

MINUTE ITEM

This Calendar Item No. 30
was approved as Minute Item
No. 30 by the State Lands
Commission by a vote of 2
to 0 at its 7/24/86
meeting.

CALENDAR ITEM

30

A 74

S 38

07/24/86
W 20725.203
A. Scott
Fossum
Saggese

AUTHORIZATION TO ACCEPT CERTAIN PROPERTY INTERESTS
INVOLVING A PORTION OF BATIQUITOS LAGOON, SAN DIEGO COUNTY

PRIVATE PARTIES:

Batiquitos Pointe, a California limited
partnership.
Batiquitos Bluff, a California limited
partnership.
Sammis Properties, a California cooperation.
Lee C. Sammis, Trustee of the Donald F. Sammis
Children's Trust.

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

The staff of the Commission has been involved in extensive
negotiations and discussions with other property owners
surrounding the Lagoon as well as governmental agencies
interested in restoring Batiquitos Lagoon to a viable
functioning tidal wetland.

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The Private Parties are involved in obtaining permits from various regulatory bodies to develop their upland property as a planned community development including residential, commercial, recreational and educational facilities. Pursuant to Coastal Commission action on November 22, 1985, approving Application No. 6-85-482 for Sammis Properties, the Private Parties under Special Condition one are required to dedicate in fee the wetland (Lagoon) portion of their properties (Exhibits "A 1-3") to the State.

Additional portions of private parties property adjacent to the existing lagoon may need to be dredged in order to create an adequate tidal prism to insure proper flushing action to the lagoon. In order to facilitate the restoration of the lagoon, Private Parties have agreed to dedicate in addition to the lands required in their coastal permit such lands as are necessary for the restoration project in fee to the State. This offer of dedication will be conditioned upon the issuance of a permit by the Coastal Commission which includes this area in the restoration of Batiquitos Lagoon.

The lands involved in the proposed authorization for acceptance, as well as other lands previously accepted and lands to be accepted in the future within Batiquitos Lagoon will be accepted and held as sovereign tide and submerged lands subject to the Public Trust and are proposed to be included in a master lease to the Department of Fish and Game for operation of an Ecological Reserve.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 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. Adm. Code 15378.

EXHIBITS: A 1-3. Land Descriptions.
B. Location Map.
C. Site Sketch.

CALENDAR ITEM NO. 30 (CONT'D)

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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AUTHORIZE THE EXECUTION AND RECORDATION OF CERTIFICATES OF ACCEPTANCE FOR THE OFFER OF DEDICATION FOR THOSE PARCELS OF REAL PROPERTY SHOWN ON ATTACHED EXHIBIT "C", AS PARCELS A, B, AND D, AND MORE PARTICULARLY DESCRIBED IN EXHIBITS "A 1-3", AS WELL AS ANY PORTIONS OF LOT 3 WHICH ARE DESIGNATED IN A COASTAL PERMIT FOR INCLUSION AS LANDS TO BE DREDGED AS PART OF THE RESTORATION OF BATIQUITOS LAGOON, TO BE HELD AS LAND OWNED BY THE STATE IN ITS SOVEREIGN CAPACITY AND SUBJECT TO THE PUBLIC TRUST.
3. AUTHORIZE STAFF OF THE STATE LANDS COMMISSION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS WHICH MAY BE REASONABLE NECESSARY AND CONVENIENT TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING, BUT NOT LIMITED TO, EXECUTION OF DOCUMENTS OF TITLE, RECORDATION AND APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.

EXHIBIT A1

LEGAL DESCRIPTION

PARCEL "A" - WETLANDS

THAT PORTION OF LOT 3 OF PARCEL MAP 13653, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JANUARY 31, 1985, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3, BEING A POINT ON THE EASTERLY BOUNDARY LINE OF THE RIGHT-OF-WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY (COAST LINE); THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 3 S 89° 29' 26" E 1084.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 8° 21' 15" E 227.13 FEET; THENCE N 26° 55' 55" E 179.78 FEET; THENCE N 46° 00' 17" E 245.38 FEET; THENCE N 24° 45' 37" E 297.95 FEET; THENCE S 1° 36' 13" E 645.50 FEET; THENCE N 32° 29' 00" E 613.26 FEET; THENCE S 31° 41' 12" E 344.87 FEET; THENCE S 51° 02' 53" W 649.80 FEET; THENCE N 89° 29' 26" W 438.99 FEET TO THE TRUE POINT OF BEGINNING.

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EXHIBIT A2

LEGAL DESCRIPTION

PARCEL "B" - WETLANDS

THAT PORTION OF LOT 3 OF PARCEL MAP 13653, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JANUARY 21, 1985, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3, BEING A POINT ON THE EASTERLY BOUNDARY LINE OF THE RIGHT-OF-WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY (COAST LINE); THENCE NORTHERLY ALONG SAID EASTERLY BOUNDARY LINE AND ALONG THE ARC OF A 11,559.20-FOOT RADIUS CURVE CONCAVE WESTERLY 160.00 FEET THROUGH A CENTRAL ANGLE OF $0^{\circ} 47' 35''$; THENCE LEAVING SAID EASTERLY BOUNDARY LINE N $82^{\circ} 50' 46''$ E 287.57 FEET; THENCE S $81^{\circ} 31' 00''$ E 259.51 FEET; THENCE N $70^{\circ} 01' 45''$ E 88.60 FEET; THENCE N $44^{\circ} 48' 07''$ E 57.28 FEET; THENCE N $3^{\circ} 20' 11''$ E 81.10 FEET; THENCE N $74^{\circ} 09' 40''$ E 78.16 FEET; THENCE S $31^{\circ} 53' 39''$ E 259.39 FEET; THENCE S $56^{\circ} 53' 25''$ E 204.17 FEET; THENCE N $89^{\circ} 29' 26''$ W 1004.00 FEET TO THE POINT OF BEGINNING.

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EXHIBIT A3

LEGAL DESCRIPTION

PARCEL "D" - WETLANDS

THAT PORTION OF LOT 3 OF CARLSBAD TRACT 82-18, MAP NO. 11290, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JULY 16, 1985, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, BEING A POINT ON THE EASTERLY LINE OF CARLSBAD BOULEVARD; THENCE SOUTHERLY ALONG SAID EASTERLY LINE S 17° 30' 57" E 236.68 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY LINE N 78° 10' 33" E 151.25 FEET; THENCE N 81° 32' 17" E 186.83 FEET TO THE BEGINNING OF A TANGENT 27.00-FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE NORTHERLY ALONG THE ARC OF SAID 27.00-FOOT RADIUS CURVE 44.06 FEET THROUGH A CENTRAL ANGLE OF 93° 30' 00"; THENCE N 18° 42' 07" W 30.06 FEET; THENCE N 37° 11' 31" W 173.75 FEET; THENCE N 35° 17' 49" W 144.08 FEET; THENCE N 23° 20' 08" W 88.76 FEET; THENCE N 23° 47' 40" E 59.47 FEET; THENCE N 59° 20' 16" E 67.28 FEET; THENCE N 65° 44' 36" E 124.71 FEET; THENCE N 73° 21' 23" E 107.39 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF THE RIGHT-OF-WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY (COAST LINE); THENCE SOUTHERLY ALONG SAID WESTERLY BOUNDARY LINE AND ALONG THE ARC OF A 11,359.20-FOOT RADIUS CURVE CONCAVE WESTERLY A DISTANCE OF 578.20 FEET THROUGH A CENTRAL ANGLE OF 2° 54' 59"; THENCE S 15° 42' 29" E 125.14 FEET; THENCE S 46° 05' 21" W 204.03 FEET; THENCE S 71° 53' 21" W 195.12 FEET; THENCE N 74° 32' 39" W 243.94 FEET TO THE SAID EASTERLY LINE OF CARLSBAD BOULEVARD; THENCE NORTHERLY ALONG SAID EASTERLY LINE N 17° 30' 57" W 191.40 FEET TO THE TRUE POINT OF BEGINNING.

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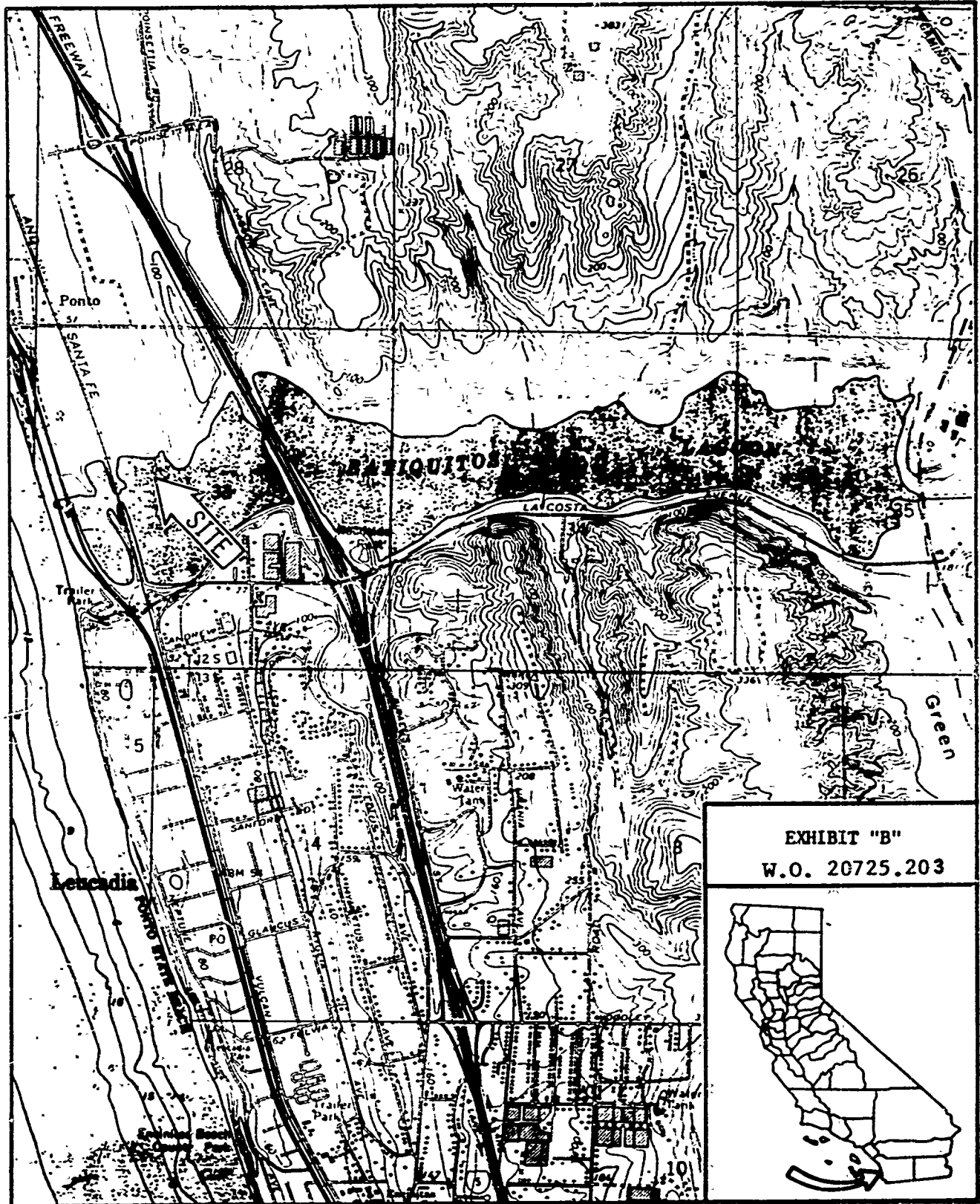


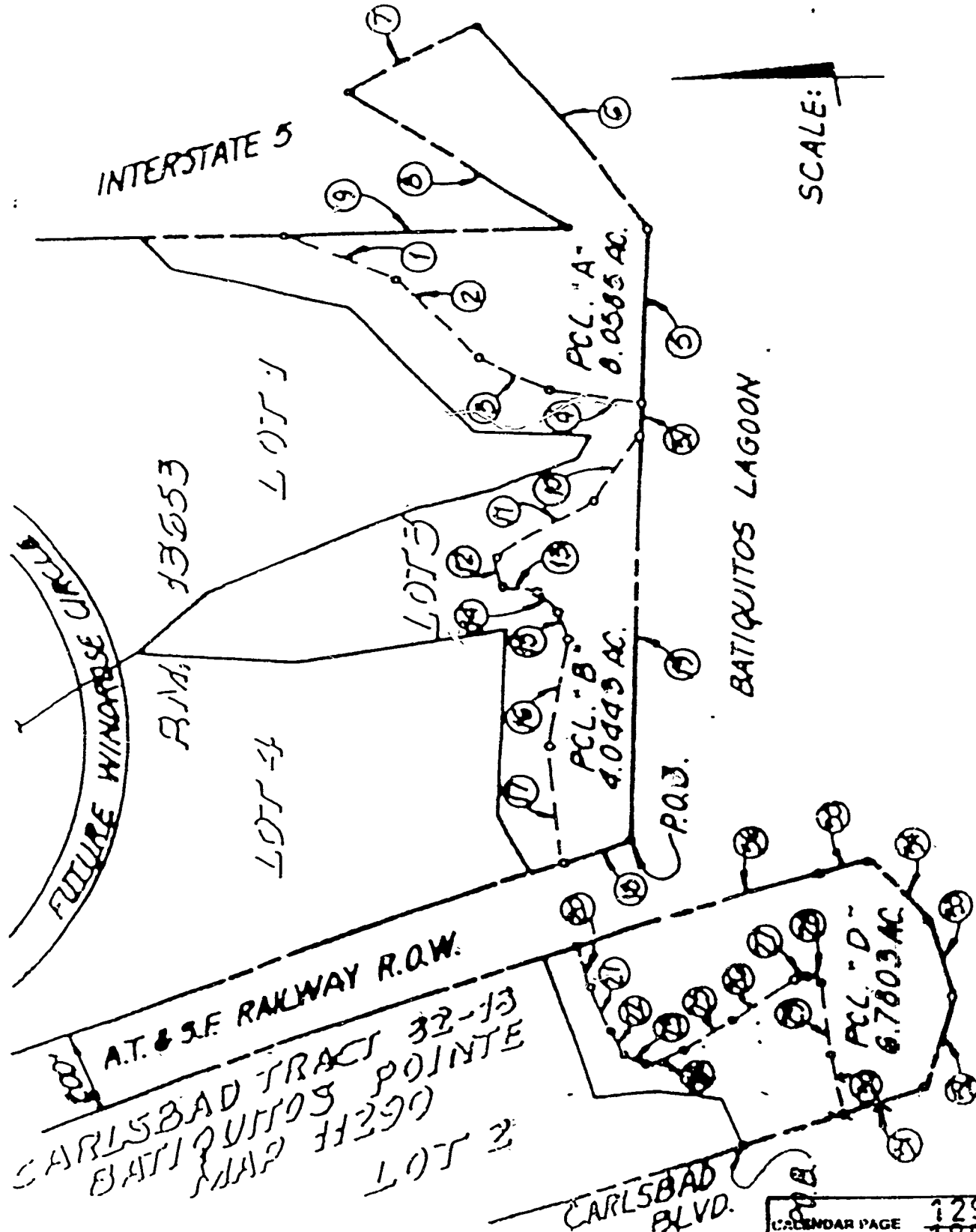
EXHIBIT "B"

W.O. 20725.203



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EXHIBIT C



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