

MINUTE ITEM
This Calendar Item No. C47
was approved as Minute Item
No. 47 by the State Lands
Commission by a vote of 3
to 0 at its 9-19-00
meeting.

CALENDAR ITEM
C47

A 74
S 38

09/19/00
WP 8053.9
J. Smith

ACCEPTANCE OF QUITCLAIM OF EASEMENT

PARTY:

San Diego Gas & Electric Company
8316 Century Park Court
San Diego, California 92123

AREA, LAND TYPE, AND LOCATION:

Sovereign public trust lands adjacent to Batiquitos Lagoon, near Carlsbad, San Diego County.

BACKGROUND:

1. San Diego Gas and Electric Company (SDG&E) maintained utility facilities across lands that were quitclaimed to the State by Pacific Rim Land Associates Limited Partnership in 1988, pursuant to a title settlement agreement AD 75. The Commission accepted these lands subject to SDG&E's existing utility easement. As part of the Saxony Pump Station Rehabilitation Project, SDG&E has relocated its utility facilities to the south side of La Costa Avenue in Carlsbad, and is prepared to relinquish its easement to the Commission.
2. The Leucadia County Water District (District) is proposing to construct an access road at this location in order to access their pump station improvements. The Commission authorized the issuance of a Public Agency Lease (Lease No. PRC 8053.9) to the District at its meeting on December 16, 1998, for a paved truck turnaround and pump station improvements associated with the Saxony Pump Station Rehabilitation Project. A 12-foot wide access road was included as part of the original project description for the Saxony Pump Station Rehabilitation Project, for which a Mitigated Negative Declaration was adopted by the Lessee on July 15, 1998. However, due to an oversight the area was not included in the legal description in Lease No. PRC 8053.9. Pursuant to Calendar Item C47 that follows, staff is requesting that the Commission amend

CALENDAR ITEM NO. **C47** (CONT'D)

Lease No. PRC 8053.9 to accommodate the construction and maintenance of the access road.

The sovereign public trust lands involved in this transaction are part of a lease to the California Department of Fish and Game (DFG) for management as part of the Batiquitos Lagoon Ecological Reserve (Lease No. PRC 7242.9). Commission staff has consulted with DFG staff and believes that the acceptance of the Quitclaim of Easement, and the District's construction and maintenance of the access road will not be inconsistent or incompatible with DFG's operations under Lease No. PRC 7242.9.

3. Staff required the District to conduct a hazardous waste/materials assessment of the easement area being vacated by SDG&E. That assessment concluded that the site had not been adversely impacted by hazardous waste or materials. Commission staff has reviewed that assessment and is satisfied with the conclusions reached therein.
4. Pursuant to the Commission delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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 the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

EXHIBITS:

- A. Quitclaim of Easement
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

December 18, 2000

CALENDAR ITEM NO. C47 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE ACCEPTANCE OF A QUITCLAIM OF EASEMENT FROM SAN DIEGO GAS AND ELECTRIC COMPANY TRANSFERRING ANY RIGHT, TITLE, AND INTEREST OF SAN DIEGO GAS AND ELECTRIC COMPANY IN LANDS DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF TO THE CALIFORNIA STATE LANDS COMMISSION.

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON JUL 13, 2000
DOCUMENT NUMBER 2000-0369686
GREGORY J. SMITH, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 11:39 AM

Recording Requested by
San Diego Gas & Electric Company

When recorded, mail to:

San Diego Gas & Electric Company
8316 Century Park Court
San Diego, CA 92123
Real Estate & Facilities, CP 51B

SPACE ABOVE FOR RECORDER'S USE

C

APN: 216-110-2, 18, 19 & 34

Transfer Tax NONE
SAN DIEGO GAS & ELECTRIC COMPANY

Handwritten signature

QUITCLAIM OF EASEMENT

The land, tenements or realty is located in the

unincorporated area

City of Carlsbad, County of San Diego, State of California; and

SAN DIEGO GAS & ELECTRIC COMPANY, a California corporation (SDG&E) for valuable consideration, does hereby remise, release and forever quitclaim to any and all person(s) or entity having a legal or equitable interest in the hereinafter described real property all right, title, interest and claim of SDG&E in and to the following described real property that was acquired by virtue of the easement dated September 25, 1961 and recorded October 17, 1961 at Recorder's File/Page No. 180017 of Official Records of said County of San Diego.

The real property in which said easement(s) is quitclaimed is described as follows:

That portion of Lots 14 and 15 in Section 34, Township 12 South, Range 4 West, San Bernardino Meridian, described in a Deed recorded in Book 6352, Page 375 of Official Records of said County of San Diego.

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This quitclaim does not release any interest or estate SDG&E may have in the above-described real property except the easement(s) specified.

IN WITNESS WHEREOF, said San Diego Gas & Electric Company has caused this deed to be executed in its corporate name by its duly authorized agent this 11th day of July 2000.

SAN DIEGO GAS & ELECTRIC COMPANY, a California Corporation

By [Signature]
John B. Burton
Land Management Manager
Duly Authorized Agent for SDG&E
Real Estate & Facilities

Drawn Hayward
Checked
Sketch
Date 7/3/00
Q.C. No. 2000-60
R/W No. 52947 (Total)

State of California }

County of San Diego }

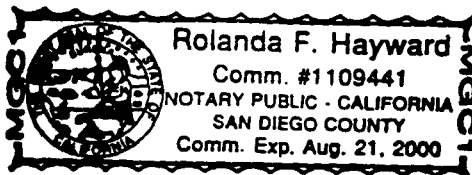
On _____ before me, Rolanda F. Hayward,
Notary Public (name, title of officer),
personally appeared John B. Burton, only

personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
gnature



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This Exhibit is solely for purposes of generally defining the lease premises and is not intended to be, nor shall it be construed as a waiver or limitation of any State interest in the subject or any other property.

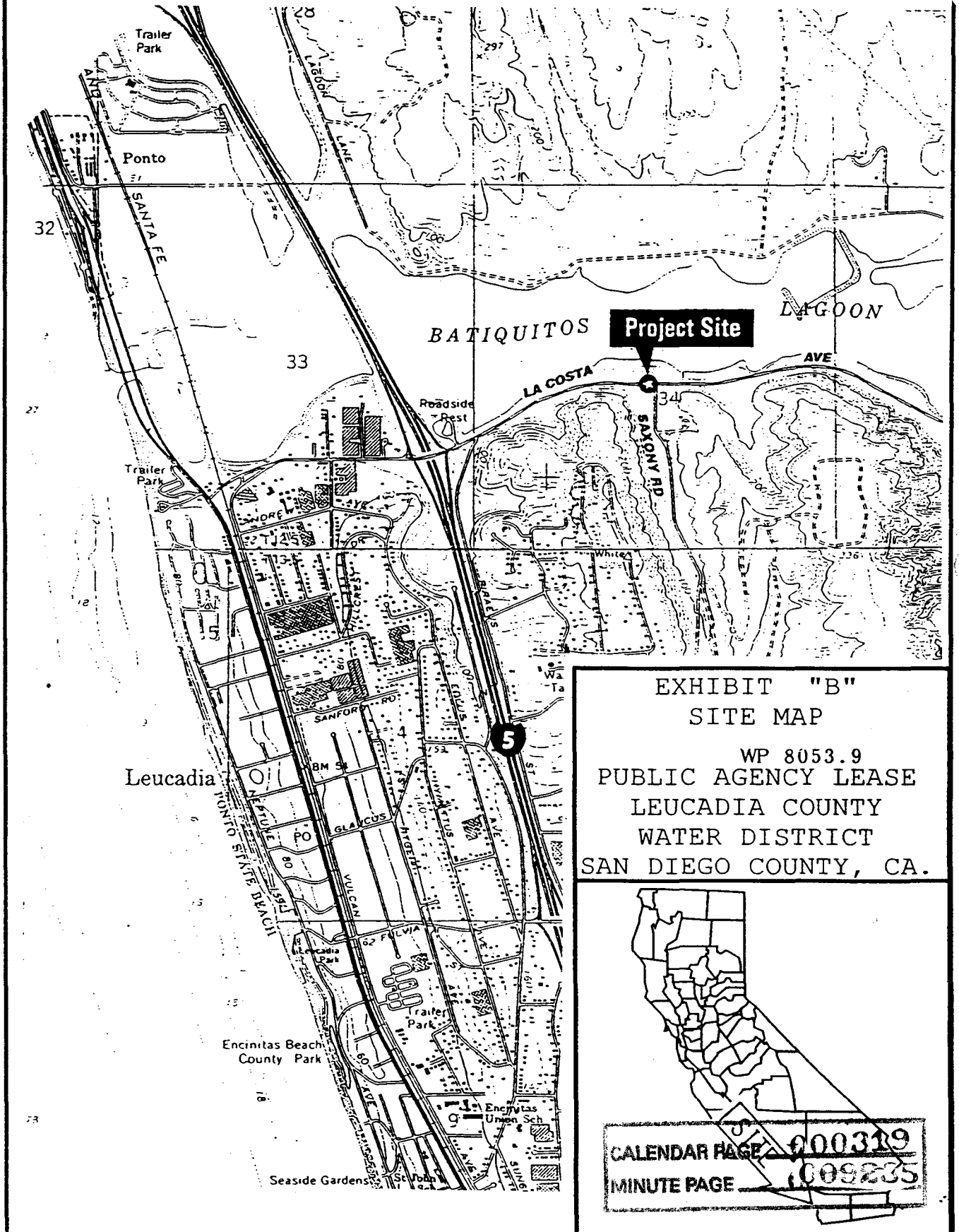


EXHIBIT "B"
SITE MAP

WP 8053.9
PUBLIC AGENCY LEASE
LEUCADIA COUNTY
WATER DISTRICT
SAN DIEGO COUNTY, CA.



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