MINUTE ITEM
This Calendar Item No. 43
was approved as Minute Item
No. 43 by the State Lands
Commission by a vote of 3
to 0 at its 9/25/84
meeting.

CALENDAR ITEM

A 74, 75

43

09/25/84
W 2100.153
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S 38

ANNEXATION OF TIDE AND SUBMERGED LANDS,
CITY OF CARLSBAD, SAN DIEGO COUNTY

The State Lands Commission has received a request from San Diego County LAFCO to consent as a property owner to the proposed HPI (Hunt Properties, Inc.) reorganization annexation.

This unincorporated area includes approximately 1,107.6, more or less, acres of land within San Diego County including a major portion of the present and historic tide and submerged lands in the bed of Batiquitos Lagoon. The exact location of the boundary of the State's interest in the lagoon has not been determined at this time. The area proposed for annexation is located east of previously annexed minor areas of the Lagoon and includes the Santa Fe Railroad right-of-way and areas east of former U. S. Highway 101 to and including El Camino Real.

Batiquitos Lagoon and its shoreline constitutes a critical planning area that deserves special consideration. The HPI proposal could have beneficial impacts on the Lagoon. Annexation would vest planning and development control with Carlsbad consistent with their existing sphere of influence. The area is presently governed by San Diego County under an approved local Coastal Program. A Local Coastal Program has not yet been approved for the City of Carlsbad. A lagoon management plan has been prepared by City staff in cooperation with the Batiquitos Lagoon Foundation. The major objective of the plan is to balance the needs and goals of development with the desire to preserve significant Lagoon resources. The plan was reviewed by the Carlsbad City Council on August 28 and sent out for a 60-day review period. If adopted, the plan would set standards and goals for future development of the HPI property. Batiquitos Lagoon is also a significant visual asset and would be integrally related with any future HPI development plans. As such, it is in the property owners' best interests to promote lagoon enhancement.

Staff would specifically like to emphasize that the development around the lagoon should be consistent with its restoration and the resulting enhancement and management of

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its natural resources. Passive recreational uses should be consistent with such management. Public access to and around the Lagoon should be maximized consistent with the Lagoon restoration and enhancement and with the permitted public uses of it and its surroundings.

The State Lands Commission previously approved two annexations of portions of Batiquitos Lagoon to the City of Carlsbad pursuant to Minute Item 19, November 29, 1982, as amended by Minute Item 39, January 27, 1983, and secondly, by Minute Item 34, March 22, 1984. The Commission, at its August 21, 1984 meeting, approved the proposed boundary description of the annexation as technically adopted.

The City of Carlsbad has proposed to annex the subject property pursuant to the Municipal Organization Act of 1977 (Gov. Code Sections 35000, et seq.) These sections, in addition to the approval by the State Lands Commission of the proposed boundaries as described above, require consent by the State Lands Commission to any annexation by a city of either state or legislatively granted sovereign land (tide and submerged lands and the beds of navigable waterways).

Specifically, Gov. Code Section 34009 provides that "No tidelands or submerged lands which are owned by the State or by its grantee in trust shall be incorporated or annexed to a city except suchlands as may be approvd by the State Lands Commission."

Consent by the Commission as a property owner (holding exclusive jurisdiction over the land pursuant to P.R.C Section 6301) would only affect a change in the police power jurisdiction status of these lands from the County of San Diego to the City of Carlsbad and in no way affect either the property interests or the jurisdiction of the State Lands Commission or other responsible agencies (i.e., Fish and Game, Coastal Commission, etc.) within the Lagoon.

Therefore, despite our concerns relating to the impact of future developments in the vicinity of Batiquitos Lagoon, staff believes the existing and retained state jurisdiction involving the Lagoon will, in cooperation with the City of Carlsbad, protect the public interests therein.

AB 884: N/A.

EXHIBITS:
A. Land Description.
B. Site Map.
C. Location Map.

CALENDAR ITEM NO. 43 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C 21065 AND 14 CAL. ADM. CODE 15378.

2. CONSENT AS PROPERTY OWNER PURSUANT TO PRC 6301 AND GOV. CODE SECTION 35009 TO THE PROPOSED HPI REORGANIZATION ANNEXATION OF THE CITY OF CARLSBAD OF ANY AND ALL LAND UNDER THE COMMISSION'S JURISDICTION WITHIN THE AREA DESCRIBED IN EXHIBIT "A", ATTACHED AND BY REFERENCE MADE A PART HEREOF.

3. AUTHORIZE STAFF COUNSEL TO GIVE THE REQUISITE NOTICES OF SAID APPROVAL TO THE CITY OF CARLSBAD AND THE EXECUTIVE OFFICER OF THE SAN DIEGO LAFCO.

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EXHIBIT "A"

LAND DESCRIPTION

W 2400.153

All lands under the jurisdiction of the State Lands Commission within the area described below:

All that portion of Sections 22, 26, 27, 28, 33, 34, and 35, Township 12 South, Range 4 West, San Bernardino Meridian and that portion of Fractional Section 2, Township 13 South, Range 4 West, San Bernardino Meridian and that portion of the Rancho Las Encinitas, according to map thereof No. 848, in the County of San Diego, State of California, together with any and all tidelands and submerged lands in Batiquitos Lagoon, lying within the following described parcels:

PARCEL 1

BEGINNING at a point on the north line of said Section 27, said point bears South 86° 58' 31" East, 1318.43 from the northwest corner of said Section 27; thence

1. Along the west line of the south half of the southwest quarter of the southeast quarter of the southwest quarter of said Section 22 North 0° 15' 36" East, 329.72 feet to the northwest corner thereof; thence

2. Along the north line of said south half South 86° 58' 32" East, 658.50 feet to the northeast corner of said south half; thence

3. Along the east line of said south half South 0° 06' 33" West, 329.77 feet to the northeast corner of the west half of the northeast quarter of the northwest quarter of said Section 27, thence

4. Along the east line of said west half South 0° 06' 42" West, 1340.39 feet to the southeast corner thereof; thence

5. Along the south line of said west half North 87° 29' 53" West, 662.70 feet to the southwest corner thereof; thence

6. Along the west line of said west half North 0° 15' 53" East, 1346.26 feet to the point of beginning.

PARCEL 2

BEGINNING at a point on the north line of said Section 27, said point bears South 86° 58' 31" East, 3296.57 feet from the northwest corner of said section; thence

1. Along said north line South 86° 58' 31" East, 659.38 feet to the northeast corner of the east half of the northwest quarter of the northeast quarter of said Section 27; thence

2. Along the east line of said east half South 0° 21' 20" East, 1322.82 feet to the southeast corner thereof; thence

3. Along the south line of said east half North 87° 29' 53" West, 662.70 feet to the southwest corner thereof; thence

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4. Along the west line of said east half North 0° 11' 55" West, 1328.66 feet to the point of beginning.

PARCEL 3

BEGINNING at the southwest corner of the south half of the south half of the southwest quarter of the northwest quarter of said Section 26; thence

1. Along the west line of said south half North 0° 42' 22" West, 327.88 feet to the northwest corner thereof; thence

2. Along the north line of said south half South 89° 19' 08" East, 1335.39 feet to the northeast corner thereof; thence

3. Along the east line of said south half South 0° 22' 57" East, 328.82 feet to the southeast corner thereof; thence

4. Along the east-west centerline of said Section 26 North 89° 16' 37" West, 1333.56 feet to the point of beginning.

PARCEL 4

BEGINNING at the northwest corner of said Section 34; thence

1. Along the north line of said Section 34 South 89° 59' 43" East, 5286.26 feet to the northwest corner of said Section 35; thence

2. Along the west line of said Section 35 South 0° 31' 44" West, 659.94 feet to the southwest corner of the north half of the northwest quarter of the northwest quarter of said Section 35; thence

3. Along the south line of said north half South 88° 42' 58" East, 1317.85 feet to the southeast corner of said north half; thence

4. Leaving said southeast corner along the southerly prolongation of the east line of said north half South 0° 30' 35" West, 537.86 feet to the southwest corner of Fractional Lot 2 in Section 35 as shown on Record of Survey No. 6269, filed in the Office of the County Recorder of said county on September 25, 1963; thence

5. Along the south boundary of said Fractional Lot 2 North 60° 41' 36" East, 607.87 feet; thence

6. South 82° 19' 35" East, to and along the south boundary of Fractional Lot 3 of said Section 35, 1141.58 feet to the westerly right-of-way line of County of San Diego Road Survey No. 1800-1, on file in the Office of the County Engineer of said county; thence

7. South 70° 00' 32" East, 105.00 feet to the easterly line of said Road Survey No. 1800-1; thence

8. Along the easterly line of said Road Survey No. 1800-1 the following courses, South 19° 59' 28" West, 349.13 feet to the beginning of a tangent 1440.00 foot radius curve concave southeasterly; thence

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9. Southesterly, southerly and southeasterly along the arc of said curve through a central angle of 28° 45' 41" a distance of 722.85 feet; thence

10. Tangent to said curve South 8° 46' 13" East, 609.36 feet; thence

11. South 2° 32'23" West, 76.49 feet; thence

12. South 8° 46'13" East, 303.93 feet to the beginning of a tangent 3355.00 foot radius curve concave northeasterly ; thence

13. Southeasterly along the arc of said curve through a central angle of 8° 14' 18", a distance of 482.40 feet to the easterly prolongation of the southerly right-of-way line of County of San Diego Road Survey No. 1796.65, on file in the Office of the County Engineer of said county, a radial line to said point bears South 72° 59' 29" West; thence

14. Leaving said easterly right-of-way line of Road Survey No. 1800-1 along said easterly prolongation and the southerly right-of-way line of said Road Survey No. 1796-65 South 84° 47' 00" West 738.02 feet to the beginning of a tangent 1530.00 foot radius curve concave northeasterly; thence

15. Continuing along said southerly right-of-way line southwesterly, westerly and northwesterly along the arc of said curve through a central angle of 34° 11' 13" a distance of 912.91 feet; thence

16. Continuing along said southerly right-of-way line the following courses, tangent to said last mentioned curve North 61° 01' 47" West, 1297.68 feet to the beginning of a tangent 1670.00 foot radius curve concave southwesterly; thence

17. Northwesterly, westerly and southesterly along the arc of said curve through a central angle of 40° 22' 25" a distance of 1176.77 feet; thence

18. Tangent to said curve South 78° 35' 48" West, 600.34 feet to the east line of Lot 7 of said Section 34; thence

19. Along said east line South 0° 12' 53" West, 12.25 feet; thence

20. South 78° 35' 48" West, 267.76 feet to the beginning of a tangent 1442.00 foot radius curve concave northerly; thence

21. Southwesterly and westerly along the arc of said curve through a central angle of 12° 35' 05" a distance of 316.73 feet; thence

22. Tangent to said curve North 88° 49' 07" West, 92.28 feet; thence

23. North 01° 10' 53" East, 12.00 feet; thence

24. North 88° 49' 07" West, 1351.29 feet to the beginning of a tangent 1370.00 foot radius curve concave southeasterly; thence

25. Westerly and southwesterly along the arc of said curve through a central angle of 18° 11' 59" a distance of 435.17 feet; thence

26. Tangent to said curve South 72° 58' 54" West, 418.15 feet to the beginning of a tangent 1370.00 foot radius curve concave southeasterly; thence

27. Southwesterly along the arc of said curve through a central angle of 15° 13' 25" a distance of 364.01 feet; thence

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28. Tangent to said curve South 57° 45' 29" West, 407.28 feet to the beginning of a tangent 4880.00 foot radius curve concave northwesterly; thence

29. Southwesterly along the arc of said curve through a central angle of 03° 30' 37" a distance of 298.98 feet; thence

30. Tangent to said curve South 61° 16' 06" West, 27.18 feet to the northeasterly boundary of State of California Route XI-SD-5 as shown on Miscellaneous Survey No. 637, on file in the Office of the County Engineer of said county; thence

31. Leaving the southerly right-of-way line of said Road Survey No. 1796-65 along the northeasterly boundary of said State of California land North 28° 43' 54" West, 120.01 feet; thence

32. Continuing along said northeasterly boundary north 68° 34' 58" West, 439.99 feet; thence

33. North 46° 56' 05" West, 695.63 feet; thence

34. North 33° 08' 55" West, 257.99 feet to the southerly boundary of land of the State of California as described in deed recorded July 13, 1978; thence

35. Along the boundary of said State land South 89° 16' 04" East, 928.77 feet to the southeast corner of said State land; thence

36. Continuing along the boundary of said State land North 0° 43' 39" West, 954.80 feet; thence

37. Continuing along said boundary North 3° 02' 27" West, 748.90 feet; thence

38. Continuing along said boundary North 32° 11' 16" West, 588.60 feet; thence

39. Continuing along said boundary North 89° 13' 52" West, 779.29 feet to the northeasterly boundary of said State of California Route XI-SD-5; thence

40. Along said northeasterly boundary North 25° 29' 19" West, 262.45 feet to the northerly boundary of Fractional Lot 12 of said Section 33 as shown on said Miscellaneous Survey No. 637; thence

41. Leaving said northeasterly boundary along said northerly boundary of Fractional Lot 12 North 33° 08' 06" East, 234.45 feet; thence

42. Continuing along the northeasterly boundary of said Fractional Lot 12 South 69° 03' 23" East, 454.42 feet to the west line of Fractional Lot 2 of said Section 33 as shown on the aforesaid Record of Survey No. 6269; thence

43. Along said west line North 00° 45' 59" West, 787.58 feet to the southwest corner of the southeast quarter of the southeast quarter of said Section 28; thence

44. Along the west line of said quarter-quarter North 00° 30' 53" East, 1357.80 feet to the southerly boundary of Carlsbad Tract No. 73-39, Unit No. 3, according the map thereof No. 8453, filed in the Office of the County Recorder of said county on December 29, 1976; thence

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45. Along said southerly boundary South 89° 08' 37" East, 1358.09 feet to the east line of said Section 28; thence

45. Leaving said southerly boundary along said east line South 00° 34' 20" West, 1356.72 to the point of beginning.

EXCEPTING from the above described parcel of land that portion thereof lying within the right-of-way lines of County of San Diego Road Survey No. 1796-65 (La Costa Avenue), on file in the Office of the County Engineer of said county, west of the north-south centerline of the above mentioned Section 35.

PARCEL 5

BEGINNING at the northwest corner of said Section 2, Township 13 South, Range 4 West, San Bernardino Meridian; thence

1. Along the north line of said Section 2 to the south quarter corner of said Section 35, Township 12 South, Range 4 West, San Bernardino Meridian South 89° 32' 42" East, 955.84 feet; thence

2. Leaving the north line of said Section 2 along the north-south centerline of said Section 35 North 00° 31' 40" East, 1715.37 feet to the southerly right-of-way line of the aforementioned Road Survey No. 1796.65 (60.00 feet wide); thence

3. Leaving said north-south centerline along said southerly right-of-way line and it's easterly prolongation North 84° 47' 00" East, 520.90 feet to the easterly right-of-way line of the aforementioned Road Survey No. 1800-1, said point being in the arc of a 3355.00 foot radius curve concave northeasterly, a radial line to said point bears South 72° 59' 29" West; thence

4. Leaving the easterly prolongation of the southerly right-of-way line of said Road Survey No. 1796-65 along the easterly right-of-way line of said Road Survey No. 1800-1 southeasterly along the arc of said 3355.00 foot radius curve through a central angle of 7° 26' 32" a distance of 435.78 feet; thence

5. Continuing along said easterly right-of-way line tangent to said curve South 24° 27' 03" East, 990.19 feet to the beginning of a tangent 3030.00 foot curve concave southwesterly; thence

6. Southeasterly along the arc of said curve through a central angle of 15° 35' 50" a distance of 824.84 feet; thence

7. Tangent to said curve South 08° 51' 13" East, 288.44 feet to the beginning of a tangent 1970.00 foot radius curve concave northeasterly; thence

8. Southeasterly along the arc of said curve through a central angle of 27° 24' 12" a distance of 942.21 feet; thence

9. Tangent to said curve South 36° 15' 25" East, 293.26 feet to the beginning of a tangent 2045.00 foot radius curve concave southwesterly; thence

10. Southeasterly along the arc of said curve through a central angle of 32° 29' 51" a distance of 1159.90 feet; thence

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11. Tangent to said curve South 03° 45' 34" East, 974.11 feet; thence

12. Leaving the easterly right-of-way line of said Road Survey No. 1800-1, South 86° 14' 26" West, 124.49 feet; thence

13. South 88° 15' 33" West, 1762.91 feet to the east line of the northwest quarter of the southwest quarter of said Section 2; thence

14. Along said east line South 03° 41' 07" East, 431.00 feet to the southeast corner of said quarter-quarter; thence

15. Along the south line of said quarter-quarter South 89° 31' 52" West, 1251.95 feet to the west line of said Section 2; thence

16. Along said west line North 05° 07' 43" West, 1320.27 feet to the west quarter corner of said Section 2; thence

17. Continuing along said west line North 01° 47' 38" West, 2960.65 feet to the point of beginning.

PARCEL 6

BEGINNING at the most northerly corner of Lot 10 in said Section 33 also being the southeasterly corner of Lot 20 in said Section 33; thence

1. Along the southeasterly line of said Lot 20 South 70° 27' 46" West, 102.60 feet to the northeasterly right-of-way line of California State Highway X1-SD-2B (Coast Highway); thence

2. Along said northeasterly right-of-way line North 40° 37' 14" West 280.22 feet to the beginning of a tangent 2320.00 foot radius curve concave northeasterly; thence

3. Continuing along said northeasterly right-of-way line northwesterly along the arc of said curve through a central angle of 23° 45' 10" a distance of 961.79 feet; thence

4. Continuing along said northeasterly right-of-way line tangent to said curve North 16° 52' 04" West, 334.00 feet to the southwesterly corner of land described in deed to W.D. Cannon recorded July 6, 1955 in Book 5705, Page 53, Official Records; thence

5. Leaving said right-of-way line along the southerly boundary of said Cannon's land the following courses, South 73° 55' 04" East 244.87 feet; thence

6. North 72° 30' 56" East 195.12 feet; thence

7. North 46° 42' 56" East, 204.03 feet to the southwesterly right-of-way line of the Atchison, Topeka and Santa Fe Railway Company "Coast Line" (200.00 feet wide); thence

8. Leaving said Cannon land North 04° 20' 40" East, 581.38 feet to the northeasterly right-of-way line of said railway company's "Coast Line" said point being in the arc of an 11,659.20 foot radius curve concave southwesterly, a radial line to said point bears North 72° 58' 17" East, thence

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9. Leaving said northeasterly right-of-way line South 89° 19' 07" East through the most southerly corner of Lot 5 in said Section 33 a distance of 619.40 to the westerly line of Lot 15; thence

10. Leaving said westerly line North 51° 41' 43" East, 649.80 to the southwesterly right-of-way line of California State Highway X1-SD-5 as shown on Miscellaneous Survey No. 637 on file in the Office of the County Engineer of said county; thence

11. Leaving said southwesterly right-of-way line North 15° 20' 43" East, 1015.95 feet to the intersection of the northwesterly line of Lot 12 of Section 33 with the northeasterly right-of-way line of said Highway X1-SD-5 as shown on said Miscellaneous Survey No. 637; thence

12. Along said northeasterly right-of-way line South 25° 29' 19" East, 262.45 feet; thence

13. Leaving said northeasterly right-of-way line South 89° 13' 52" East, 779.29 feet; thence

14. South 32° 11' 16" East, 588.60 feet; thence

15. South 73° 02' 27" East, 748.90 feet to the east line of said Section 33; thence

16. Along said east line South 00° 43" 39" East, 954.80 to the east quarter corner of said Section 33; thence

17. Along the east-west centerline of said Section 33 North 89° 16' 04" West, 928.77 feet to said northeasterly right-of-way line of said State Highway X1-SD-5; thence

18. South 61° 04' 50" West, 631.32 feet to the southwesterly right-of-way line of said State Highway said point being at the southeasterly terminus of that certain course shown as North 12° 12' 17" West, 159.18 feet on said Miscellaneous Survey No. 637 and in the southwesterly line of Lot 18 of said Section 33; thence

19. Along the boundary of said Lot 18 and the boundary of Lot 19 of said Section 33 the following courses North 34° 48' 40" West, 166.97 feet; thence

20. South 73° 11' 20" West, 331.65 feet; thence

21. South 62° 11' 20" West, 530.64 feet; thence

22. South 36° 41' 00" West, 729.63 feet; thence

23. South 32° 11' 20" West, 331.65 feet; thence

24. South 88° 41' 00" West, 728.72 feet to the intersection of said southerly line of Lot 19 with the northeasterly right-of-way line of said railroad right-of-way (200.00 feet wide); thence

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25. Continuing along said southerly line of Lot 19 South 70" 27' 46" West, 325.34 feet to the point of beginning.

END OF DESCRIPTION

REVIEWED JULY 27, 1984 BY BOUNDARY AND TITLE UNIT.

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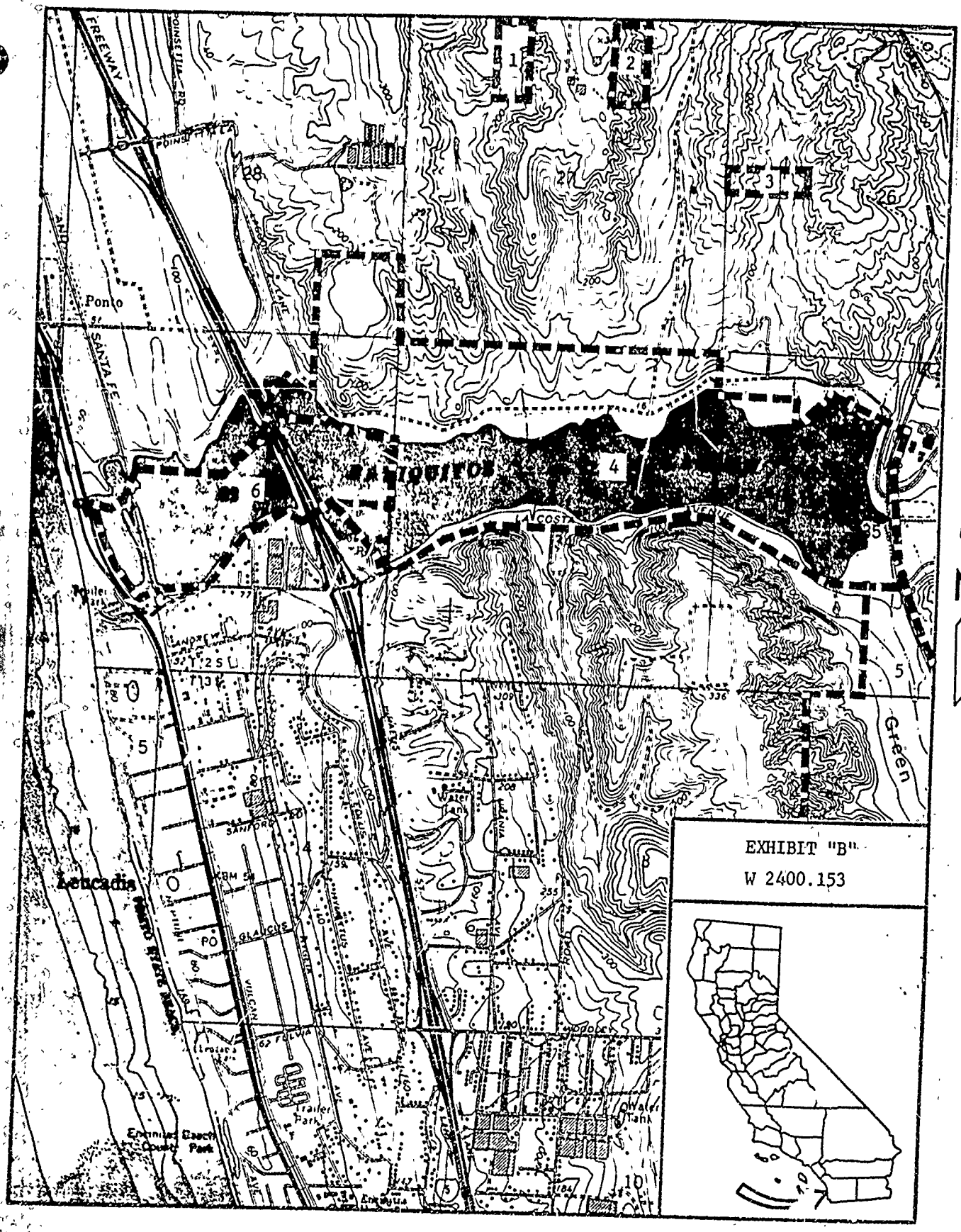

EXHIBIT "B"

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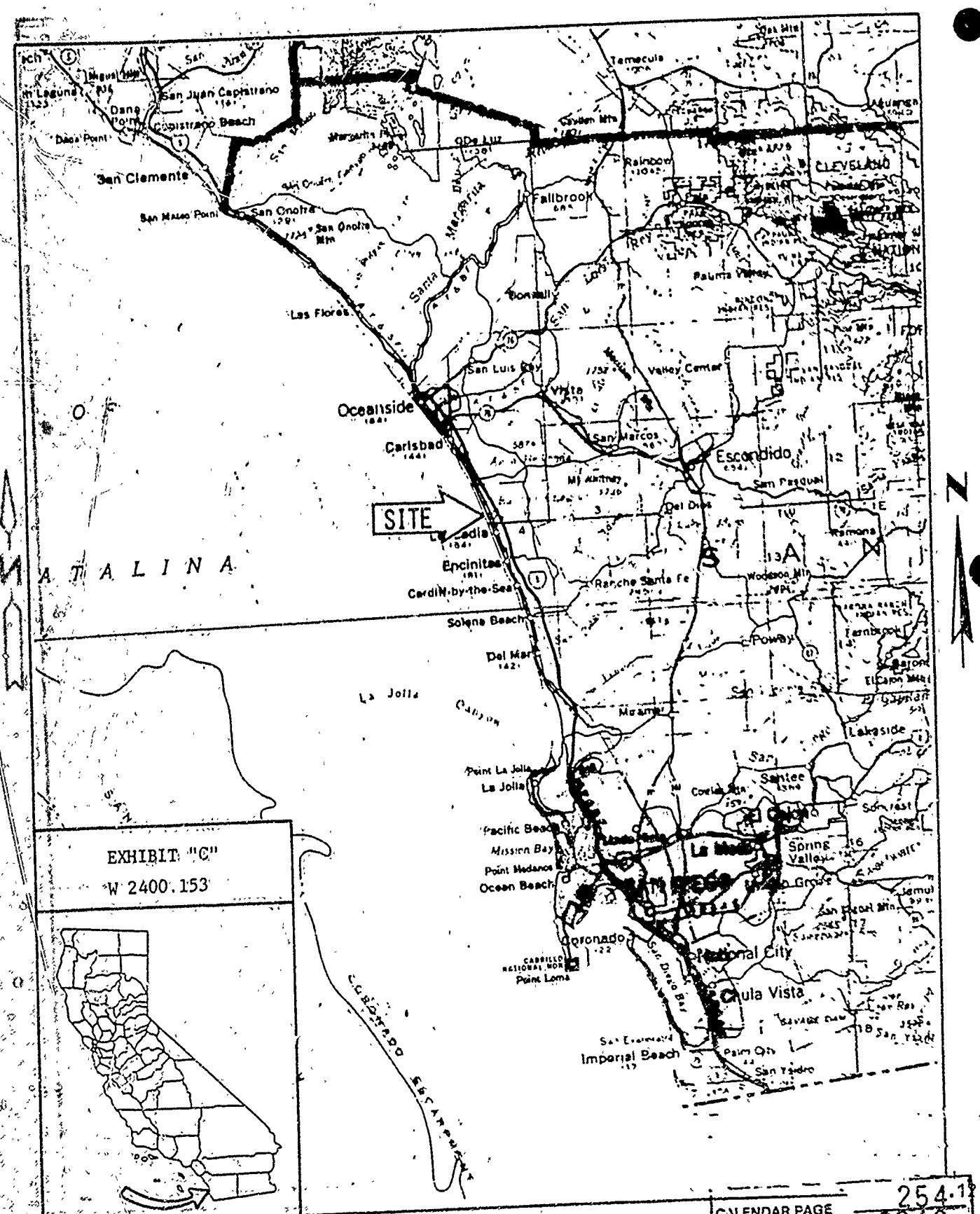

EXHIBIT "C"
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