

MINUTE ITEM

50

04/12/88  
W 20725.202  
AD 75  
A. Scott  
Saggese  
Fossum

APPROVAL OF AND AUTHORIZATION TO EXECUTE  
COMPROMISE TITLE SETTLEMENT AND EXCHANGE AGREEMENT  
WITH N. B. HUNT AND W. H. HUNT  
INVOLVING LANDS IN AND ADJACENT TO BATIQUITOS LAGOON  
CITY OF CARLSBAD, SAN DIEGO COUNTY

Calendar Item 50, attached, was pulled from the agenda prior to  
the meeting.

Attachment: Calendar Item 50.

CALENDAR PAGE

MINUTE PAGE

1248

CALENDAR ITEM

A 75  
S 38

50

04/12/88  
W 20725.202  
AD 75  
A. Scott  
Saggese  
Fossum

APPROVAL OF AND AUTHORIZATION TO EXECUTE COMPROMISE TITLE  
SETTLEMENT AND EXCHANGE AGREEMENT WITH  
N. B. HUNT AND W. H. HUNT  
INVOLVING LANDS IN AND ADJACENT TO BATIQUITOS LAGOON,  
CITY OF CARLSBAD, SAN DIEGO COUNTY

PRIVATE PARTIES:

N. B. Hunt and W. H. Hunt  
c/o Hunt Properties, Inc.  
7707 El Camino Real  
Carlsbad, California 92008

The Private Parties hold record title to certain lands in Batiquitos Lagoon as successors-in-interest to original purchasers of Swamp and Overflowed patents issued in 1887 by the State. The Private Parties own additional lands adjacent to Batiquitos Lagoon conveyed by the United States as public lands. The Lagoon was originally surveyed and meandered by the United States as salt marsh in 1875 and later, in 1905, designated as swamp and overflowed lands and patented to California by the United States. The area designated as salt marsh contained 601.07 acres.

The staff of the Commission believes, based on available data, that Batiquitos Lagoon contained tide and submerged lands under natural conditions, which was prior to the artificial influences of railroad fill in the 1880's and subsequent highway fills which have severely constricted the natural tidal prism of the Lagoon.

The Commission, on December 30, 1985, approved, by Minute Item #1, a title settlement and exchange agreement with William C. Savage, et al involving property directly adjacent to and west

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(ADDED 04/11/88; pgs. 350-350.29)

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of the subject property, by which the State acquired approximately four acres of land lying in the bed of Batiquitos Lagoon and an adjacent 40-foot-wide public access easement connecting Batiquitos Drive, a public street, to the property boundary adjoining the subject property.

On July 24, 1986, the Commission, pursuant to Minute Item #30, authorized the acceptance of certain property interests which involved approximately 26 acres of land within the Lagoon which had been offered for dedication by Sammis' Properties as a condition of a California Coastal Commission permit.

The effect of the subject agreement and the two previously mentioned, in addition to previous acquisition by the Wildlife Conservation Board, will bring nearly all of the wetlands (approximately 600 acres) into State ownership.

The confirmation of these properties in State ownership is a major step by the Commission in making the restoration of the Lagoon possible. The Commission previously approved a Memorandum of Agreement (MOA) for restoration of the Lagoon by Minute Item #39 at the Commission's September 23, 1987 meeting. That agreement was executed by the Port of Los Angeles, the United States Fish and Wildlife Service, the California Department of Fish and Game, the National Marine Fisheries Services, the City of Carlsbad, and the State Lands Commission on November 12, 1987. The MOA provides for the restoration and enhancement of 596+ acres for marine habitat within the Lagoon.

The State Lands Commission, pursuant to the MOA, has been identified as the appropriate agency to hold title to the Lagoon in conjunction with the potential restoration project and consistent with Chapter 1415, Statutes of 1986, which authorizes restoration of the Lagoon with tideland trust revenues of the Port of Los Angeles. The lands are intended to be leased to the Department of Fish and Game for inclusion in an Ecological Reserve.

The parties acknowledge that there are uncertainties regarding whether some or all of Batiquitos Lagoon consisted of tide lands or tide and submerged lands, or swamp and overflowed lands, or a combination thereof, as well as the respective boundaries of such lands. This uncertainty is due not only to the scarcity of historical data, interpretive problems of the data available, and the possible effect of both natural and

man-made influences, but also the interpretation of relevant legal principles. Therefore, the resolution of the uncertainties by agreement, thereby eliminating the potential of protracted, costly, and vigorously disputed litigation with uncertain results, is in the parties best interest.

In order to effectuate the MOA and provide certainty to public versus private property interests in the area, staff of the Commission, together with the Office of the Attorney General, have negotiated a settlement agreement with representatives of Hunt Properties, Inc. which will result in the conveyance to the State of a fee interest to an approximate 383-acre parcel of land which includes all of the Hunt-owned lands in Batiquitos Lagoon designated by the United States Army Corps of Engineers, United States Fish and Wildlife Service, and California Department of Fish and Game as wetlands along with some additional littoral areas. These wetlands have been identified as necessary for inclusion within the proposed restoration and enhancement project for the Lagoon.

The staff of the Commission has evaluated its potential economic and public trust interest in the Upland Property described in Exhibit "B" and depicted on Exhibit "D" and has determined that those values are equal to or less than the value of the Lagoon property to be conveyed to the State as described in Exhibit "A" and depicted on Exhibit "D".

The State will, in exchange for the Private Parties' interest in the Lagoon Parcel (Exhibit "A"), quitclaim any interest it may have based on potential sovereign interest claims in Upland Parcel (Exhibit "B").

In addition to the issues involving the potential interest in Batiquitos Lagoon, a question exists involving the extent and areas of possible public prescriptive or implied dedication rights for public access and recreational use on the Upland Parcel. The staff of the Commission and Office of the Attorney General have investigated facts and reviewed evidence of public use and have concluded that the negotiated settlement provided for by this agreement, which will confirm, compromise, and locate such interest, is just, equitable, and in the best interest of the Public and the State.

Private Parties will grant to the State a 40 foot public access easement over a portion of the Hunt Upland Property within the first 100 feet landward of the boundary with the Lagoon parcel,

(CALENDAR ITEM NO. 50 CONT'D)

in exchange for the State's relinquishment of any further implied dedication claims over other portions of the Upland Property. Actual improvements of the accessway will be subject to the approval of the California Coastal Commission. The public access easement is depicted on Exhibit D and connects public access to and along the shoreline of Batiquitos Lagoon. There will also be two trail heads which provide a minimum 20 spaces of off-street parking available for use, free of charge, to the general public.

In addition, the access trail will include observation points, interpretive kiosks, an outdoor classroom, and picnic areas. The construction and maintenance obligations associated with these public areas will be accepted by the developer.

This agreement and all actions required to effectuate this Agreement are exempt from the provisions of the Subdivision Map Act (Gov. Code, Sec. 66412[e]), the California Coastal Act (P.R.C. 30416[c]) and the California Environmental Quality Act (P.R.C. 21080.11).

This action by the Commission does not operate, by implication or otherwise, to satisfy or affect the mitigation, regulatory requirements, or jurisdiction of any other public agency or body (including, without limitation, the California Coastal Commission) with respect to any development proposals concerning the Hunt Upland Property, or to exempt any proposed development of such uplands from the California Coastal Act (P.R.C. 30000, et seq.), or from the California Environmental Quality Act (P.R.C. 21000-21177).

AB 684: N/A.

EXHIBITS:

- A. Lagoon Property Description.
- B. Upland Property Description.
- C. Public Access Easement Description.
- D. Site Map.
- E. Location 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 (AD 75) BETWEEN THE STATE, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, AND N. B. HUNT AND W. H. HUNT (PRIVATE PARTIES) IN SUBSTANTIALLY THE FORM OF THAT AGREEMENT ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.
3. FIND AND DECLARE THAT UPON THE EFFECTIVE DATE OF THE ABOVE-REFERENCED AGREEMENT:
  - A. THE AREA OF THE STATE'S SOVEREIGN INTEREST CLAIMS TO BE CONVEYED TO THE PRIVATE PARTIES CONSTITUTE A RELATIVELY SMALL AREA WITHIN THE HISTORIC BED OF BATIQUITOS LAGOON AND HAS BEEN IMPROVED, FILLED, AND RECLAIMED, AND HAS THEREBY BEEN EXCLUDED FROM THE PUBLIC CHANNELS AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION AND FISHERY, AND IS NO LONGER, IN FACT, TIDELANDS OR SUBMERGED LANDS. SUCH LAND SHALL BE FREE FROM THE PUBLIC TRUST FOR COMMERCE, NAVIGATION AND FISHERY
  - B. THE LANDS DESCRIBED IN EXHIBIT "A" TO BE 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 WITHIN THE UPLAND PARCEL (EXHIBIT "B").
  - C. THE LANDS, OR INTERESTS IN LANDS, BEING CONVEYED TO THE STATE BY PRIVATE PARTIES, PURSUANT TO THIS AGREEMENT, ARE ACCEPTED AS AND SHALL BE SOVEREIGN LANDS OF THE STATE AND, AS SUCH, ARE SUBJECT TO THE PUBLIC TRUST FOR COMMERCE, NAVIGATION, AND FISHERY.
  - D. THE PUBLIC ACCESS EASEMENT CONVEYED BY THE PRIVATE PARTIES TO THE STATE, AS DESCRIBED IN EXHIBIT "C" AND DEPICTED ON EXHIBIT "D", TOGETHER WITH THE COVENANTS TO IMPROVE AND MAINTAIN THE ACCESS AND ANCILLARY PUBLIC FEATURES, IS A FAIR AND EQUITABLE SETTLEMENT OF CLAIMS OF IMPLIED DEDICATION ON THE UPLAND PROPERTY.
  - E. THE SETTLEMENT OF THIS SOVEREIGN PROPERTY TITLE AND IMPLIED DEDICATION DISPUTE IS IN THE BEST INTEREST OF THE PUBLIC AND STATE.

(CALENDAR ITEM NO. 50 CONT'D)

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.

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## EXHIBIT "A"

W 20725.202

## LEGAL DESCRIPTION - WETLANDS

THOSE PORTIONS OF SECTIONS 33, 34, AND 35, TOWNSHIP 12 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 34 AS SHOWN ON RECORD OF SURVEY MAP NO. 10774 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY OCTOBER 30, 1986 AS FILE NO. 86-494180; THENCE ALONG THE EASTERLY LINE OF SAID SECTION, SOUTH 00° 32' 01" WEST 426.75 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY LINE,

## THE FOLLOWING COURSES:

NORTH 83° 55' 00" WEST 164.81 FEET;  
 SOUTH 51° 22' 00" WEST 518.00 FEET;  
 SOUTH 67° 22' 00" WEST 140.00 FEET;  
 SOUTH 60° 44' 00" WEST 295.00 FEET;  
 SOUTH 39° 25' 00" EAST 163.00 FEET;  
 SOUTH 21° 11' 00" WEST 214.00 FEET;  
 SOUTH 49° 15' 00" WEST 119.00 FEET;  
 NORTH 89° 45' 00" WEST 186.00 FEET;  
 NORTH 58° 00' 00" WEST 132.00 FEET;  
 NORTH 72° 30' 00" WEST 187.00 FEET;  
 NORTH 05° 14' 00" EAST 201.00 FEET;  
 NORTH 51° 53' 00" WEST 63.00 FEET;  
 NORTH 74° 45' 00" WEST 193.00 FEET;  
 NORTH 89° 42' 00" WEST 218.00 FEET;  
 SOUTH 59° 00' 00" WEST 156.00 FEET;  
 NORTH 75° 10' 00" WEST 113.00 FEET;  
 SOUTH 22° 30' 00" WEST 88.00 FEET;  
 SOUTH 81° 22' 00" WEST 57.00 FEET;  
 SOUTH 61° 54' 00" WEST 195.00 FEET;  
 NORTH 82° 00' 00" WEST 114.00 FEET;  
 NORTH 89° 00' 00" WEST 120.00 FEET;  
 SOUTH 01° 00' 00" EAST 36.00 FEET;  
 SOUTH 62° 50' 00" WEST 318.00 FEET;  
 SOUTH 28° 00' 00" EAST 35.00 FEET;  
 SOUTH 54° 10' 00" WEST 148.00 FEET;  
 SOUTH 79° 35' 00" WEST 155.00 FEET;  
 NORTH 54° 10' 00" WEST 370.00 FEET;  
 NORTH 74° 30' 00" WEST 86.00 FEET;  
 NORTH 35° 30' 00" WEST 141.00 FEET;  
 NORTH 11° 10' 00" EAST 110.00 FEET;  
 NORTH 20° 30' 00" WEST 128.00 FEET;  
 NORTH 85° 00' 00" WEST 71.00 FEET;  
 SOUTH 25° 30' 00" WEST 223.00 FEET;  
 SOUTH 10° 45' 00" EAST 53.00 FEET;  
 SOUTH 33° 30' 00" WEST 146.00 FEET;  
 SOUTH 55° 30' 00" WEST 52.00 FEET;  
 SOUTH 77° 30' 00" WEST 358.00 FEET;

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WPA/Koz /

4-6-88

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A-1

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SOUTH 55° 10' 00" WEST 167.00 FEET;  
 SOUTH 75° 58' 00" WEST 42.00 FEET;  
 NORTH 83° 56' 00" WEST 117.00 FEET;  
 NORTH 73° 50' 00" WEST 99.00 FEET;  
 NORTH 79° 50' 00" WEST 147.00 FEET;  
 NORTH 74° 10' 00" WEST 190.00 FEET;  
 NORTH 68° 56' 02" WEST 346.00 FEET;  
 NORTH 73° 16' 26" WEST 174.03 FEET;  
 NORTH 84° 00' 00" WEST 124.00 FEET;  
 SOUTH 78° 00' 00" WEST 447.00 FEET;  
 NORTH 83° 00' 00" WEST 123.73 FEET TO THE BOUNDARY LINE OF SAID RECORD OF SURVEY MAP; THENCE ALONG SAID BOUNDARY LINE, THE FOLLOWING COURSES:  
 SOUTH 32° 17' 46" EAST 262.46 FEET;  
 SOUTH 72° 44' 18" EAST 749.53 FEET;  
 SOUTH 00° 44' 45" EAST 952.44 FEET;  
 NORTH 89° 18' 47" WEST 929.41 FEET;  
 SOUTH 33° 12' 41" EAST 256.37 FEET;  
 SOUTH 46° 58' 53" EAST 695.63 FEET;  
 SOUTH 68° 31' 11" EAST 439.99 FEET;  
 SOUTH 28° 40' 00" EAST 63.10 FEET;  
 NORTH 51° 17' 33" EAST 609.60 FEET;  
 NORTH 68° 39' 01" EAST 1062.99 FEET;  
 SOUTH 86° 58' 53" EAST 1390.05 FEET;  
 NORTH 83° 47' 23" EAST 2326.64 FEET;  
 SOUTH 61° 01' 54" EAST 2108.77 FEET;  
 NORTH 64° 26' 00" EAST 870.11 FEET;  
 SOUTH 00° 31' 26" WEST 404.77 FEET;  
 NORTH 84° 47' 26" EAST 363.09 FEET;  
 NORTH 05° 12' 34" WEST 51.00 FEET TO THE BEGINNING OF A NON-TANGENT 25.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A RADIAL LINE BEARS SOUTH 05° 12' 34" EAST;  
 EASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 99° 34' 45" A DISTANCE OF 43.45 FEET;  
 NORTH 03° 53' 56" WEST 103.17 FEET TO A POINT ON A NON-TANGENT 3445.00 RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 76° 53' 48" WEST;  
 NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04° 18' 56" A DISTANCE OF 259.48 FEET;  
 NORTH 08° 47' 16" WEST 437.91 FEET;  
 NORTH 89° 06' 33" WEST 15.22 FEET;  
 NORTH 08° 47' 16" WEST 189.56 FEET;  
 NORTH 81° 12' 44" EAST 15.00 FEET;  
 NORTH 08° 47' 16" WEST 359.36 FEET TO THE BEGINNING OF A TANGENT 1545.00 FOOT RADIUS CURVE CONCAVE EASTERLY;  
 NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28° 46' 49" A DISTANCE OF 776.07 FEET;  
 NORTH 19° 59' 33" EAST 348.67 FEET;  
 NORTH 82° 17' 53" WEST 1141.42 FEET;

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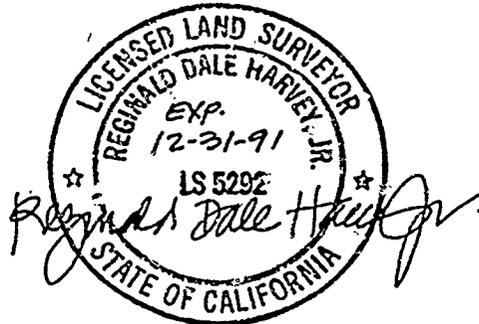
SOUTH 60°41'41" WEST 607.91 FEET;  
NORTH 00°30'21" EAST 538.24 FEET;  
NORTH 88°48'10" WEST 1317.77 FEET;  
NORTH 00°32'01" EAST 234.49 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 383.228 ACRES MORE OR LESS.

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11/10/88  
4-6-88

JN. 5459-022



## LEGAL DESCRIPTION - PACIFIC RIM UPLANDS

THOSE PORTIONS OF SECTIONS 22, 26, 27, 28, 33, AND 34 ALL IN TOWNSHIP 12 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 34 AS SHOWN ON RECORD OF SURVEY MAP NO. 10774 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY OCTOBER 30, 1986 AS FILE NO. 86-494180; THENCE ALONG THE EASTERLY LINE OF SAID SECTION, SOUTH 00°32'01" WEST 426.75 FEET; THENCE LEAVING SAID EASTERLY LINE, THE FOLLOWING COURSES:

NORTH 83°55'00" WEST 164.81 FEET;  
 SOUTH 51°22'00" WEST 518.00 FEET;  
 SOUTH 67°22'00" WEST 140.00 FEET;  
 SOUTH 60°44'00" WEST 295.00 FEET;  
 SOUTH 39°25'00" EAST 163.00 FEET;  
 SOUTH 21°11'00" WEST 214.00 FEET;  
 SOUTH 49°15'00" WEST 119.00 FEET;  
 NORTH 89°45'00" WEST 186.00 FEET;  
 NORTH 58°00'00" WEST 132.00 FEET;  
 NORTH 72°30'00" WEST 187.00 FEET;  
 NORTH 05°14'00" EAST 201.00 FEET;  
 NORTH 51°53'00" WEST 63.00 FEET;  
 NORTH 74°45'00" WEST 193.00 FEET;  
 NORTH 89°42'00" WEST 218.00 FEET;  
 SOUTH 59°00'00" WEST 156.00 FEET;  
 NORTH 75°10'00" WEST 113.00 FEET;  
 SOUTH 22°30'00" WEST 88.00 FEET;  
 SOUTH 81°22'00" WEST 57.00 FEET;  
 SOUTH 61°54'00" WEST 195.00 FEET;  
 NORTH 82°00'00" WEST 114.00 FEET;  
 NORTH 89°00'00" WEST 120.00 FEET;  
 SOUTH 01°00'00" EAST 36.00 FEET;  
 SOUTH 62°50'00" WEST 318.00 FEET;  
 SOUTH 28°00'00" EAST 35.00 FEET;  
 SOUTH 54°10'00" WEST 148.00 FEET;  
 SOUTH 79°35'00" WEST 155.00 FEET;  
 NORTH 54°10'00" WEST 370.00 FEET;  
 NORTH 74°30'00" WEST 86.00 FEET;  
 NORTH 35°30'00" WEST 141.00 FEET;  
 NORTH 11°10'00" EAST 110.00 FEET;  
 NORTH 20°30'00" WEST 128.00 FEET;  
 NORTH 85°00'00" WEST 71.00 FEET;  
 SOUTH 25°30'00" WEST 223.00 FEET;  
 SOUTH 10°45'00" EAST 53.00 FEET;  
 SOUTH 33°30'00" WEST 146.00 FEET;  
 SOUTH 55°30'00" WEST 52.00 FEET;

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 4-6-88

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SOUTH 77° 30' 00" WEST 358.00 FEET;  
SOUTH 55° 10' 00" WEST 167.00 FEET;  
SOUTH 75° 58' 00" WEST 42.00 FEET;  
NORTH 83° 56' 00" WEST 117.00 FEET;  
NORTH 73° 50' 00" WEST 99.00 FEET;  
NORTH 79° 50' 00" WEST 147.00 FEET;  
NORTH 74° 10' 00" WEST 190.00 FEET;  
NORTH 68° 56' 02" WEST 346.00 FEET;  
NORTH 73° 16' 26" WEST 174.03 FEET;  
NORTH 84° 00' 00" WEST 124.00 FEET;  
SOUTH 78° 00' 00" WEST 447.00 FEET;  
NORTH 83° 00' 00" WEST 123.73 FEET TO THE BOUNDARY LINE OF SAID RECORD OF SURVEY MAP;

THENCE ALONG SAID BOUNDARY LINE, THE FOLLOWING COURSES:

NORTH 32° 17' 46" WEST 561.66 FEET;  
NORTH 69° 15' 21" WEST 228.23 FEET;  
NORTH 00° 43' 21" WEST 788.21 FEET;  
NORTH 00° 30' 45" EAST 1357.73 FEET;  
SOUTH 89° 08' 32" EAST 1358.19 FEET;  
NORTH 23° 18' 51" EAST 156.92 FEET;  
SOUTH 83° 50' 41" EAST 182.99 FEET;  
NORTH 63° 51' 06" EAST 118.55 FEET;  
NORTH 46° 13' 35" EAST 66.99 FEET;  
NORTH 21° 20' 05" EAST 79.07 FEET;  
NORTH 14° 41' 15" WEST 271.95 FEET;  
NORTH 26° 25' 20" WEST 112.93 FEET;  
NORTH 44° 11' 08" WEST 189.02 FEET;  
NORTH 36° 54' 21" WEST 80.99 FEET;  
NORTH 17° 22' 08" WEST 96.53 FEET;  
NORTH 07° 57' 57" WEST 108.47 FEET;  
NORTH 03° 51' 41" EAST 180.95 FEET;  
NORTH 35° 35' 33" WEST 142.04 FEET;  
NORTH 00° 34' 18" EAST 2716.14 FEET;  
SOUTH 86° 58' 38" EAST 1318.67 FEET;  
NORTH 01° 49' 19" WEST 331.07 FEET;  
SOUTH 86° 57' 12" EAST 660.57 FEET;  
SOUTH 01° 36' 47" EAST 330.69 FEET;  
SOUTH 00° 06' 50" WEST 1340.75 FEET;  
SOUTH 87° 30' 08" EAST 662.65 FEET;  
SOUTH 87° 32' 14" EAST 662.56 FEET;  
NORTH 00° 12' 09" WEST 1328.52 FEET;  
SOUTH 86° 58' 17" EAST 659.12 FEET;  
NORTH 00° 41' 54" WEST 2434.07 FEET;  
SOUTH 89° 28' 30" EAST 1370.33 FEET;  
SOUTH 00° 33' 25" WEST 2491.10 FEET;  
SOUTH 00° 42' 22" EAST 2294.99 FEET;  
SOUTH 89° 19' 14" EAST 1334.44 FEET;  
SOUTH 00° 21' 21" EAST 328.99 FEET;

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*WRH/RW/DS*

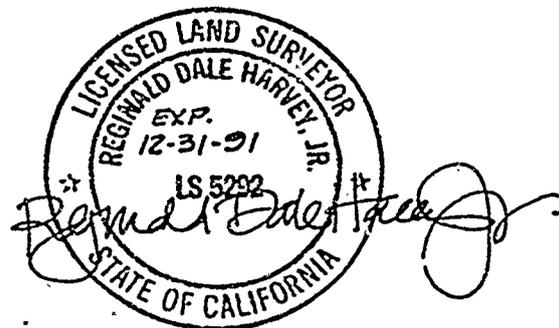
4-6-88

JN. 5459-022

SOUTH 89° 16' 26" EAST 252.98 FEET;  
SOUTH 00° 43' 19" WEST 392.93 FEET;  
SOUTH 89° 16' 42" EAST 299.95 FEET;  
SOUTH 25° 48' 10" EAST 163.03 FEET;  
SOUTH 44° 39' 44" WEST 109.07 FEET;  
SOUTH 40° 51' 44" WEST 501.68 FEET;  
SOUTH 38° 15' 14" WEST 136.45 FEET;  
SOUTH 08° 46' 19" WEST 168.00 FEET;  
SOUTH 24° 07' 12" WEST 174.68 FEET;  
SOUTH 15° 13' 16" EAST 128.95 FEET;  
SOUTH 48° 19' 47" EAST 507.55 FEET;  
SOUTH 24° 29' 17" EAST 825.89 FEET;  
NORTH 88° 48' 10" WEST 770.87 FEET;  
NORTH 00° 22' 48" WEST 658.36 FEET;  
NORTH 88° 55' 25" WEST 1321.10 FEET;  
SOUTH 00° 42' 22" EAST 655.68 FEET TO THE POINT OF BEGINNING.

CONTAINS 1002.206 ACRES MORE OR LESS.

WRH/RW/DS  
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4-6-88  
JN. 5459-022



## LEGAL DESCRIPTION - PUBLIC ACCESS EASEMENT - BATIQUITOS LAGOON

THOSE PORTIONS OF SECTIONS 33 AND 34, TOWNSHIP 12 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

## PARCEL A

A STRIP OF LAND 40.00 FEET IN WIDTH, THE SOUTHERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 34 AS SHOWN ON RECORD OF SURVEY MAP NO. 10774 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY OCTOBER 30, 1986 AS FILE NO. 86-494180; THENCE ALONG THE EASTERLY LINE OF SAID SECTION, SOUTH 00°32'01" WEST 376.58 FEET TO A POINT ON A NON-TANGENT 250.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 04°48'59" EAST, AND THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY LINE AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 45°24'24" A DISTANCE OF 198.12 FEET TO A POINT HEREIN DESIGNATED AS POINT "A"; THENCE SOUTH 49°24'35" WEST 337.93 FEET TO THE BEGINNING OF A TANGENT 800.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°00'60" A DISTANCE OF 237.36 FEET; THENCE SOUTH 66°24'35" WEST 171.88 FEET TO THE BEGINNING OF A TANGENT 300.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°05'00" A DISTANCE OF 52.80 FEET; THENCE SOUTH 56°19'35" WEST 116.58 FEET TO THE BEGINNING OF A TANGENT 50.00 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 95°44'35" A DISTANCE OF 83.55 FEET; THENCE SOUTH 39°25'00" EAST 38.70 FEET TO THE BEGINNING OF A TANGENT 50.00 FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 60°36'00" A DISTANCE OF 52.88 FEET; THENCE SOUTH 21°11'00" WEST 125.57 FEET TO THE BEGINNING OF A TANGENT 70.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, AND A POINT HEREIN DESIGNATED AS POINT "B"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°04'00" A DISTANCE OF 34.29 FEET; THENCE SOUTH 49°15'00" WEST 44.14 FEET TO THE BEGINNING OF A TANGENT 70.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41°00'00" A DISTANCE OF 50.09 FEET; THENCE NORTH 89°45'00" WEST 98.48 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°45'00" A DISTANCE OF 55.41 FEET; THENCE NORTH 58°00'00" WEST 82.98 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°30'00" A DISTANCE OF 25.31 FEET; THENCE NORTH 72°30'00" WEST 100.05 FEET TO THE BEGINNING OF A TANGENT 50.00 FOOT

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RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 77° 44' 00" A DISTANCE OF 67.84 FEET; THENCE NORTH 05° 14' 00" EAST 120.41 FEET TO THE BEGINNING OF A TANGENT 50.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 57° 07' 00" A DISTANCE OF 49.84 FEET; THENCE NORTH 51° 53' 00" WEST 52.89 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22° 52' 00" A DISTANCE OF 39.91 FEET; THENCE NORTH 74° 45' 00" WEST 176.33 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14° 57' 00" A DISTANCE OF 26.09 FEET; THENCE NORTH 89° 42' 00" WEST 197.43 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31° 18' 00" A DISTANCE OF 54.63 FEET; THENCE SOUTH 59° 00' 00" WEST 93.18 FEET TO THE BEGINNING OF A TANGENT 600.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22° 22' 00" A DISTANCE OF 234.22 FEET; THENCE SOUTH 81° 22' 00" WEST 3.95 FEET TO THE BEGINNING OF A TANGENT 50.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19° 28' 00" A DISTANCE OF 16.99 FEET; THENCE SOUTH 61° 54' 00" WEST 146.12 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 36° 06' 00" A DISTANCE OF 63.01 FEET; THENCE NORTH 82° 00' 00" WEST 68.18 FEET; THENCE NORTH 89° 00' 00" WEST 89.09 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39° 20' 00" A DISTANCE OF 68.65 FEET; THENCE SOUTH 51° 40' 00" WEST 95.06 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11° 10' 00" A DISTANCE OF 19.49 FEET; THENCE SOUTH 62° 50' 00" WEST 189.51 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21° 57' 00" A DISTANCE OF 38.31 FEET TO A POINT HEREIN DESIGNATED AS POINT "C"; THENCE SOUTH 40° 53' 00" WEST 107.28 FEET TO THE BEGINNING OF A TANGENT 70.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38° 42' 00" A DISTANCE OF 47.28 FEET; THENCE SOUTH 79° 35' 00" WEST 69.17 FEET TO THE BEGINNING OF A TANGENT 70.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46° 15' 30" A DISTANCE OF 56.51 FEET; THENCE NORTH 54° 10' 00" WEST 309.79 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20° 20' 00" A DISTANCE OF 35.49

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FEET; THENCE NORTH 74°30'00" WEST 23.92 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°00'00" A DISTANCE OF 68.07 FEET; THENCE NORTH 35°30'00" WEST 36.12 FEET TO THE BEGINNING OF A TANGENT 70.00 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46°40'00" A DISTANCE OF 57.01 FEET; THENCE NORTH 11°10'00" EAST 19.42 FEET TO THE BEGINNING OF A TANGENT 50.00 FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40°10'25" A DISTANCE OF 35.06 FEET; THENCE NORTH 29°00'25" WEST 36.04 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 130°27'00" A DISTANCE OF 227.68 FEET; THENCE SOUTH 20°32'35" WEST 13.53 FEET TO THE BEGINNING OF A TANGENT 200.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°27'00" A DISTANCE OF 19.02 FEET; THENCE SOUTH 25°59'35" WEST 126.71 FEET TO A POINT HEREIN DESIGNATED AS POINT "D"; THENCE CONTINUING SOUTH 25°59'35" WEST 104.92 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 51°30'25" A DISTANCE OF 89.90 FEET; THENCE SOUTH 77°30'00" WEST 298.64 FEET TO THE BEGINNING OF A TANGENT 150.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°46'00" A DISTANCE OF 54.37 FEET; THENCE SOUTH 56°44'00" WEST 141.27 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 65°55'35" A DISTANCE OF 115.06 FEET; THENCE NORTH 57°20'25" WEST 98.33 FEET TO THE BEGINNING OF A TANGENT 200.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°29'35" A DISTANCE OF 78.52 FEET; THENCE NORTH 79°50'00" WEST 121.38 FEET TO THE BEGINNING OF A TANGENT 200.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°40'00" A DISTANCE OF 19.78 FEET; THENCE NORTH 74°10'00" WEST 175.34 FEET; THENCE NORTH 68°56'02" WEST 213.48 FEET TO THE BEGINNING OF A TANGENT 300.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°42'08" A DISTANCE OF 124.10 FEET; THENCE SOUTH 87°21'50" WEST 137.05 FEET; THENCE NORTH 89°31'41" WEST 151.23 FEET TO THE BEGINNING OF A TANGENT 800.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°40'00" A DISTANCE OF 162.90 FEET; THENCE SOUTH 78°48'19" WEST 263.11 FEET TO THE BEGINNING OF A TANGENT 320.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°58'57" A DISTANCE OF 139.53 FEET TO THE BOUNDARY LINE OF SAID RECORD OF SURVEY MAP AND THE POINT OF

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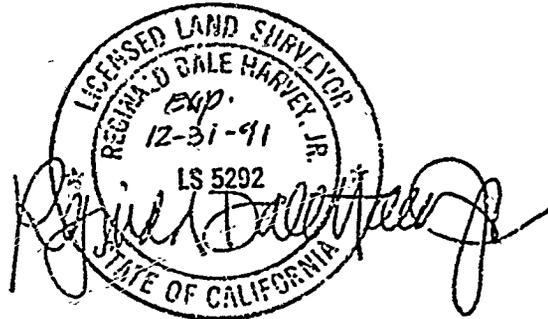
TERMINUS. THE NORTHERLY LINE OF SAID STRIP IS TO BE CONTINUED OR SHORTENED SO AS TO TERMINATE ON EAST IN SAID EASTERLY LINE OF SAID SECTION 34 AND ON THE WEST IN SAID BOUNDARY OF SAID RECORD OF SURVEY.

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PARCEL B

A STRIP OF LAND 20.00 FEET IN WIDTH LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT SAID POINT "A" DESCRIBED IN PARCEL A; THENCE NORTH 40°35'25" WEST 40.00 FEET TO THE NORTHERLY LINE OF SAID PARCEL A AND THE TRUE POINT OF BEGINNING, SAID POINT BEING THE BEGINNING OF A NON-TANGENT 15.00 FOOT RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 38°05'02" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 96°02'09" A DISTANCE OF 25.14 FEET; THENCE NORTH 44°07'11" EAST 23.91 FEET TO THE BEGINNING OF A TANGENT 15.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 134°07'11" A DISTANCE OF 35.11 FEET TO THE BEGINNING OF A COMPOUND 50.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A RADIAL LINE BEARS NORTH; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 50°18'01" A DISTANCE OF 43.90 FEET; THENCE SOUTH 39°41'59" WEST 46.17 FEET TO THE BEGINNING OF A TANGENT 15.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHWESTERLY, WESTERLY, AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 153°15'33" A DISTANCE OF 40.12 FEET; THENCE NORTH 12°57'32" EAST 30.04 FEET TO THE BEGINNING OF A TANGENT 15.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHERLY, NORTHWESTERLY, AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 134°02'40" A DISTANCE OF 35.09 FEET; THENCE SOUTH 58°54'52" WEST 46.95 FEET TO THE POINT OF TERMINUS.

THE SIDELINES OF SAID 20.00 FOOT STRIP ARE TO BE PROLONGED OR SHORTENED ON THE WEST SO AS TO TERMINATE IN THE ARC OF A 15.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY WHICH PASSES THROUGH SAID POINT AS TERMINUS, A RADIAL LINE TO SAID POINT BEARS NORTH 58°54'52" EAST; AND ARE TO BE CONTINUED OR SHORTENED SO AS TO TERMINATE ON THE EAST IN THE NORTHERLY LINE OF SAID PARCEL A.

PARCEL C

A STRIP OF LAND 20.00 FEET IN WIDTH LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT SAID POINT "D" DESCRIBED IN PARCEL A; THENCE NORTH 64°00'25" WEST 40.00 FEET TO THE NORTHERLY LINE OF SAID PARCEL A AND THE TRUE POINT OF BEGINNING; THENCE NORTH 84°10'25" WEST 4.48 FEET TO THE BEGINNING OF A TANGENT 50.00 FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE NORTHWESTERLY, NORTHERLY, AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 145°15'34" A DISTANCE OF 126.76 FEET; THENCE NORTH 61°05'09" EAST 8.49 FEET TO THE BEGINNING OF A TANGENT 15.00 FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE NORTHERLY

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ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 113° 03' 11" A DISTANCE OF 29.60 FEET; THENCE NORTH 51° 58' 02" WEST 29.92 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 113° 53' 41" A DISTANCE OF 39.76 FEET; THENCE NORTH 61° 55' 39" EAST 13.00 FEET TO THE BEGINNING OF A TANGENT 15.00 FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 124° 28' 44" A DISTANCE OF 32.59 FEET; THENCE NORTH 62° 33' 05" WEST 26.85 FEET TO THE BEGINNING OF A TANGENT 15.00 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 150° 24' 10" A DISTANCE OF 39.38 FEET; THENCE NORTH 87° 51' 05" EAST 8.76 FEET TO THE BEGINNING OF A TANGENT 15.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 75° 21' 05" A DISTANCE OF 19.73 FEET; THENCE NORTH 12° 30' 00" EAST 2.00 FEET TO THE POINT OF TERMINUS.

THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED SO AS TO TERMINATE ON THE NORTH IN THE ARC OF A 15.00 FOOT RADIUS CURVE CONCAVE NORTHERLY WHICH PASSES THROUGH SAID POINT OF TERMINUS, A RADIAL LINE TO SAID POINT BEARS SOUTH 12° 30' 00" WEST, AND ON THE SOUTH IN THE NORTHERLY LINE OF SAID PARCEL A.

PARCEL L

BEGINNING AT THE POINT OF TERMINUS DESCRIBED IN SAID PARCEL C, SAID POINT LYING ON A 15.00 FOOT RADIUS CURVE CONCAVE NORTHERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 12° 30' 00" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" A DISTANCE OF 23.56 FEET; THENCE NORTH 77° 30' 00" WEST 25.00 FEET; THENCE NORTH 12° 30' 00" EAST 70.00 FEET; THENCE SOUTH 77° 30' 00" EAST 80.00 FEET; THENCE SOUTH 12° 30' 00" WEST 70.00 FEET; THENCE NORTH 77° 30' 00" WEST 25.00 FEET TO A POINT OF SAID CURVE, A RADIAL LINE TO SAID POINT BEARS

SOUTH 77° 30' 00" EAST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" A DISTANCE OF 23.56 FEET TO THE POINT OF BEGINNING.

PARCEL E

BEGINNING AT A POINT OF TERMINUS DESCRIBED IN SAID PARCEL B, SAID POINT LYING ON A 15.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 58° 54' 52" EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 85° 03' 08" A DISTANCE OF 22.27 FEET; THENCE SOUTH 36° 02' 00" EAST 18.00 FEET; THENCE SOUTH 53° 58' 00" WEST 70.00 FEET; THENCE NORTH 36° 02' 00" WEST 50.00 FEET; THENCE NORTH 53° 58' 00" EAST 70.00 FEET; THENCE SOUTH 36° 02' 00" EAST

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2.00 FEET TO A POINT ON SAID CURVE, A RADIAL LINE TO SAID POINT BEARS NORTH 36° 02' 00" WEST; THENCE SOUTH EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL OF 94° 56' 52" A DISTANCE OF 24.86 FEET TO THE POINT OF BEGINNING.

PARCEL F

BEGINNING AT SAID POINT "B" DESCRIBED IN PARCEL A; THENCE NORTH 68° 49' 00" WEST 40.00 FEET TO THE NORTHERLY LINE OF SAID PARCEL A, AND THE TRUE POINT OF BEGINNING, SAID POINT LYING ON A 30.00 FOOT RADIUS CONCAVE NORTHWESTERLY, A RADIAL LINE TO SAID CURVE BEARS SOUTH 68° 49' 00" EAST; THENCE ALONG SAID NORTHERLY LINE AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 26° 04' 00" A DISTANCE OF 14.70 FEET; THENCE SOUTH 49° 15' 00" WEST 44.14 FEET TO THE BEGINNING OF A TANGENT 30.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41° 00' 00" A DISTANCE OF 21.47 FEET; THENCE NORTH 89° 45' 00" WEST 98.48 FEET TO THE BEGINNING OF A TANGENT 60.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31° 45' 00" A DISTANCE OF 33.25 FEET; THENCE NORTH 58° 00' 00" WEST 38.39 FEET; THENCE LEAVING SAID NORTHERLY LINE, NORTH 32° 00' 00" EAST 83.28 FEET; THENCE SOUTH 89° 45' 00" EAST 200.00 FEET TO SAID NORTHERLY LINE OF SAID PARCEL A; THENCE ALONG SAID LINE, SOUTH 21° 11' 00" WEST 55.42 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL G

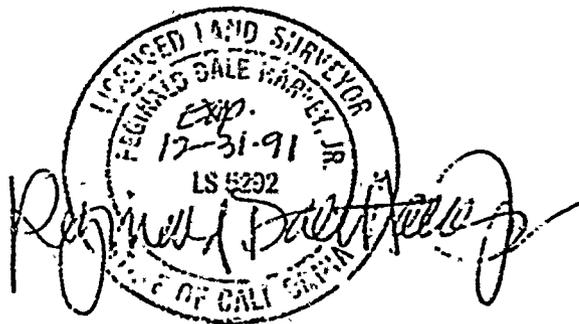
BEGINNING AT SAID POINT "C" DESCRIBED IN PARCEL A; THENCE NORTH 49° 07' 00" WEST 40.00 FEET TO THE NORTHERLY LINE OF SAID PARCEL A AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY LINE, SOUTH 40° 53' 00" WEST 107.28 FEET TO THE BEGINNING OF A TANGENT 30.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38° 42' 00" A DISTANCE OF 20.26 FEET; THENCE SOUTH 79° 35' 00" WEST 69.17 FEET TO THE BEGINNING OF A TANGENT 30.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46° 15' 00" A DISTANCE OF 24.22 FEET; THENCE NORTH 54° 10' 00" WEST 169.01 FEET; THENCE LEAVING SAID NORTHERLY LINE OF SAID PARCEL A, SOUTH 89° 53' 00" EAST 315.51 FEET TO THE TRUE POINT OF BEGINNING.

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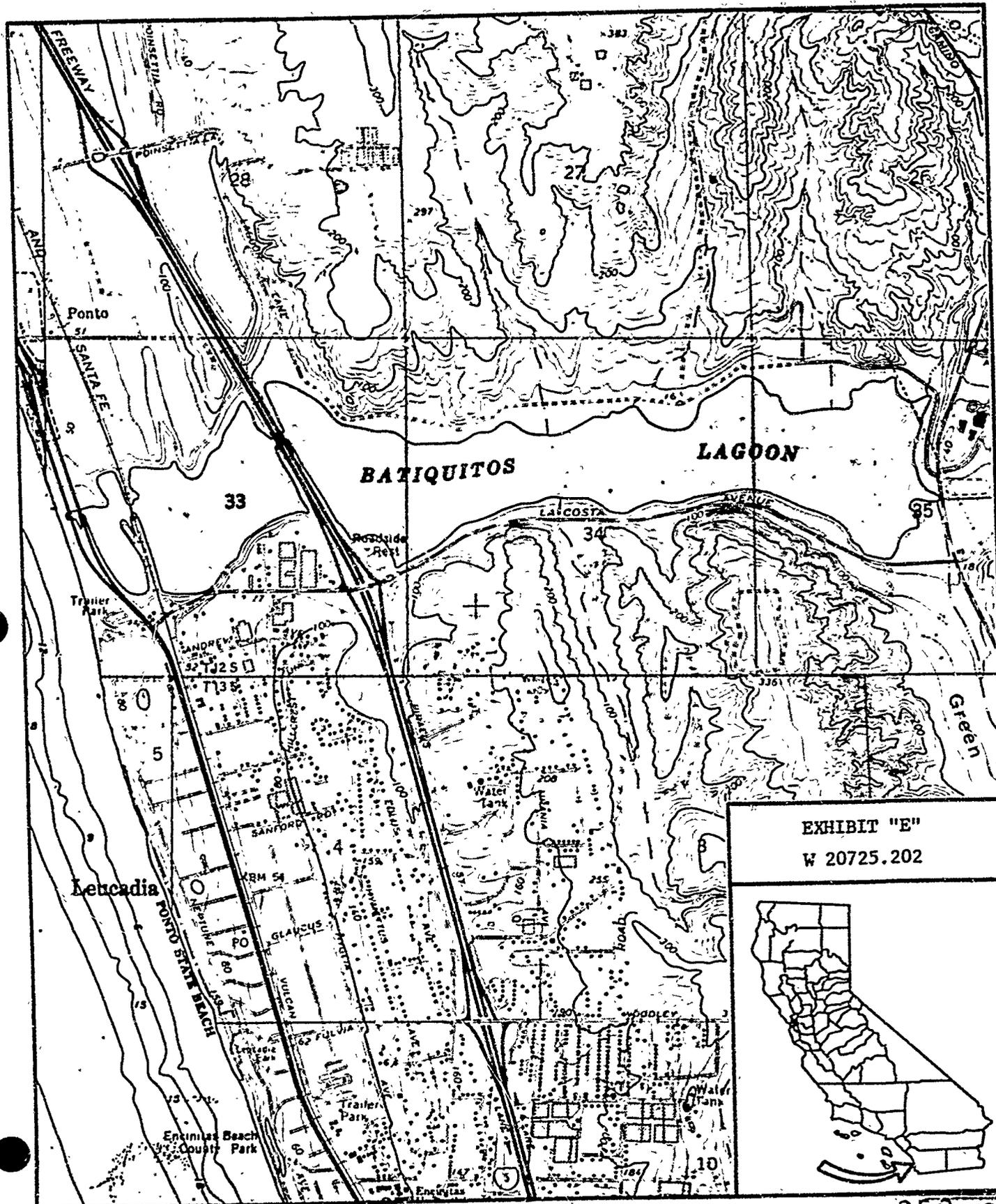
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**EXHIBIT "E"**  
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