

MINUTE ITEM

This Calendar Item No. 48
was approved as Minute Item
No. 48 by the State Lands
Commission by a vote of 3
to 0 at its 9/27/89
meeting.

CALENDAR ITEM

A 35

48

09/27/89
W 503.1632 AD 103
Collins
Stevenson

S 18

REQUEST FOR APPROVAL OF SETTLEMENT AGREEMENT
IN IMPLIED DEDICATION LAWSUIT ENTITLED
SURFRIDER v. MUTUAL SAVINGS & LOAN
(SANTA BARBARA COUNTY SUPERIOR COURT: CASE NO. 161652);
HAMMONDS MEADOW; SANTA BARBARA COUNTY

Staff of the Commission and the Office of the Attorney General recommend that the State Lands Commission approve the terms of the proposed settlement of the above lawsuit. This lawsuit involves implied dedication claims made by the Surfrider Foundation to the beach-front property known as Hammonds Meadow in the County of Santa Barbara, located along the coast between the Biltmore and Miramar hotels, south of Montecito. (See attached photograph incorporated as a part of this calendar item and marked Exhibit "A".) Even though the State was not a party to this lawsuit, approval by the State Lands Commission and the Attorney General has been made a condition of the settlement by the Lawyers Title Insurance Company, in order to preclude the State from making additional implied dedication claims in the future.

This lawsuit was filed in 1986 by the Surfrider Foundation against Mutual Savings & Loan Association which possesses legal title to the area. During the time that the litigation was pending, Mutual sought and obtained development permits from the County of Santa Barbara and the Coastal Commission which would allow residential development of the area. An Environmental Impact Report was prepared and certified in conjunction with these permits and mitigation measures were

(ADDED pgs. 359-359.5)

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MINUTE ITEM
This document is a
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document as filed
with the State
of California
on 01/01/88
at 09:15 AM
by the State
of California
on 01/01/88
at 09:15 AM
of
01/01/88
of
01/01/88

adopted in connection as part of the approvals of the project. The dedication requirements imposed, however, did not satisfactorily settle Surfrider's implied dedication claims against the property, hence the necessity for this settlement.

Under the settlement, Surfrider, on behalf of itself and the general public, agrees to disclaim any implied dedication claims to the remainder of Mutual's property, in exchange for a recognition by Mutual that certain parcels and access trails have been the subject of an implied dedication to the public. The areas subject to an implied dedication are shown on the development maps, attached to this calendar item and incorporated as Exhibits "B-1" and "B-2", as the areas denoted "A" (parcels 37, 38, 39, and the access trails); such areas include a large portion of the meadow and all of the beach. The areas to be disclaimed of implied dedication rights are denoted on the maps as "B". The County of Santa Barbara has already accepted all of the above dedications except one of the trails. If the County does not accept this trail dedication, the agreement provides it may be accepted by the State of California. Surfrider has contacted the State Coastal Conservancy which has agreed to accept the trail in the event the County does not. The settlement does not, and is not intended to, settle the boundary of State-owned tide and submerged lands in the area.

It is believed that this settlement is in the best interest of the State of California and the public. It assures the public that Hammonds beach (which is reknown for its excellent surf) and meadow will remain open for public recreational use and it also assures continual access to this beach and meadow area. By approving the settlement, the State would give up any claims based on implied dedication that it may have to the remainder of the area. It is believed that this is a fair compromise.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. An Environmental Impact Report has been certified in connection with the approval of residential development at this site. Mitigation measures have been adopted in connection with the permits granted by the County of Santa Barbara and the California Coastal Commission.

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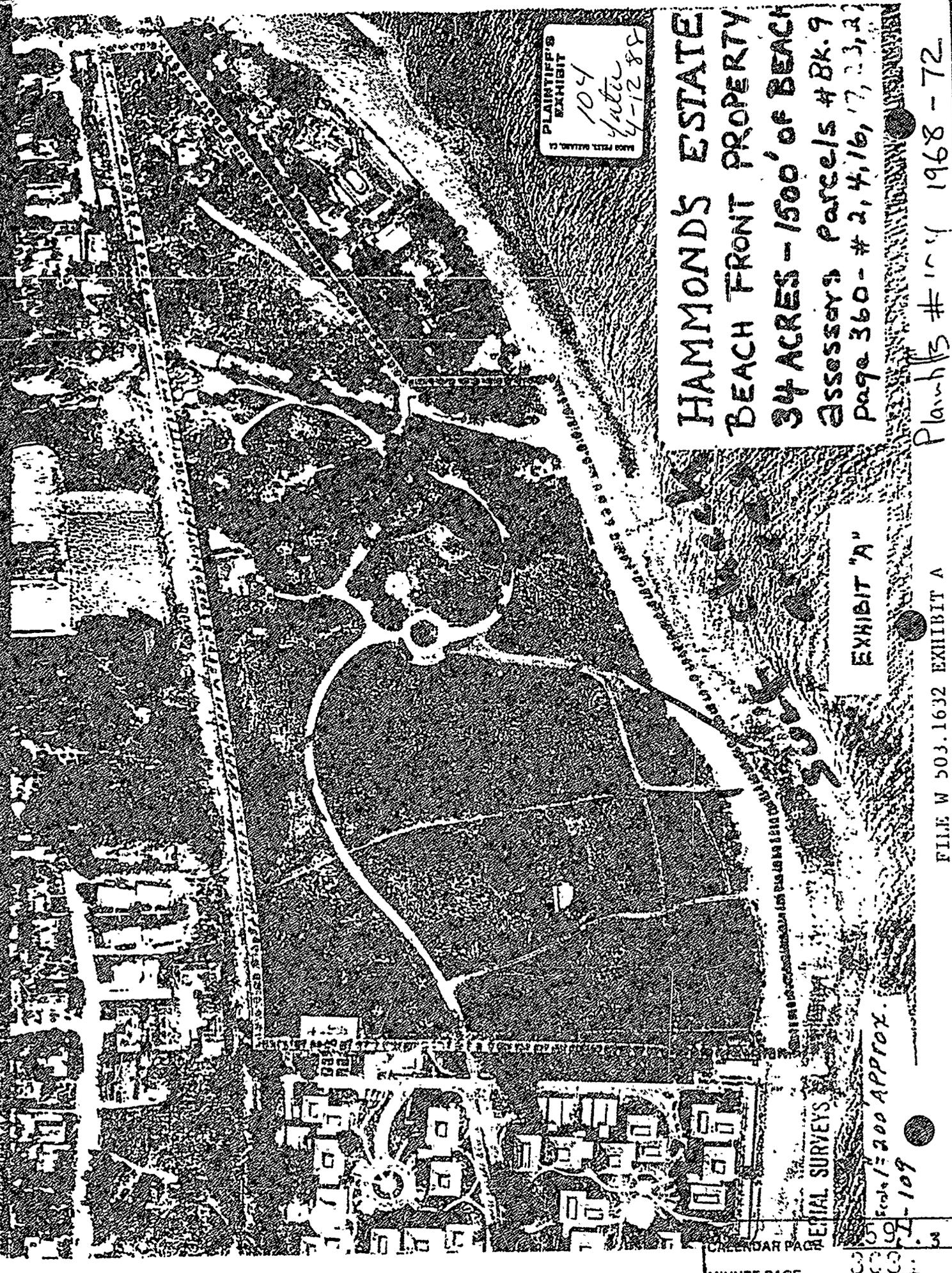
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061) the staff has determined that the Commission approval of the settlement of the implied dedication lawsuit is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves settlements of title and boundary problems.

Authority: P.R.C. 21080.11.

- EXHIBITS:
- A. Site Map.
 - B-1. Development Plan.
 - B-2. Development Plan.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE HAMMONDS MEADOW SETTLEMENT AGREEMENT AND PROPOSED JUDGMENT TO IMPLEMENT THAT SETTLEMENT, COPIES OF WHICH ARE ON FILE WITH THE OFFICE OF THE ATTORNEY GENERAL AND THE COMMISSION'S SACRAMENTO OFFICE.
2. AUTHORIZE THE STAFF OF THE COMMISSION AND THE ATTORNEY GENERAL'S OFFICE TO TAKE WHATEVER STEPS ARE NECESSARY IN ORDER TO IMPLEMENT THIS AGREEMENT AND PROPOSED JUDGEMENT.
3. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, (SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS).



PLAINTIFF'S EXHIBIT
104
date
4-12-88
MAG PERS. DIVISION, CA

HAMMOND'S ESTATE
BEACH FRONT PROPERTY
34 ACRES - 1500' of BEACH
Assessor's parcels # BK. 9
Page 360 - # 2, 4, 16, 17, 23, 24

EXHIBIT "A"

Planch # 104 1968-72

FILE W 503.1632 EXHIBIT A

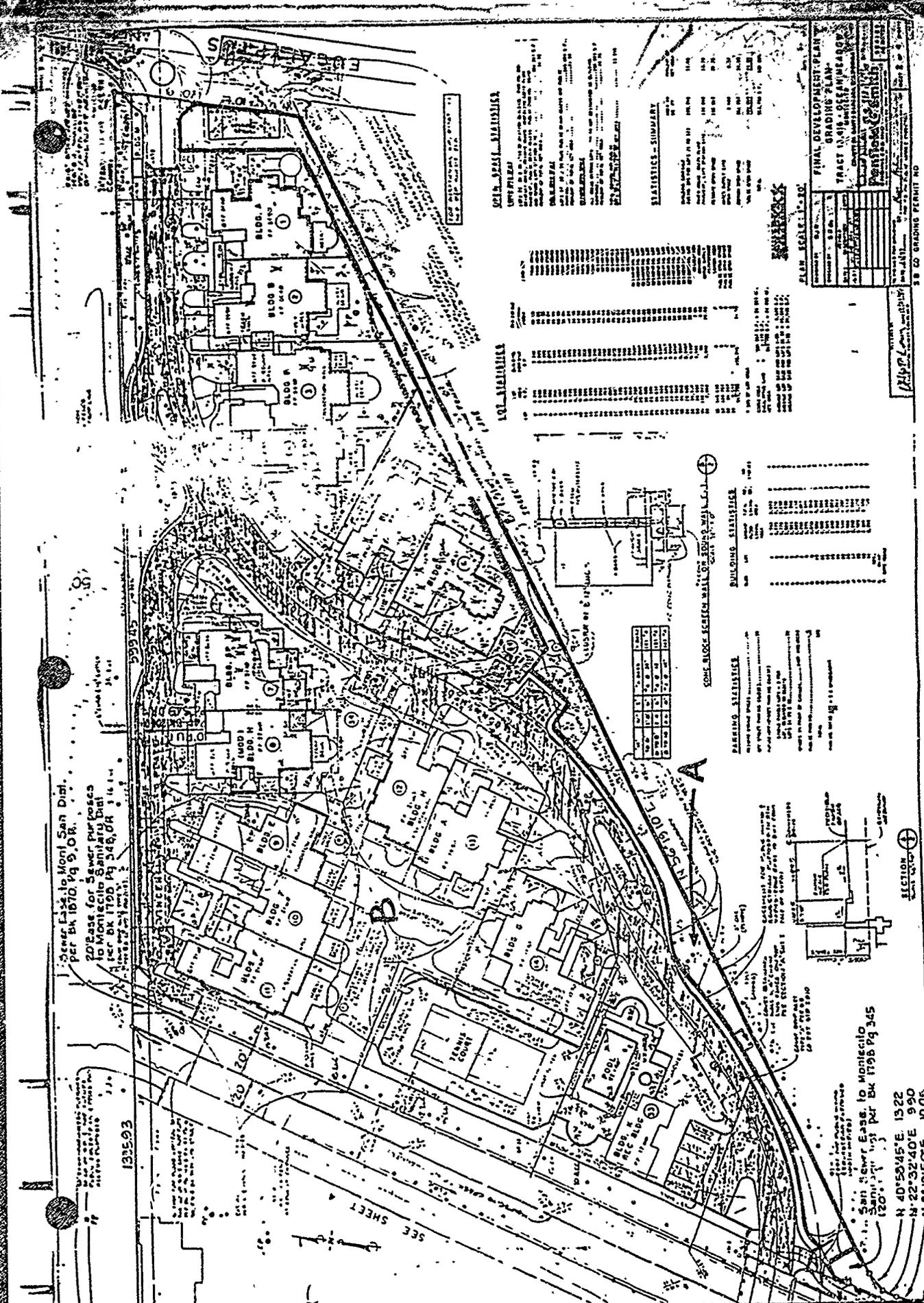
AERIAL SURVEYS

Scale 1" = 200' APPROX.

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sewer eas. to Mont. San Dist.
 per BK 1870, pg 9, OR.
 20' Base for Sewer Purposes
 to Montecito Sanitary Dist.
 per BK 1190, pg 346, OR.

135503

SEE SHEET 4

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND THE CALIFORNIA PLUMBING CODE.
 3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES RECORDS AND FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
 5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 7. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING EASEMENTS AND RIGHTS-OF-WAY.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES AND PLANTS TO REMAIN.
 9. THE CONTRACTOR SHALL MAINTAIN THE EXISTING GRADE AND TERRACE FINISHES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING FOUNDATIONS AND STRUCTURES.
 11. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND WALKWAYS.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING DRIVEWAYS AND WALKWAYS.
 13. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND WALKWAYS.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING DRIVEWAYS AND WALKWAYS.
 15. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND WALKWAYS.

STATISTICS - SUMMARY

Item	Quantity
Total Area	100,000 sq. ft.
Total Building Area	50,000 sq. ft.
Total Parking Area	10,000 sq. ft.
Total Landscaping Area	5,000 sq. ft.
Total Utility Area	2,000 sq. ft.
Total Other Area	3,000 sq. ft.

PLAN SCALE: 1"=20'

FINAL DEVELOPMENT PLAN
TRACT 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Prepared by: [Name]
 Date: [Date]

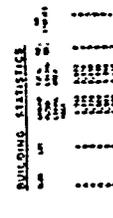
BUILDING SCHEDULE

Block	Start Date	End Date
BLOK A	1/1/50	1/31/50
BLOK B	2/1/50	2/28/50
BLOK C	3/1/50	3/31/50
BLOK D	4/1/50	4/30/50
BLOK E	5/1/50	5/31/50
BLOK F	6/1/50	6/30/50
BLOK G	7/1/50	7/31/50
BLOK H	8/1/50	8/31/50
BLOK I	9/1/50	9/30/50
BLOK J	10/1/50	10/31/50
BLOK K	11/1/50	11/30/50
BLOK L	12/1/50	12/31/50
BLOK M	1/1/51	1/31/51

PARKING SCHEDULE

Block	Start Date	End Date
BLOK A	1/1/50	1/31/50
BLOK B	2/1/50	2/28/50
BLOK C	3/1/50	3/31/50
BLOK D	4/1/50	4/30/50
BLOK E	5/1/50	5/31/50
BLOK F	6/1/50	6/30/50
BLOK G	7/1/50	7/31/50
BLOK H	8/1/50	8/31/50
BLOK I	9/1/50	9/30/50
BLOK J	10/1/50	10/31/50
BLOK K	11/1/50	11/30/50
BLOK L	12/1/50	12/31/50
BLOK M	1/1/51	1/31/51

CONC. BLOCK SCHEDULE WALL ON FOUND. WALL



SECTION



San Newt. Eas. to Montecito
 120' x 100' per BK 1795 pg 345
 N 40°53'45"E 1322
 N 22°32'40"E 990
 S 10°10'50"E 1005

FILE W 503.1632
 EXHIBIT B-1

