trust lands involved in this condemnation action, the Department of Fish and Game, and/or the County of San Diego will seek an amendment of the existing permit to include these lands as part of the reserve.

Therefore, in order to protect the lands which are public trust lands within the condemnation parcel, an authorization to enter a limited disclaimer -- involving nontrust lands -- and a stipulation as to the county's not seeking condemnation of trust property is appropriate.

EXHIBITS: A. Description.
 B. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:
AUTHORIZE THE ATTORNEY GENERAL TO FILE A LIMITED DISCLAIMER
ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF
COUNTY OF SAN DIEGO v. RAYMOND V. JOHNSON, ET AL, SUPERIOR
COURT NO. 470721 (PARCEL 75-0203-AL). THE DISCLAIMER SHALL
INCLUDE A STIPULATION THAT THE TAKING BY SAN DIEGO COUNTY
IS TO NON-PUBLIC TRUST PROPERTY.

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EXHIBIT "A"
LAND DESCRIPTION

W 503.1165

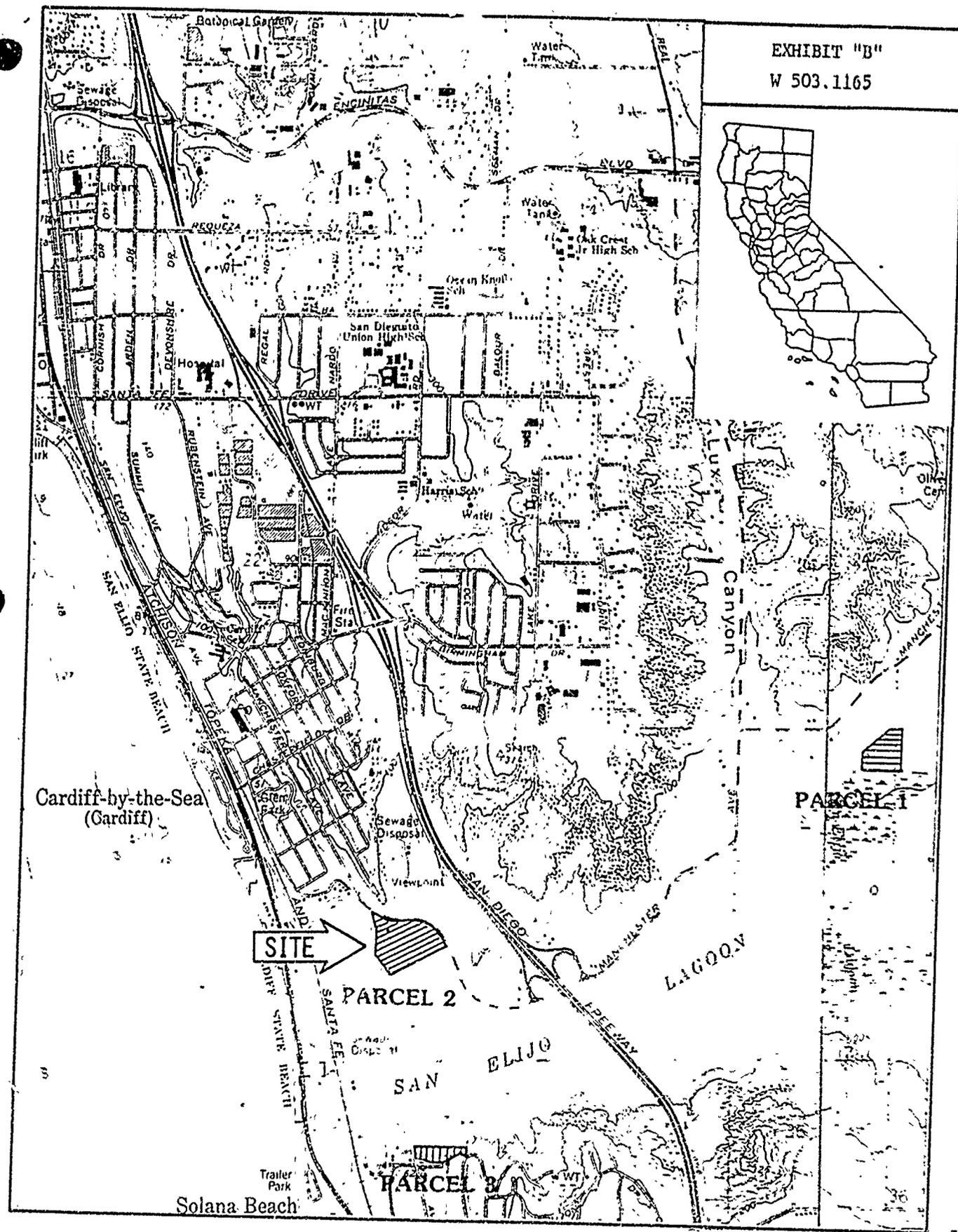
PARCEL 2

All that portion of the East Half of the Southeast Quarter of Section 27 and of the West Half of the Southwest Quarter of Section 26, all in Township 13 South, Range 4 West, San Bernardino Meridian, in the County of San Diego, State of California, described in deed to Myron L. Robinson, et ux, recorded November 30, 1973 at File/Page 73-332301 of Official Records in the Office of the County Recorder of said County.

REVIEWED NOV. 10, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR

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EXHIBIT "B"
W 503.1165



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