MINUTE ITEM

This Calendar Item No. 25 was approved as Minute Item No. 25 by the State Lands Commission by a vote of 2 to 0 at its 3/27/86 meeting.

CALENDAR ITEM

A 44

S 18

25

03/27/86
W 503.1388 PRC 6964
W 503.1416
BLA 255
AD 44
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AUTHORIZE ACQUISITION OF THE LOMAX UPLAND PARCEL AND ITS LEASE TO DEPARTMENT OF PARKS AND RECREATION

BACKGROUND

In 1981, Marshall Lomax and Undine Lomax filed suit (Lomax v. State SCC# WEC 069499) against the State of California and many of its agencies and subdivisions, alleging damage caused by land movement to their property at 19550-54 Pacific Coast Highway, Malibu, Los Angeles County (APN 4449-06-003).

While preparing for the above suit, a review of title documents, historic maps and surveys disclosed that a portion of the land and its structure claimed by the Lomax's extended waterward of the 1928 MHTL, which line is believed to be the boundary line between the sovereign lands of the State and the private uplands at this location. Subsequently, on June 20, 1985, the State Lands Commission filed a Quiet Title suit (State v. Lomax SCC# WEC 095507) to recover that portion of the land claimed by the Lomax's lying waterward of the 1928 MHTL.

CURRENT STATUS

A settlement of the above suits was approved at the Commission's March 6, 1986 meeting. The approved terms call for the Lomax's to execute a boundary line agreement along the 1928 MHTL (Exhibit "A") and for the State to acquire the Lomax's remaining upland parcel which lies between the 1928 MHTL and the Pacific Coast Highway (Exhibit "C") for the sum of $90,000.

(PAGES 122-122.6 ADDED 03/21/86)

It is contemplated that the upland parcel will be leased to the Department of Parks and Recreation for inclusion in Las Tunas State Beach. The State Beach abuts the parcel on the east side.

The approved agreement will define the extent, nature, location, and area of public and private titles and common boundary by a permanent locating and fixing of the 1928 MHTL pursuant to the provisions of Div. 6 of the P.R.C., with particular reference to Section 6357.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. As to the land acquisition, 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, pursuant to the Kapiloff Land Bank Act.

   Authority: P.R.C. 8631.

2. As to the lease to the California Department of Parks and Recreation, 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 categorical exempt project. The project is exempt under Class 16, Transfer of Ownership of Land in Order to Create Parks, 14 Cal. Adm. Code 15316.

   Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15300.

3. An appraisal of Lomax upland parcel was prepared by the Department of General Services, Real Estate Services Division.

4. Notice of the proposed acquisition of the Lomax upland parcel, using Kapiloff Land Bank Act funds, was mailed March 6, 1986 pursuant to P.R.C. Section 8622.

EXHIBITS:
A. Boundary Line Agreement Description.
B. Location Map.
C. Parcel Description.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE LAND ACQUISITION, 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. 8631, PURSUANT TO THE KAPILOFF LAND BANK ACT.

2. AS TO THE LEASE TO THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 16, TRANSFER OF OWNERSHIP OF LAND IN ORDER TO CREATE PARKS, 14 CAL. ADM. CODE 15316.

3. FIND THAT THE BOUNDARY LINE AS DESCRIBED IN EXHIBIT "A" IS THE AGREED LAST NATURAL LOCATION OF THE ORDINARY HIGH WATER MARK AND SHALL UPON EXECUTION AND RECORDATION OF AN AGREEMENT BE A PERMANENT BOUNDARY NO LONGER SUBJECT TO FLUCTUATION.

4. AUTHORIZE, AS LAND BANKS TRUSTEES, THE ACQUISITION OF THE UPLAND PARCEL LANDWARD OF THE 1928 MHTL (EXHIBIT "C") OWNED BY MARSHALL G. LOMAX AND UNDINE L. LOMAX AS DESCRIBED IN DEED RECORDED JUNE 3, 1969 AS INSTRUMENT NO. 973 FOR THE SUM OF $90,000, THE PURCHASE MONEY BEING AN EXPENDITURE OF KAPILOFF LAND BANK ACT FUNDS, P.R.C. 8624, SAID PARCEL TO BE HELD AS SOVEREIGN LANDS OF THE STATE.

5. AUTHORIZE A 49-YEAR PUBLIC AGENCY LEASE OF THE PARCEL TO THE DEPARTMENT OF PARKS AND RECREATION FOR INCLUSION IN LAS TUNAS STATE BEACH.

6. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS DEEMED NECESSARY, INCLUDING BUT NOT LIMITED TO EXECUTION OF DOCUMENTS AND STIPULATIONS, IN ORDER TO IMPLEMENT AND GIVE EFFECT TO THIS SETTLEMENT AGREEMENT.

CALENDAR PAGE 122.3
MINUTE PAGE 816

EXHIBIT "A"

Boundary Line Agreement Description

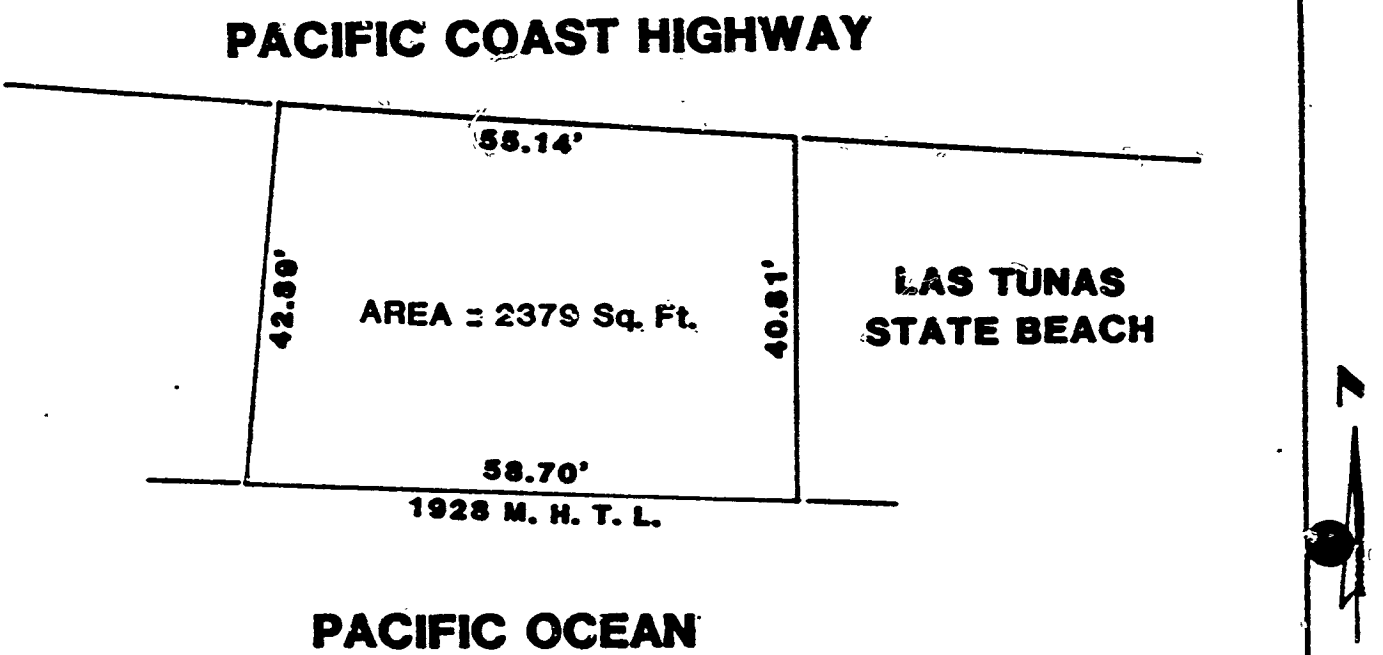
COMMENCING at a point in the Southerly line of Pacific Coast Highway that is S 23°44'00" E 40.00 feet from Engineer's centerline station 100+22.08 at the Easterly extremity of that certain centerline course of said right-of-way described as N 66°16'00" E 670.60 feet in the deed from Southern Counties Land Company to the State of California, recorded in Book 11716 Page 337, Official Records of Los Angeles County; thence Easterly along a curve concave to the South and having a radius of 1210 feet being also tangent to the Southerly line of said Pacific Coast Highway a distance of 401.25 feet; thence continuing along said curve a distance of 201.15 feet to the end of said curve; thence S 85°12'30" E 81.09 feet tangent to the last mentioned curve; thence continuing Easterly along a curve tangent to the last mentioned course and concave to the North having a radius of 4040 feet, a distance of 21.06 feet to Point "A"; thence continuing along said curve 55 feet, more or less, to a point in the Easterly line of Lot 5, Section 31, Township 1 South, Range 16 West, San Bernardino Meridian; thence along said Easterly line of Lot 5 S 0°07'10" E 40.81 feet to the Mean High Tide Line of the Pacific Ocean as it existed October 1928 and is shown on Los Angeles County Map CSB 307-2 and the POINT OF BEGINNING of the Agreed Boundary Line; thence along said 1928 Mean High Tide Line and the Agreed Boundary Line N 87°30'27" W 58.70 feet to a point that bears S 04°47'30" W and 42.89 feet from the above mentioned Point "A" and the end of the agreed boundary line.

The bearings in this description are based on the above mentioned deed from Southern Counties Land Company to the State of California recorded in Book 11716 Page 337 Official Records of Los Angeles County. A clockwise rotation of 0°15'45" is required to adjust these bearings to the California Zone 7 Coordinate System.

END OF DESCRIPTION

0019k

PLAT OF POTENTIAL LAND BANK PARCEL



1inch = 20 Feet

LOCATION MAP

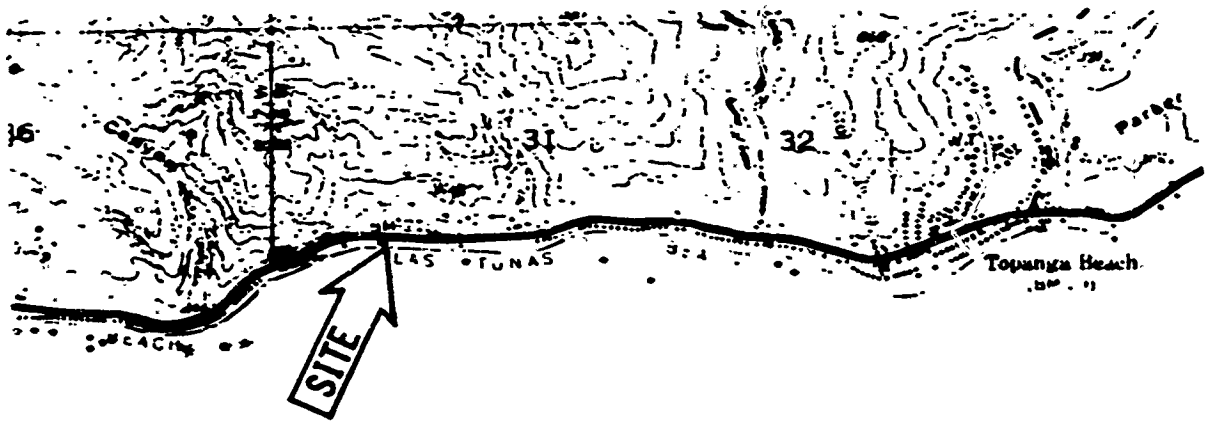


EXHIBIT "B"

W 503.1388
CALENDAR PAGE 122 5
MINUTE PAGE 818

EXHIBIT "C"

Parcel Description

That portion of Lot 5, Section 31, Township 1 South, Range 16 West, San Bernardino Meridian, according to the official plat of said land filed in the District Land Office recorded October 5, 1896, lying Southerly of the Southerly line the Pacific Coast Highway, as said Southerly line was established January 1, 1945, said parcel being more particularly described as follows:

> COMMENCING at a point in the Southerly line of said Pacific Coast Highway that is S 23°44'00" E 40.0 feet from Engineer's centerline station 100+22.08 at the Easterly extremity of that certain centerline course of said right-of-way described as N 66°16'00" E 670.60 feet in the deed from Southern Counties Land Company to the State of California recorded in Book 11716 Page 337, Official Records of Los Angeles County; thence Easterly along a curve concave to the South and having a radius of 1210 feet being also tangent to the Southerly line of said Pacific Coast Highway, a distance of 401.25 feet; thence continuing along said curve 201.15 feet to the end of said curve; thence S 85°12'30" E 81.09 feet tangent to the last mentioned curve; thence continuing Easterly along a curve tangent to the last mentioned course and concave to the North having a radius of 4040 feet, a distance of 21.06 feet to the POINT OF BEGINNING; thence continuing along said curve 55 feet, more or less, to a point in the Easterly line of said Lot 5; thence southerly along said Easterly line of Lot 5, S 0°07'10" E 40.81 feet to the Mean High Tide Line of the Pacific Ocean as it existed October 1928 and is shown on Los Angeles County Map CSB 307-2; thence along said 1928 Mean High Tide Line N 87°30'27" W 58.70 feet to the intersection of said 1928 Mean High Tide Line with a line that bears S 04°47'30" W from the point of beginning; thence N 04°47'30" E 42.89 feet to the point of beginning.

The bearings in this description are based on the above mentioned deed from Southern Counties Land Company to the State of California recorded in Book 11716 Page 337 Official Records of Los Angeles County. A clockwise rotation of 0°15'45" is required to adjust these bearings to the California Zone 7 coordinate System.

END OF DESCRIPTION

0019b