

MINUTE ITEM
This Calendar item No. 47
was approved as Minute Item
No. 47 by the State Lands
Commission by a vote of 27
to 0 at its 27-12-88
meeting.

CALENDAR ITEM

A 36

S 18

47

PRC 1223
AD 107

04/12/88
W 503.1376
Cox
Shafer
Stevenson

REQUEST FOR AUTHORITY TO (1) EXECUTE AND TO RECORD
BOUNDARY LINE AND LEASE AGREEMENTS PROVIDING FOR THE
(A) SETTING OF AN ORDINARY HIGH WATER MARK FOR
73 OCEANFRONT LOT AT OXNARD SHORES, VENTURA COUNTY;
(B) ACCEPTANCE OF DEEDS TO STATE OF PUBLIC ACCESSWAYS
AND BEACHES; AND (C) A LEASE TO CITY OF OXNARD
OF THE LAND SO DEEDED; AND
(2) REQUEST FOR AUTHORITY TO OFFER
BOUNDARY LINE AGREEMENTS TO RECORD OWNERS OF
27 DEVELOPED LOTS WITHIN OXNARD SHORES;
CITY OF OXNARD, VENTURA COUNTY

APPLICANT: Save Oxnard Shores, etc. v Oxnard Shores
Oceanfront Lot Owners Association, etc., et al

and

State of California, ex rel State Land
Commission v Oxnard Shores Company, etc., et al
(Superior Court of California, County of Ventura
Case No. 83667)

BACKGROUND

In 1983, the State Lands Commission was named a party defendant
in litigation entitled Save Oxnard Shores, etc. v. Oxnard
Shores Oceanfront Lot Owners Association, et al. (Superior
Court of California, County of Ventura, Case No. 83667). This
lawsuit will be referred to throughout this item as "Save
Oxnard Shores." The Save Oxnard Shores lawsuit is the most
recent of ten suits filed relating to potential residential
development of a one mile stretch of beach in the City of
Oxnard now comprised of 97 undeveloped lots and 27 developed
lots collectively known as Oxnard Shores. The site is shown
for reference on Exhibit A, attached to this calendar item, and
incorporated by reference as a part of it.

-1-

(ADDED 04/08/88 pgs. 338-338.10)

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The relief sought by the plaintiff public interest group in Save Oxnard Shores was twofold: (1) to seek a judgment finding that the 97 undeveloped lots on the Oxnard Shores oceanfront are subject to a public recreational easement by virtue of the doctrine of implied dedication; and (2) to establish the ocean boundary of tide and submerged lands of those 97 lots. The State Lands Commission responded by answering the complaint and filing cross-complaints against the owners of record of all undeveloped beach lots.

Late in 1987, representatives of the parties to the litigation reached a proposed settlement. The terms of the settlement were memorialized in the "Agreement for Settlement of Litigation" which is presently on file with the Offices of the Attorney General and the staff of the State Lands Commission and which will be referred to throughout this item as the "Settlement Agreement". The Settlement Agreement sets forth a process by which all applicable public agencies will consider the various elements of the settlement, which include the resubdivision of the existing oceanfront lots, approvals of a land use plan for the area, and the passage of zoning ordinances to implement that plan.

At its January 15, 1988, executive session, the State Lands Commission approved the Settlement Agreement and authorized its execution on behalf of the Commission. By executing the Settlement Agreement, the Commission committed itself to settle the litigation on the terms set forth if all discretionary land use decisions related to the Settlement Agreement were acquired. The discretionary actions required by the Settlement Agreement to be considered by the State Lands Commission are the boundary line agreement and the lease brought before the Commission by this calendar item.

Through the boundary line agreement, an ordinary high water mark will be set for each of the lots shown as lots 1-73 on Exhibit B, thereby establishing the oceanward extent of private property and the landward extent of public property. (Exhibit B is attached to this item and incorporated by reference as a part of it.) The boundary for each lot will be set sufficiently landward to allow public access along the beach except during the highest reaches of the tide. Open beach areas resulting from a reduction in the number and size of the oceanfront lots through the resubdivision contemplated by the Settlement Agreement will be deeded in fee to the State through the boundary line agreement. Two large beach areas will be

(CALENDAR ITEM NO. 47 CONT'D)

created, one 751 feet in length south from the foot of 5th Street, and a second of 584 feet farther south at Neptune Square. Both beaches are shown on Exhibit B as parcels A and T. In addition, the boundary line agreement will create 9 vertical accessways connecting the sovereign property fronting lots 1-73 and the oceanfront roads. These accessways, also shown on Exhibit B, range from 8 to 24 feet in width. The farthest an individual will walk to pass through an accessway to the beach will be 326 feet. In all cases but that, the distance to an accessway will be significantly less. All property settled in the State through the boundary line agreement is, under the Settlement Agreement, to be leased to the City of Oxnard for use as public beach. The Settlement Agreement further states that the property conveyed to the State and lying above the ordinary high water mark at the beaches at Neptune Square and south of 5th Street may not be used for public bathrooms or parking lots. Those facilities will be available in the public parks planned for the beaches adjoining Oxnard Shores to the north and south. A copy of the proposed lease is attached to the Settlement Agreement and utilizes the standard State Lands Commission lease form with the addition of a specific requirement that the City of Oxnard shall, at its sole expense, keep the leased premises in a clean condition. The proposed lease will be without cost to the City under the provisions of the California Administrative Code, Title 2, Section 2003 (a)(4).

Following recordation of the boundary line agreement, staff of the State Lands Commission will conduct a survey to locate, monument, and map the boundary established by the Agreement.

Owners of the 27 beachfront lots at Oxnard Shores with existing homes were not parties to the Save Oxnard Shores litigation or to the Settlement Agreement and are therefore not bound by its provisions. Staff recommends that, separate and apart from the boundary line agreement now before the State Lands Commission, record owners of presently developed properties on the beach at Oxnard Shores be afforded the opportunity to enter boundary line agreements to establish the oceanward extent of their properties at the reach of structural improvements which now exist. Survey crews of the State Lands Commission will in the next two weeks conduct surveys of the reach of these structures in anticipation of any request by the record owners of those properties for title settlements. Beach property settled in the State through any such boundary line agreements would become subject to the public recreation lease to the City of Oxnard of the Oxnard Shores beach.

(CALENDAR ITEM NO. 47 CONT'D)

Staff of the Commission has been contacted by the owners of 6 contiguous existing homes lying between resubdivided lots 57 and 58 shown on Exhibit B regarding the rock revetment which now exists in the front of those homes and in wrap-arounds along the sides of the houses at either end of the six-house row. A survey will be performed to determine the precise location of the revetment and of the seaward extent of the homes which the revetment is designed to protect. Negotiations are now underway with the record owners of those developed lots to see if agreement can be reached to set boundary lines for each lot in conjunction with retention of the revetment in place. The staff of the Commission will return with a request for action on this matter if negotiations are successful.

In conclusion, the staff of the State Lands Commission and the Office of the Attorney General support the proposed boundary line agreement for Oxnard Shores and the lease to the City of Oxnard. The Agreement will set the boundaries of 73 lots to define land available for public and for private use. The property cleared of private title fronting those lots, together with the connecting beaches and accessways, will assure continued public recreational use of this area.

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. 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 statutorily exempt project. The project is exempt because it involves settlements of title and boundary problems and a lease in conjunction with that settlement.

Authority: P.R.C. 21080.11.

CALENDAR ITEM NO. 47 CONT'D

- EXHIBITS: A. Site Map.
 B. Reference Map showing resubdivided private lots (1-73) and parcels quieted in the State (A-W).

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 STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS AND LEASE IN CONJUNCTION WITH SETTLEMENT.
2. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE TO EXECUTE AND TO DELIVER INTO ESCROW FOR RECORDATION IN THE OFFICE OF THE VENTURA COUNTY RECORDER THE BOUNDARY LINE AGREEMENT SETTING THE ORDINARY HIGH WATER MARK FOR LOTS 1-73 AND PARCELS A AND T ON EXHIBIT B IN A FORM SUBSTANTIALLY SIMILAR TO THAT SET FORTH IN EXHIBIT 7 OF THE SETTLEMENT AGREEMENT NOW ON FILE WITH THE OFFICE OF THE STATE LANDS COMMISSION.
3. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE TO EXECUTE AND TO DELIVER FOR RECORDATION THOSE DOCUMENTS WHICH MAY BE NECESSARY TO THE RECORDATION OF THE SUBJECT BOUNDARY LINE AGREEMENT.
4. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS SHE/THEY DEEM NECESSARY OF APPROPRIATE TO EFFECTUATE THIS BOUNDARY LINE AGREEMENT AND LEASE, INCLUDING REPRESENTATION OF THE COMMISSION IN ANY LEGAL ACTION TO DETERMINE THE LEGALITY OF THIS AGREEMENT AND LEASE.
5. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE TO ENTER A RENT-FREE LEASE FOR 49 YEARS FROM THE DATE OF THIS AUTHORIZATION WITH THE CITY OF OXNARD SUBSTANTIALLY IN THE FORM OF THAT LEASE SET FORTH IN EXHIBIT 10 OF THE SETTLEMENT AGREEMENT AND NOW ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION.
6. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE TO OFFER TO ENTER BOUNDARY LINE AGREEMENTS WITH THE RECORD OWNERS OF 27 PRESENTLY DEVELOPED OCEANFRONT LOTS WITHIN THE OXNARD SHORES SUBDIVISIONS UTILIZING THE PRESENT OCEANWARD EXTENT OF STRUCTURES AS THE BOUNDARY BETWEEN PRIVATE PROPERTY AND STATE TIDE AND SUBMERGED LANDS.

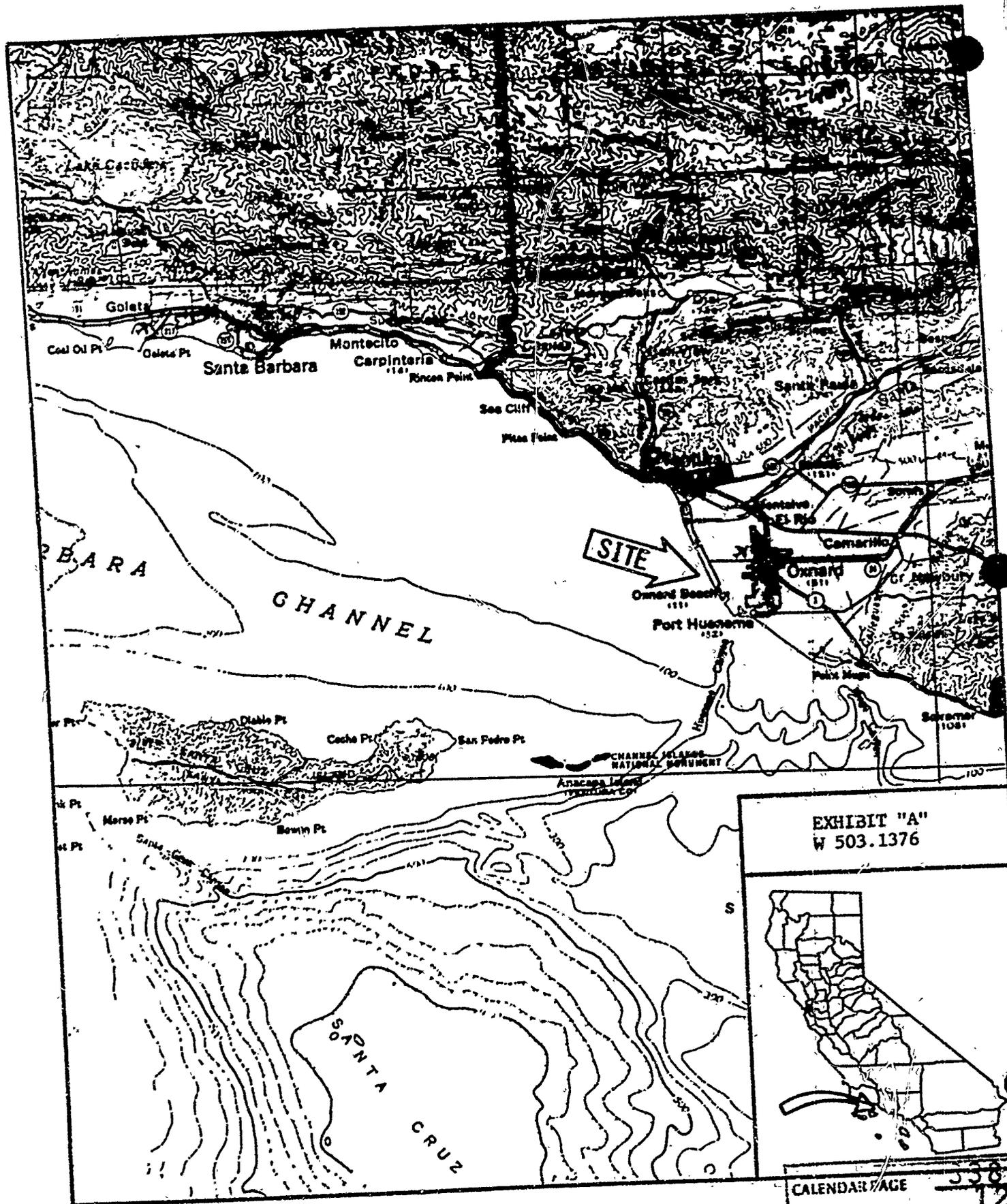
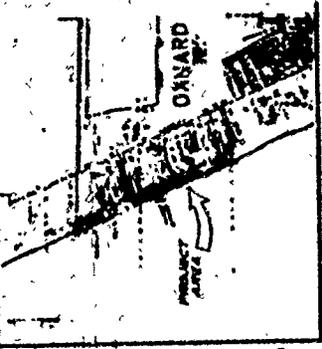


EXHIBIT "A"
W 503.1376



CALENDAR PAGE	558
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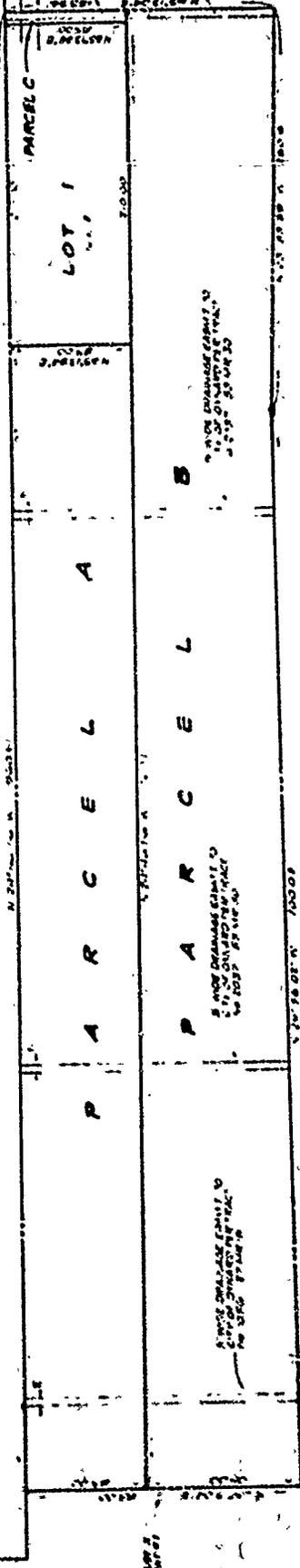


HARBOR BLVD.
 SPLIT PER TRACT 2087
 AND TRACT 1011
 PER TRACT 1012

WEST FIFTH STREET

MANDALAY BEACH ROAD

SUBJECT TO TRACT 1018



PARCEL C

LOT 1

P A R C E L A

P A R C E L B

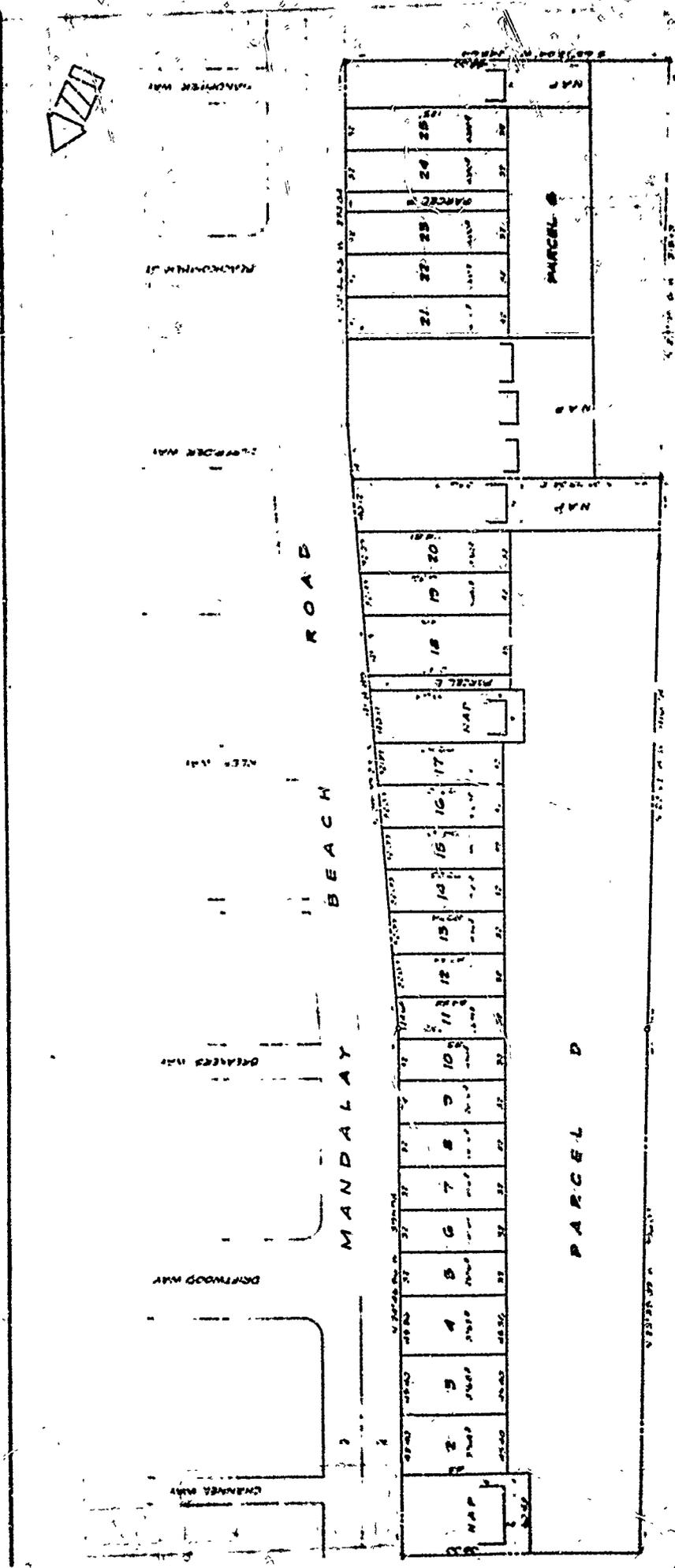
CALENDAR PAGE 338.6
 MINUTE PAGE 1232

SUBSIDY: CITY OF ONWARD
 CHARGES: SEE LIST WITH APPLICATION
 TOTAL ACRES: 22.6 AC.

PREPARED BY WILLIAM B. HOFFMANN, L.S. 87120
 TENTATIVE TRACT NO. 4380
 IN THE CITY OF ONWARD
 LOT 1 TO BE EXCLUDED FROM TRACT
 NO. 8087 PER S.L.S. 80
 COUNTY OF SAN DIEGO, CALIFORNIA
 DATE: 11-1-80
 SCALE: 1" = 100'

EXHIBIT B PAGE 1

LAND & SEA SURVEYS INC.
 1000 W. 10TH ST. SUITE 100
 SAN DIEGO, CALIF. 92101
 (619) 581-1111



PREPARED BY WILLIAMS & HENNING, L.S. 8000
TENTATIVE TRACT MAP 2000
 IN THE CITY OF OAKLAND
 SHOWING A SUBDIVISION OF A PORTION
 OF TRACT NO. 1088, PER. BY A.B. 18
 AND A PORTION OF TRACT NO. 1087
 PER. BY A.B. 18
 COUNTY OF ALBERTA
 JANUARY 1968
 SCALE 1" = 20'

EXHIBIT B, PAGE 2

CALENDAR PAGE **338.7**
 MINUTE PAGE **1233**

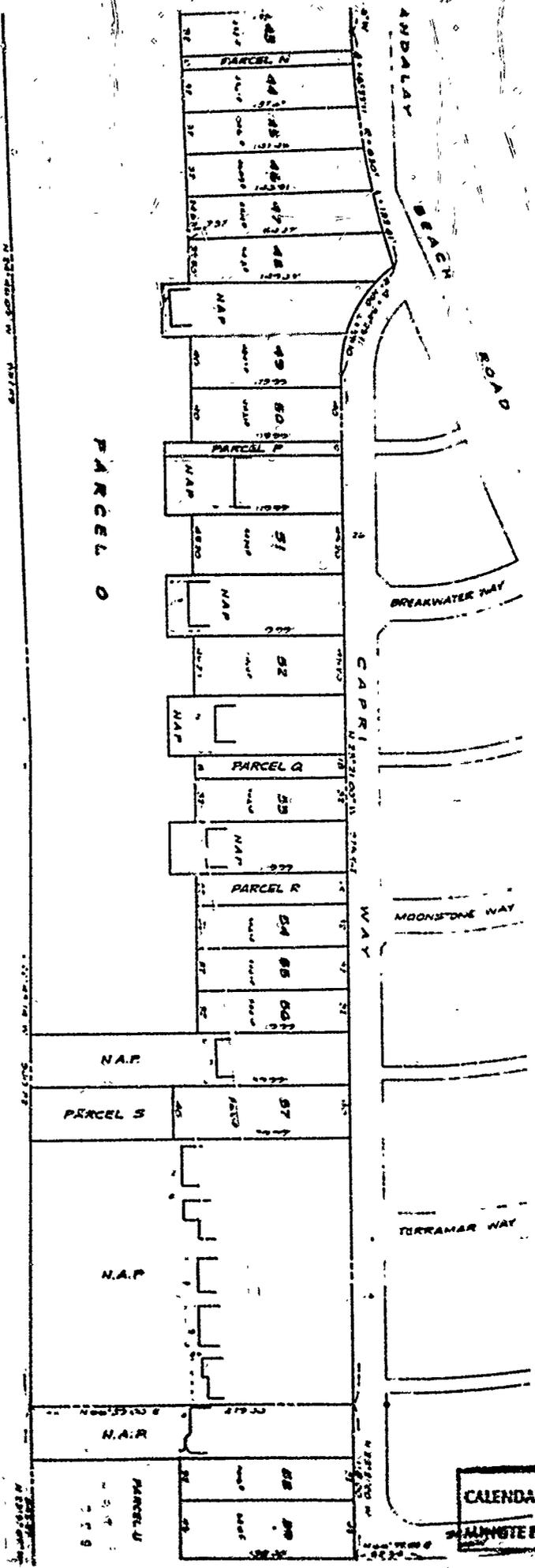
N.E.D. - NOT A PART
 OF THIS MAP
 SEE PLAT PER B

LAND & SEA SURVEYS INC.
 1000 BAY STREET
 OAKLAND, CALIF. 94612
 (415) 764-1100

LAND & SEA SURVEYS, INC.
 1000 W. 10th Street
 San Diego, California 92101
 Telephone: (619) 591-1111

N.A.P. MAP A PART OF THIS SUBDIVISION
 8-18-1981
 1-2-1982

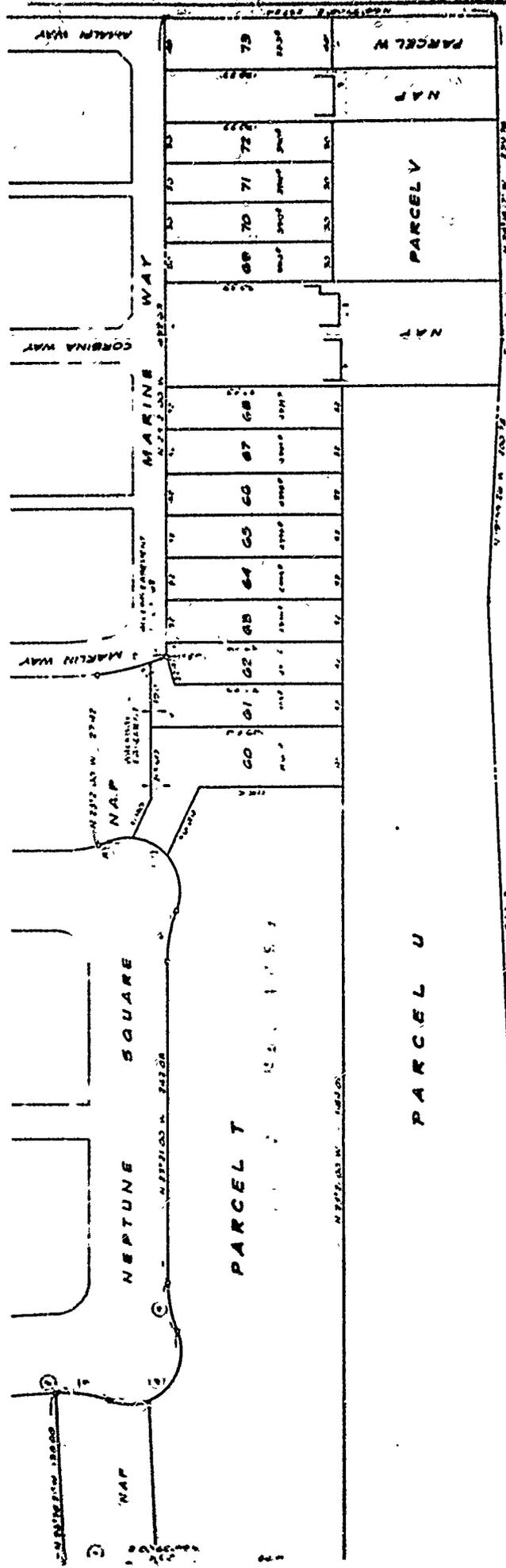
EXHIBIT B, PAGE 4



PREPARED BY WILLIAM B. HORNOLD, L.S. 1204
TENTATIVE TRACT No. 4880
 IN THE CITY OF OLYMPIA
 BEING A SUBDIVISION OF A PORTION
 OF TRACT NO. 13771, PER 27 MAR 81
 AND A PORTION OF TRACT NO. 13758
 PER 27 MAR 78
 COUNTY OF OLYMPIA
 WILLIAM B. HORNOLD
 OLYMPIA, WA 98512

CALENDAR PAGE	38	.9
PLANNING PAGE	12	85

ZZA



CALENDAR PAGE 1236
 8.10

- ① 2100' 13" L. 2100' 13"
- ② 2100' 00" L. 2100' 00"
- ③ 2100' 00" L. 2100' 00"
- ④ 2100' 00" L. 2100' 00"
- ⑤ 2100' 00" L. 2100' 00"
- ⑥ 2100' 00" L. 2100' 00"
- ⑦ 2100' 00" L. 2100' 00"
- ⑧ 2100' 00" L. 2100' 00"

N.A.P. - NOT A PART OF THIS SURVEY
 N. 10' 00" W. 100' 00"
 S. 10' 00" E. 100' 00"

PREPARED BY WILLIAM D. STOKER, L.S. 1888

TENTATIVE TRACT NO. 4380
 IN THE CITY OF OXNARD
 BEING A SUBDIVISION OF A PORTION
 OF TRACT NO. 1899, PER 97 1/2
 CALIFORNIA
 JANUARY, 1908

EXHIBIT B, PAGE 5

LAND & SEA SURVEYS INC.
 1000 W. 10th St.
 Oxnard, California 93030
 PHONE (805) 325-1111