

MINUTE ITEM
This Calendar Item No. 62
was approved as Minute Item
No. 62 by the State Lands
Commission by a vote of 2
to 0 at its 12/13/88
meeting.

CALENDAR ITEM

A 70

62

S 37

12/13/88
W 503.699
W503.836
W503.1166
Taylor
Saggese
Asari
Small
Fossum

APPROVAL AND AUTHORIZATION OF THE EXECUTION OF A
SETTLEMENT AND BOUNDARY LINE AGREEMENT
INVOLVING LANDS IN AND ALONG OXBOW LOOP
BEING A PORTION OF THE FORMER BED OF THE SANTA ANA RIVER
IN THE CITY OF NEWPORT BEACH AND COUNTY OF ORANGE

PARTIES: Rancho Santiago Partnership
 Mobil Oil Corporation
 City of Newport Beach
 State Lands Commission

This calendar item recommends settlement of a dispute between the City of Newport Beach, the State, and the record owners of an area of land which lies within the former bed of the Santa Ana River, which is historically a tidal tributary of Newport Bay located primarily within the boundaries of the City of Newport Beach.

The record landowners (Mobil and Rancho Santiago Partnership) claim title to the area in dispute as successors to the confirmed Spanish land grant of Rancho Santiago de Santa Ana.

The State and City assert that the tidal and submerged lands lying within the Santa Ana River within the area in question were not included in the Spanish land grant and were not within the United States patent confirming that land grant.

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(ADDED 12/12/88 - pgs. 333-333.7)

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MINUTE PAGE	<u>3575</u>

CALENDAR ITEM NO. 62 (CONT'D)

The dispute over the ownership of this land has involved one or more of the parties in at least four law suits regarding their respective interest therein. The negotiations conducted between the parties has finally resulted in a proposed settlement of the dispute which will establish a boundary line separating the private landowners' property within Rancho Santiago de Santa Ana to the north and the tide and submerged lands within the former bed of the Santa Ana River to the south.

This proposed boundary line is the result of independent studies and analysis by the parties of the available evidence as to location of the last natural ordinary high-water mark along the northerly bank of this portion of the Santa Ana River known as Oxbow Loop. The boundary, as proposed, would be fixed and not subject to change by either natural or man-made causes.

The parties, in order to effectuate this common boundary line, will quitclaim interests on opposing sides of their common boundary. Another element of the agreement is the acknowledgment by the parties that the slough to the north, which is not within the former bed of the Santa Ana River, but is a recreationally navigable tributary thereto, is within the boundaries of Rancho Santiago de Santa Ana and is subject to a public right of navigation, as established by the California courts in Bohn v. Albertson, (1951) 107 Cal.App.3d 738 and People ex rel. Baker v. Mack, (1971) 19 Cal.App.3d 1040.

The Settlement and Boundary Line Agreement provides that the lands lying within Oxbow Loop to be deeded to the City and State shall be held as tide and submerged lands subject to the terms and provisions of Chapter 74, Statutes of 1978.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: 6301, 6308, 6357 and Chapter 74, Statutes of 1978.

AB 884:

N/A.

EXHIBITS:

- A. Site Map.
B. Location Map.
C. Description of Agreed Boundary Line of Ordinary High Water Mark.

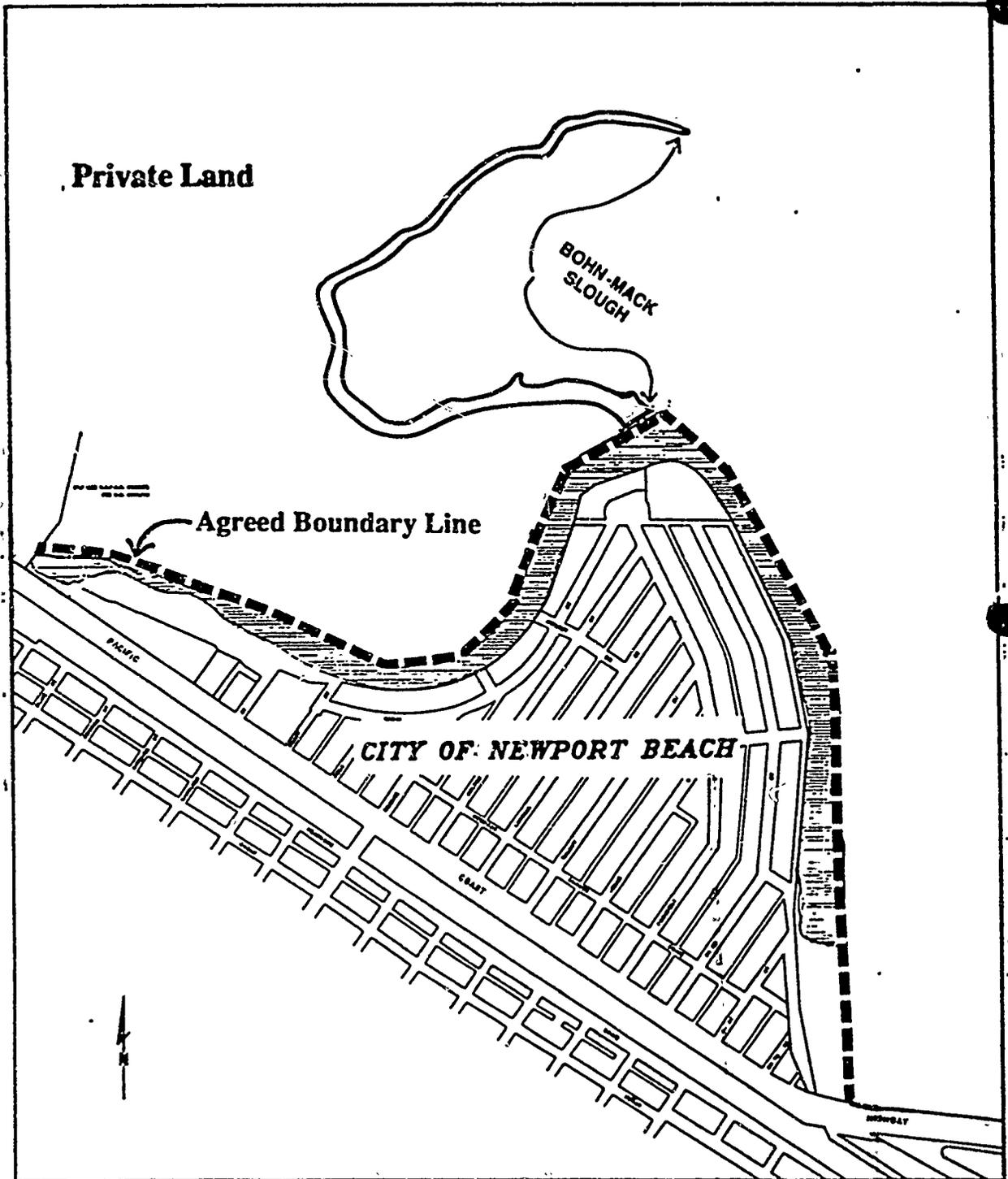
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 UNDER THE STATUTORY EXEMPTION FOR SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS, PURSUANT TO P.R.C. 21080.11.

CALENDAR ITEM NO. 62 (CONT'D)

2. FIND THAT THE LOCATION OF THE ORDINARY HIGH WATER MARK SHALL BE PERMANENTLY FIXED AT THE LOCATION, AS DESCRIBED IN EXHIBIT "C".
3. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGEMENT, ACCEPTANCE, AND RECORDATION ON BEHALF OF THE COMMISSION OF THE SETTLEMENT AND BOUNDARY LINE AGREEMENT IN SUBSTANTIALLY THE FORM OF THE COPY OF SUCH AGREEMENT ON FILE WITH THE COMMISSION.
4. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGEMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS, AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE SETTLEMENT AND BOUNDARY LINE AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.

EXHIBIT "A"



LINE OF AGREEMENT

(BETWEEN THE CITY OF NEWPORT BEACH, STATE
OF CALIFORNIA, MOBIL OIL CORPORATION AND
RANCHO SANTIAGO PARTNERSHIP)

CALENDAR PAGE	333.3
MINUTE PART	3578

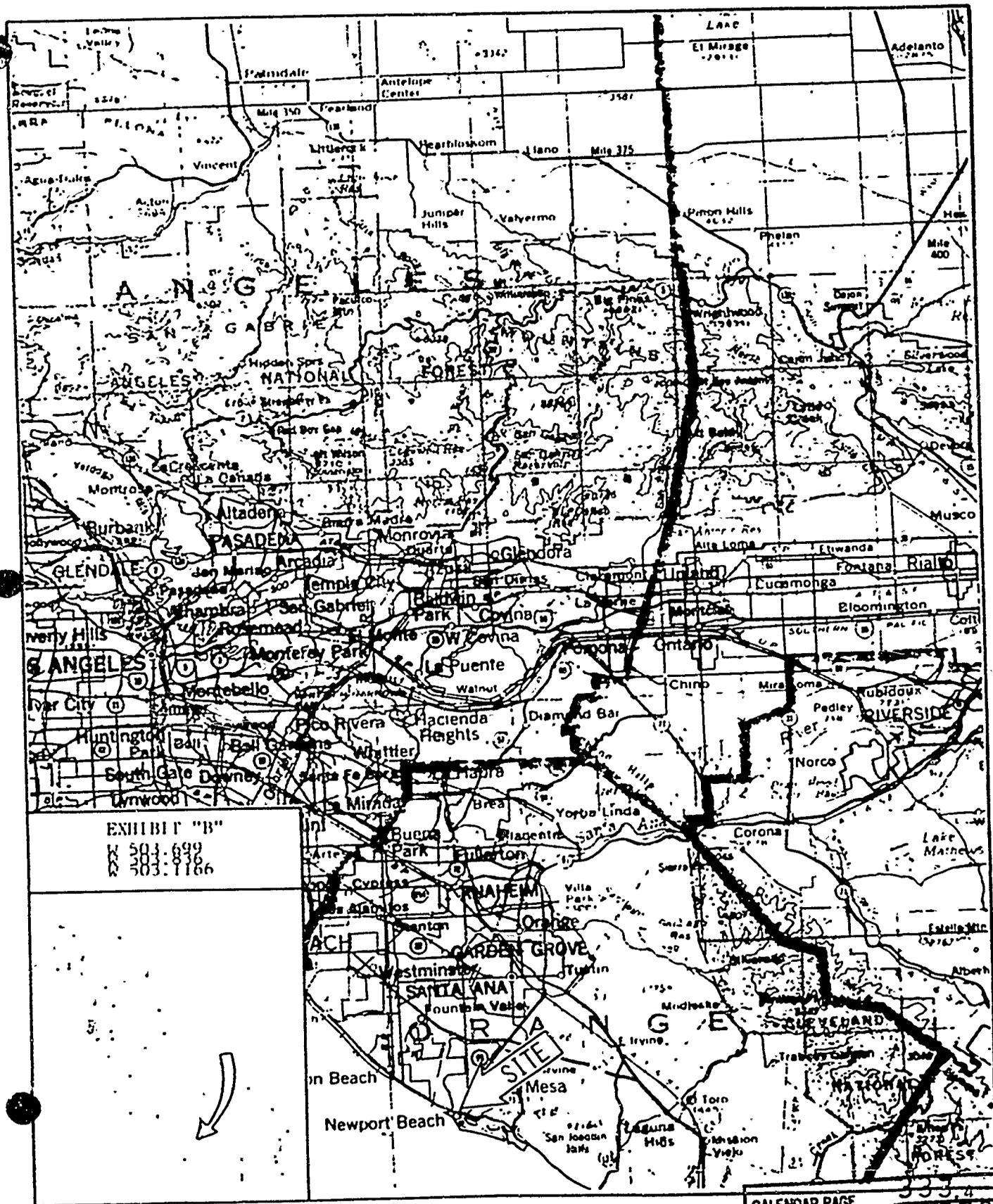


EXHIBIT "B"
 N 503.699
 W 503.1106



EXHIBIT "C"

DESCRIPTION OF AGREED BOUNDARY LINE

BEGINNING at a point in the easterly line of that certain parcel of land described as Parcel D3-122.1 granted to the Orange County Flood Control District by Final Order of Condemnation recorded January 30, 1962 in Book 5993, Page 441 of Official Records, in the office of the County Recorder of said Orange County; said point being distant North 36° 12' 58" East, 53.00 feet from the southerwesterly terminus of that certain course shown as being "North 36° 12' 58" East, 211.39 feet" on that map sheet 3 of 6 filed in Book 65, Pages 31 through 36 of Record of Surveys in the Office of said County Recorder; thence South 80° 29' 00" East, 102.75 feet; thence South 89° 50' 00" East, 103.20 feet; thence South 83° 42' 00" East, 70.70 feet; thence South 58° 21' 00" East, 31.40 feet; thence South 71° 10' 00" East, 100.30 feet; thence South 86° 39' 00" East, 40.60 feet to a point distant South 17° 01' 20" West, 2.41 feet from the 4" x 4" concrete monument with a nail and tag marked "R.E. 4683" shown at the westerly terminus of that certain course on the City of Newport Beach boundary shown as "South 68° 22' 45" East, 756.00 feet" on said Record of Survey; thence South 65° 04' 00" East, 60.90 feet; thence South 73° 11' 00" East, 200.00 feet; thence South 69° 14' 00" East, 78.90 feet; thence South 75° 27' 00" East, 17.50 feet;

thence South 71° 00' 00" East, 100.85 feet; thence South 66° 03' 00" East, 100.10 feet; thence South 56° 55' 0" East, 100.70 feet; thence South 63° 42' 00" East, 99.10 feet; thence South 71° 15' 00" East, 104.50 feet; thence South 70° 54' 00" East, 100.60 feet; thence North 84° 24' 00" East, 26.10 feet; thence North 86° 43' 00" East, 91.20 feet; thence North 75° 25' 00" East, 100.20 feet; thence North 52° 00' 00" East, 106.70 feet; thence North 69° 07' 00" East, 17.50 feet; thence North 41° 20' 00" East, 90.60 feet; thence North 29° 22' 00" East, 112.50 feet; thence North 17° 30' 00" East, 91.20 feet; thence North 11° 50' 00" East, 100.55 feet; thence North 15° 57' 00" East, 100.05 feet; thence North 22° 52' 00" East, 100.40 feet; thence North 39° 22' 00" East, 84.50 feet; thence North 43° 53' 00" East, 100.90 feet; thence North 61° 31' 00" East, 100.20 feet; thence North 66° 47' 00" East, 101.10 feet; thence North 55° 40' 00" East, at 18.42 feet right bank of side slough, at 139.42 feet left bank of slough, 148.70 feet to station; thence South 51° 40' 00" East, 136.80 feet; thence South 50° 12' 00" East, 104.70 feet; thence South 31° 42' 00" East, 89.50 feet; thence South 34° 15' 00" East, 100.30 feet thence South 30° 02' 00" East, 100.00 feet; thence South 28° 18' 00" East, 100.00 feet; thence South 28° 04' 00" East, 63.00 feet; thence South 26° 44' 00" East, 146.00 feet; thence South 27° 00' 00" East, 84.00 feet; thence South 20° 26' 00" East, 100.10 feet; thence South 24° 50' 00" East, 100.00 feet; thence South 8° 00'

00" East, 100.00 feet; thence South 2° 00' 00" East, 100.50 feet; thence South 9° 12' 00" East, 77.00 feet; thence South 3° 03' 00" West, 21.00 feet; thence South 11° 26' 00" West, 100.60 feet; thence South 2° 52' 00" West, 102.90 feet; thence South 19° 14' 00" East, 104.40 feet; thence South 3° 07' 00" East, 100.00 feet; thence South 5° 09' 00" West, 101.00 feet; thence South 5° 07' 00" East, 200.20 feet; thence South 2° 00' 00" West, 60.00 feet; thence South 1° 55' 00" East, 614.37 feet to a point on the northerly right-of-way line of State Highway 101-A shown on said Record of Survey as being a curve concave northerly having a radius of 950.00 feet, an arc length of 209.66 feet and a central angle of 12° 38' 42", said point being distant along said curve 98.77 feet westerly from the easterly terminus thereof, a radial line from said point bears North 12° 40' 10" East.