

MINUTE ITEM

The Calendar Item No. 1
was approved as Minute Item
No. 1 by the State Lands
Commission by a vote of 2
to 0 at its 12/30/85
meeting.

CALENDAR ITEM

A 74
S 38

01

12/30/85
W 20725-201
AD No. 41
A. Scott
Fossum
Saggesse

A TITLE SETTLEMENT AND EXCHANGE AGREEMENT, BLA NO. 254,
AD NO. 41, BETWEEN THE STATE OF CALIFORNIA ACTING BY
AND THROUGH THE STATE LANDS COMMISSION AND
WILLIAM C. AND BETTY JUNE SAVAGE AS TRUSTEES OF THE
SAVAGE REVOCABLE INTER-VIVOS TRUST, DELBERT L. STOKESBARY,
HARRIET B. STOKESBARY AND W. GAYLE THOMPSON

PRIVATE PARTIES:

William C. Savage and
Betty June Savage
(Savage Revocable Inter-Vivos Trust)
Delbert L. Stokesbary,
Harriet B. Stokesbary and
W. Gayle Thompson
(Private Parties)

BACKGROUND:

The Private Parties claim ownership of property which underlies and adjoins Batiquitos Lagoon in San Diego County hereinafter called the Savage Lands. This property contains lands claimed by the State to be tide and submerged lands owned by and under the jurisdiction of the State Lands Commission. The State through the Office of the Attorney General also claims that portions of the Savage Lands are subject to public easements for recreation and access including vehicular acquired through implied dedication. The Private Parties dispute these claims. The Private Parties wish to develop the Savage Land and have been in the process of gaining various government approvals for a residential development. As part of the approval process, the Private Parties were required to obtain clearance from the State Fish and Game Department concerning a water boundary for the Savage Lands. The Private Parties also found that

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financial backers of the proposed development required that any sovereign interest of the State be cleared from the property.

CURRENT SITUATION:

The Private Parties, staff of the State Lands Commission and staff of the Attorney General's Office have negotiated a Title Settlement and Exchange Agreement that will provide for the settlement of the various claims of all parties to 32.05 acres of land. The proposed agreement is on file in the office of the Commission and contains the following terms and conditions:

1. The agreement establishes an "Agreed Boundary Line" between the Property of the state and the Private Parties that is fixed and permanent.
2. The State will quitclaim all sovereign rights in the Savage Lands landward of the Agreed Boundary Line. The agreed boundary is located at approximately the six-foot elevation contour. The Private Parties will quitclaim all rights to the portion of the Savage Lands waterward of the Agreed Boundary Line.
3. The Private Parties will convey to the State a non-exclusive easement for public access across the upland parcel from the nearest public road to and along the Agreed Boundary Line to Southern boundary of the Savage Lands.
4. The State will, in exchange for the above non-exclusive public access easement remove any claim of implied dedication over the area cleared to the Private Parties.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. The State has evaluated the interests in land being cleared to the Private Parties and the interests in land being acquired by the State and has found the interest being acquired to be equal to or greater than the interests in land being cleared to the Private Parties. The office of the Attorney General has also evaluated the recreation and access rights of the public acquired through implied dedication. The

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NO. 3706	

uplands parcel has been used by the public for vehicular recreation and a roadway runs along the perimeter of the lagoon. The office of the Attorney General finds that the easement being conveyed by Private Parties to the State will consolidate and adequately replace those impliedly dedicated public rights.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutory exempt project. The project is exempt from CEQA because it involves settlements of title and boundary problems.

Authority: P.R.C. 21080.11.

EXHIBITS:

- A. Sketch of Agreement Area.
- B. Map of Agreed Boundary and Access Easement.
- C. Site Map.

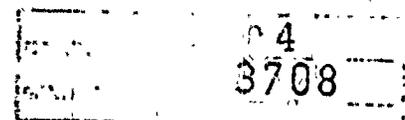
IT IS RECOMMENDED THAT THE COMMISSION:

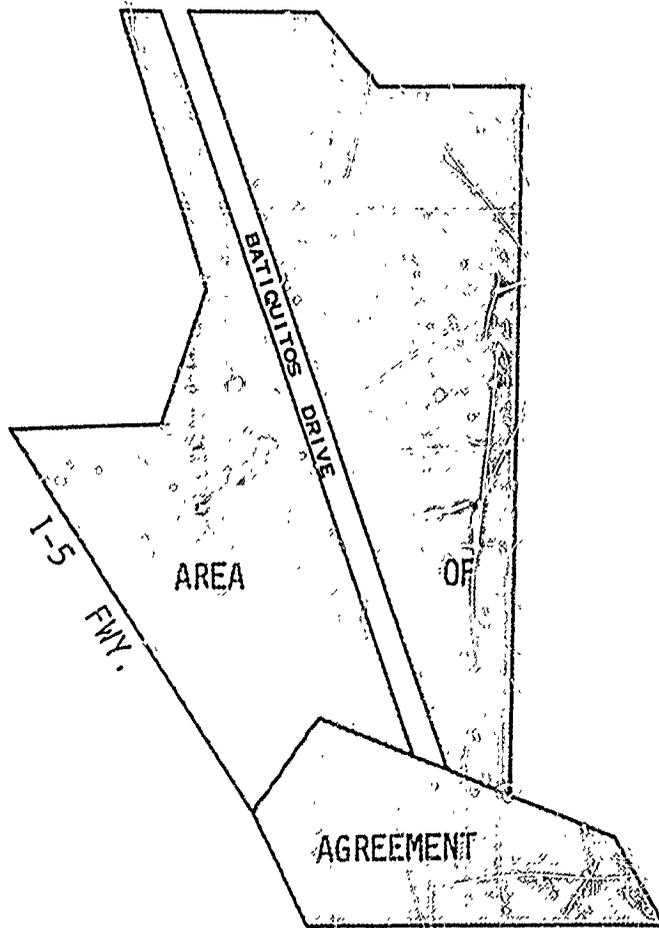
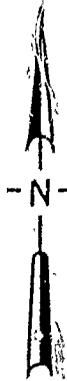
1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. AUTHORIZE THE EXECUTION AND RECORDATION ON BEHALF OF THE COMMISSION OF A TITLE SETTLEMENT AND EXCHANGE AGREEMENT BLA 254; AD 41 BETWEEN THE STATE ACTING BY AND THROUGH THE STATE LANDS COMMISSION AND WILLIAM C. AND BETTY JUNE SAVAGE AS TRUSTEES OF THE SAVAGE REVOCABLE INTER-VIVOS TRUST, DELBERT L. STOKESBARY, HARRIET B. STOKESBARY AND W. GAYLE THOMPSON IN SUBSTANTIALLY THE FORM OF THAT AGREEMENT ON FILE IN THE OFFICE OF THE COMMISSION.
3. FIND AND DECLARE THAT UPON THE EFFECTIVE DATE OF THE ABOVE-REFERENCED AGREEMENT:
 - A) THE PARCEL TO BE CONVEYED TO THE PRIVATE PARTIES HAS BEEN IMPROVED, FILLED, AND RECLAIMED, AND HAS THEREBY BEEN EXCLUDED FROM THE PUBLIC CHANNELS AND IS NO LONGER

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AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING, AND IS NO LONGER, IN FACT, TIDELANDS OR SUBMERGED LANDS. SUCH LAND SHALL BE FREE FROM THE PUBLIC TRUST FOR NAVIGATION AND FISHING.

- B) THE LANDS AND INTERESTS INTERESTS IN LANDS ACQUIRED BY THE STATE PURSUANT TO THIS SETTLEMENT AGREEMENT, ARE GREATER THAN OR EQUAL IN VALUE TO THE LANDS OR INTERESTS IN LANDS BEING CONVEYED TO PRIVATE PARTIES.
- C) THE LANDS, OR INTERESTS IN LANDS, BEING CONVEYED TO THE STATE BY PRIVATE PARTIES, PURSUANT TO THIS AGREEMENT, SHALL BE SOVEREIGN LANDS OF THE STATE AND, AS SUCH, ARE SUBJECT TO THE PUBLIC TRUST FOR COMMERCE, NAVIGATION, AND FISHING.
- D) THE SETTLEMENT OF THIS DISPUTE IS IN THE BEST INTEREST OF THE PUBLIC.
4. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND THE OFFICE OF ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE TERMS AND PROVISIONS OF THIS AGREEMENT, INCLUDING, BUT NOT LIMITED TO, EXECUTION OF ALL DOCUMENTS, MAPS, DEEDS, TITLE AND ESCROW INSTRUCTIONS, CERTIFICATES OF ACCEPTANCE AND CONSENT TO RECORDATION, AND APPEARANCES IN ANY LEGAL PROCEEDINGS WHICH MAY BE REQUIRED IN ORDER TO FINALIZE THE AGREEMENT.





BATIQUITOS LAGOON

EXHIBIT "A"
W 29725.201

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3709

EXHIBIT "B"

SECTION 33 T10S R14W

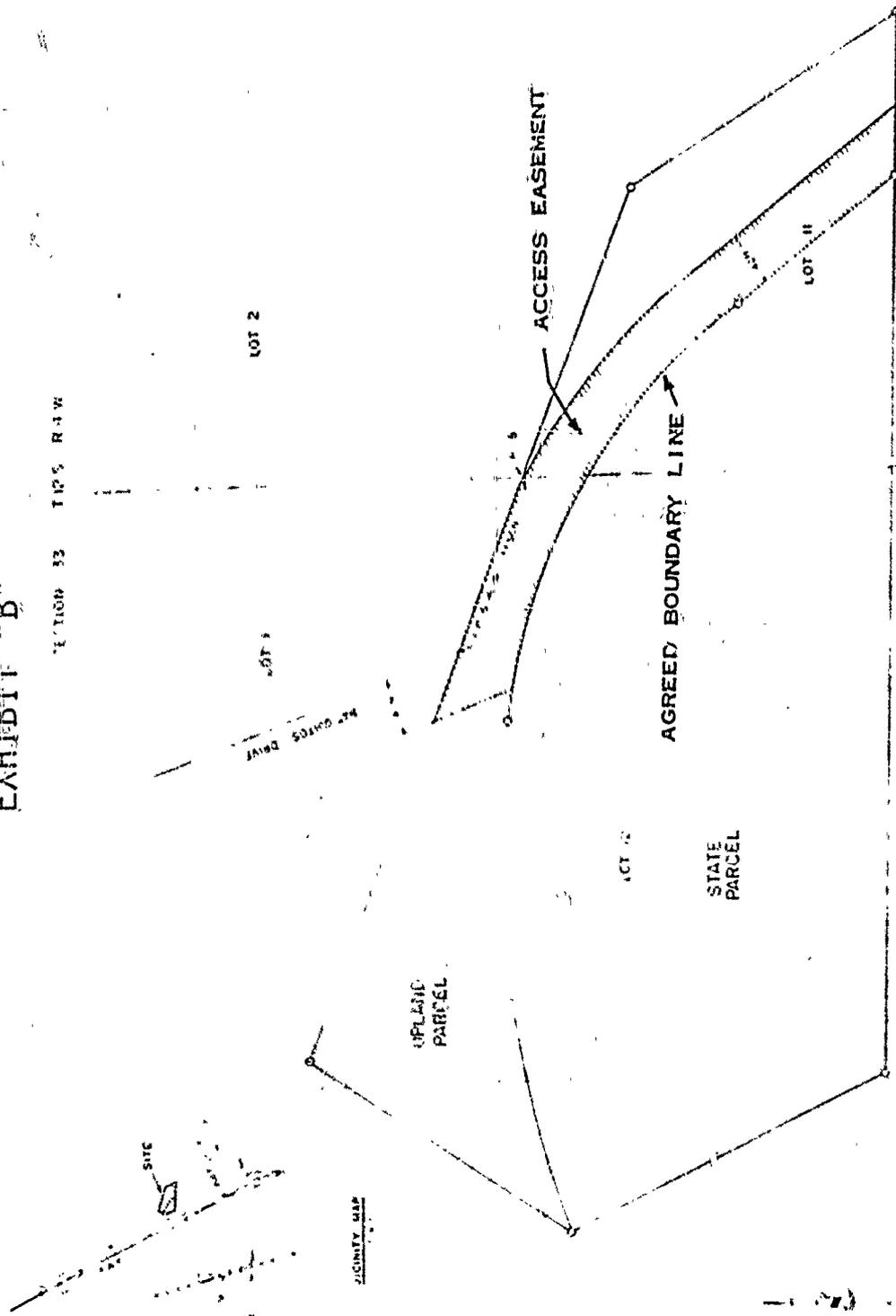
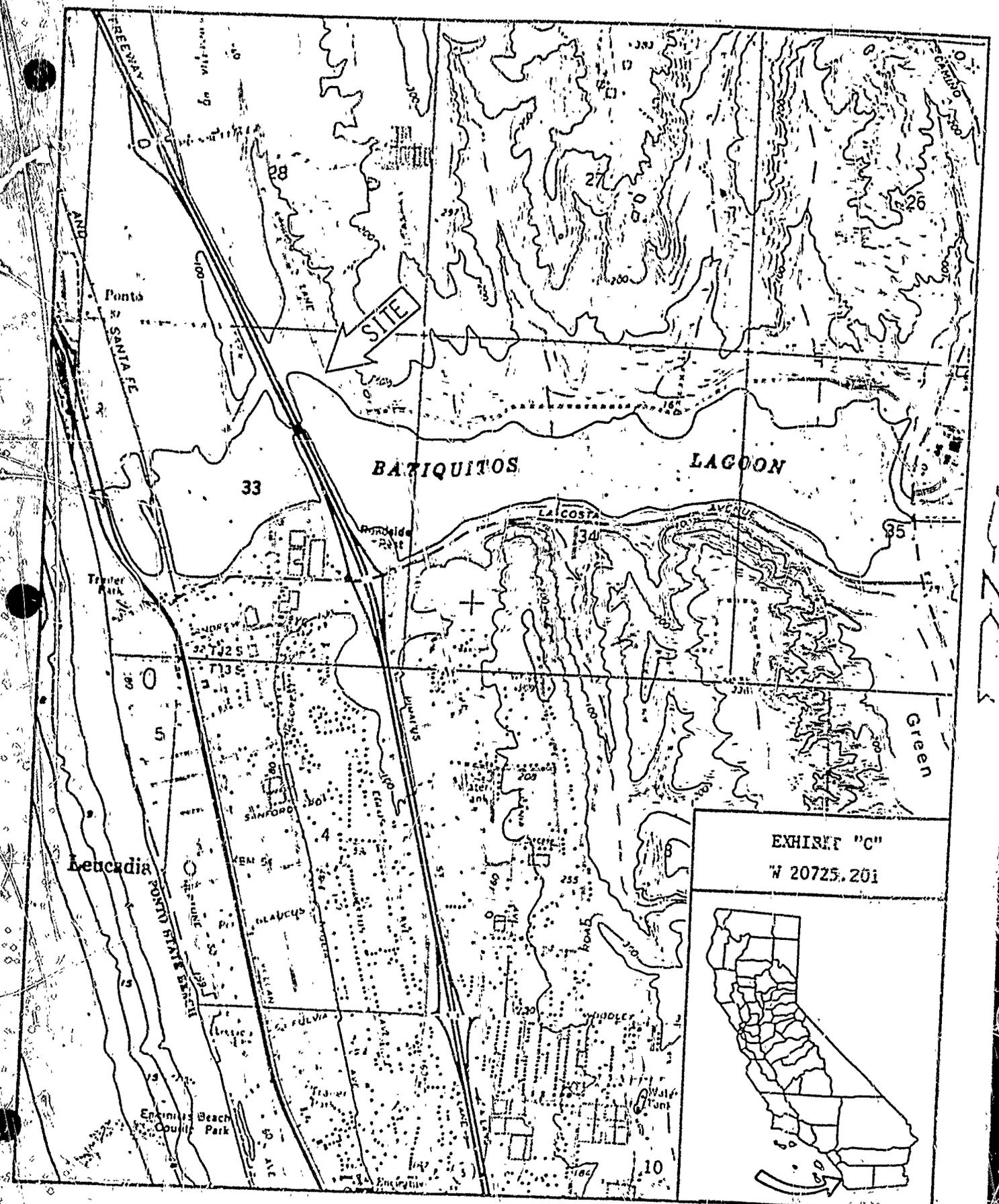


EXHIBIT "B"

MAP OF
AGREED BOUNDARY AND
ACCESS EASEMENT

3710



SITE

BATIQUITOS LAGOON

EXHIBIT "C"
W 20725.201



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