

CALENDAR ITEM

C44

A 71

S 33

MINUTE ITEM

This Calendar Item No. C44
was approved as Minute Item
No. 44 by the State Lands
Commission by a vote of 3
to 0 at its 5/26/94
meeting. 05/26/94

W 503.1789

Fossum

Hager

**AUTHORIZE FILING A DISCLAIMER
OF SOVEREIGN TITLE INTERESTS IN
HUNT V. CROCKER, ET AL.,
ORANGE COUNTY SUPERIOR COURT NO. 722433**

The State is named as a cross-defendant in this quiet title action due to issues involving the location and title of Santiago Creek in S29, T 5 S, R 7 W, SB&B, in the vicinity of the Cleveland National Forest in Orange County. The title to two adjacent properties is purportedly divided by the center line of Santiago Creek. This creek was allegedly the subject of a substantial flood which caused a change in the location of the creek and its center line.

The staff of the Commission has examined the Commission's records pertaining to the area and has ascertained that there is no sovereign title interest which is held by the State of California and under the jurisdiction of the Commission with respect to the lands involved in the quiet title action.

Because the property does involve a creek, it is necessary to caveat the Commission's disclaimer so as not to waive any possible public right of recreation that may exist if this waterway is subject to recreational navigation (see People ex rel. Baker v. Mack (1971) 19 Cal App 3rd 560).

Therefore, since this action involves land over which the Commission asserts no sovereign title interest, staff recommends that the Commission authorize the Attorney General to file on its behalf a limited disclaimer of any sovereign title interests in the land, subject to any public rights in recreationally navigable waters which may exist on the property.

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

CALENDAR ITEM NO. C44 (CONT'D)

EXHIBITS:

- A. Location Map.
- B. Land Description.

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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. AUTHORIZE THE ATTORNEY GENERAL TO FILE A DISCLAIMER OF SOVEREIGN TITLE INTERESTS IN THE CASE OF HUNT V. CROCKER, ET AL. ORANGE COUNTY SUPERIOR COURT CASE NO. 722433 ON BEHALF OF THE STATE LANDS COMMISSION, WITHOUT WAIVING ANY PUBLIC RIGHT OF RECREATION IN NAVIGABLE WATERS, IF ANY.

EXHIBIT "B"
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ALL THAT CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A:

THAT PORTION OF SECTION 29, IN TOWNSHIP 5 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE NORTHERLY LINE OF SAID SECTION, DISTANT THEREON WEST 1600.00 FEET FROM THE NORTHEAST CORNER THEREOF THENCE WEST ALONG SAID NORTHERLY LINE 1700.00 FEET, MORE OR LESS, TO THE INTERSECTION OF SAID NORTHERLY LINE WITH A LINE PERPENDICULAR THERETO, DRAWN NORTHERLY FROM THE MOST NORTHERLY CORNER OF LOT 139 OF THE MODJESKA HOME TRACT, SHEET "D", AS SHOWN ON A MAP THEREOF RECORDED IN BOOK 9, PAGES 41, 42 AND 43, MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY; THENCE SOUTH ALONG SAID PERPENDICULAR LINE 2151.64 MORE OR LESS TO A POINT DISTANT THEREON NORTHERLY 148.36 FEET FROM SAID MOST NORTHERLY CORNER OF SAID LOT 139 OF MODJESKA HOME TRACT, SHEET "D", SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE BOUNDARY OF THE LAND HEREIN DESCRIBED; THENCE NORTH 89 DEG. 28' 30" EAST 136.83 FEET; THENCE NORTH 60 DEG. 23' 30" EAST 212.00 FEET; THENCE NORTH 84 DEG. 13' 50" EAST 447.56 FEET; THENCE SOUTH 0 DEG. 14' 30" EAST 429.61 FEET TO THE CENTER OF SANTIAGO CANYON CREEK, AS SHOWN ON A MAP OF SURVEY RECORDED IN BOOK 25, PAGE 31, RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY; THENCE WESTERLY ALONG THE CENTER OF SANTIAGO CANYON CREEK, AS SHOWN ON SAID MAP, TO THE MOST NORTHERLY CORNER OF SAID LOT 139 OF MODJESKA HOME TRACT, SHEET "D"; THENCE NORTH 148.36 TO THE TRUE POINT OF BEGINNING.

PARCEL B:

THAT PORTION OF THE COUNTY ROAD, 60.00 FEET WIDE, ADJOINING LOT C ON THE NORTH MODJESKA HOME SHEET "D", AS SHOWN ON MAP RECORDED IN BOOK 9, PAGES 41, 42 AND 43 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, BEING A PORTION OF MODJESKA CANYON ROAD, 60.00 FEET WIDE, AS SHOWN ON MAP FILED IN BOOK 72, PAGE 21 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY, AND LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

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BEGINNING AT THE WESTERLY TERMINUS OF THAT CERTAIN COURSE IN THE SOUTHERLY LINE OF PARCEL 1 OF SAID PARCEL MAP HAVING A BEARING OF NORTH 84 DEG. 47' 30" EAST AND A LENGTH OF 15.47 FEET, SAID WESTERLY TERMINUS BEING THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 40.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 53 DEG. 39' 00" AN ARC DISTANT OF 37.45 FEET; THENCE TANGENT TO SAID CURVE SOUTH 41 DEG. 40' 00" EAST 55.00 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF SAID MODJESKA CANYON ROAD.

EXCEPTING THEREFROM THAT PORTION LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID PARCEL A.

PARCEL C: That portion of Lot B of Modjeska Home Tract, Sheet F, as shown on a map recorded in Book 9, Pages 39 and 40 of Miscellaneous maps, Records of Orange County, California, lying Southerly of the irregular center line of Santiago Creek.

PARCEL D: That portion of Lot C of Modjeska Home Tract, Sheet D, as shown on a map recorded in Book 9, Pages 41 and 42 of Miscellaneous maps, Records of Orange County, California, lying Southerly of the irregular center line of Santiago Creek.

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