

MINUTE ITEM
This Calendar Item No. C35
is approved as Minute Item
No. 38 by the State Land
Commission by a vote of 3
to 0 at its 6-30-92
meeting.

CALENDAR ITEM

C 3 5

A 70

S 38

06/30/92
W 503.1744
Fossum

AUTHORIZE FILING A LIMITED DISCLAIMER OF TITLE INTEREST IN
CITY OF OCEANSIDE V. ROY P. JOSEPHO, ET AL.,
SAN DIEGO SUPERIOR COURT CASE NO. 51718

The State of California is a party-defendant in a condemnation action brought by the City of Oceanside entitled City of Oceanside v. Roy P. Josepho, et al., San Diego County, involving lands to be used as part of the San Luis Rey River Flood Control Project.

Upon examination of the Commission's records pertinent to the area, staff has determined that the area involved in the taking does not include sovereign lands of the State.

Extensive preparation and research would be required by staff to determine the extent of such interest; staff also believes that, even upon such determination, compensation for such interest would likely be nominal and the costs of attendant proof outweigh any possible compensation the State would receive in the condemnation award.

EXHIBITS:

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

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 STAFF AND/OR THE ATTORNEY GENERAL TO FILE A DISCLAIMER OF COMPENSATION ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF CITY OF OCEANSIDE V. ROY P. JOSEPHO, ET AL., SAN DIEGO SUPERIOR COURT CASE NO. 51718.

EXHIBIT "A"

LEGAL DESCRIPTION

JOSEPHO PTM 160-271-11

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 9315, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGINNING AT NORTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTH 39°05'18" EAST, (RECORD SOUTH 39°41'18" EAST) ALONG THE NORTHEASTERLY BOUNDARY LINE OF SAID PARCEL 1 A DISTANCE OF 100.29 FEET TO A POINT ON A COMMON LINE SAID COMMON LINE BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SAN LUIS REY RIVER FLOOD CONTROL PROJECT AS SHOWN ON THE U.S. ARMY CORPS OF ENGINEERS' DRAWINGS ON FILE WITH THE OFFICE OF THE CITY ENGINEER OF THE CITY OF OCEANSIDE AND THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROUTE 76 AS SAID RIGHT-OF-WAY IS SHOWN ON DIRECTOR'S DEED MAP DD 23662-01-01 ON FILE WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT II; THENCE SOUTH 72°50'07" WEST, (RECORD SOUTH 72°38'46" WEST) ALONG SAID COMMON LINE 476.66 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID PARCEL 1; THENCE NORTH 39°00'00" WEST, (RECORD NORTH 39°36'30" WEST) ALONG SAID SOUTHWESTERLY LINE 38.15 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 1; THENCE NORTH 65°35'32" EAST (RECORD NORTH 65°59'02" EAST) ALONG THE NORTHWESTERLY LINE OF SAID LOT 1 A DISTANCE OF 457.05 FEET TO THE POINT OF BEGINNING.

SAID PARCEL 1 CONTAINS 0.70 ACRES MORE OR LESS.

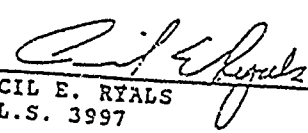
PARCEL 2:

A TEMPORARY CONSTRUCTION EASEMENT BEING A STRIP OF LAND 40.00 FEET IN WIDTH, SAID STRIP IS SOUTHERLY OF AND ADJACENT TO PARCEL 1 DESCRIBED ABOVE.

SAID TEMPORARY EASEMENT SHALL TERMINATE ON APRIL 31, 1992

ATTACHED HERETO AND MADE A PART OF THIS LEGAL DESCRIPTION IS A PLAT LABELED EXHIBIT "B"

THIS LEGAL DESCRIPTION AND PLAT WERE PREPARED BY ME OR UNDER MY DIRECTION.


CECIL E. RYALS
P.L.S. 3997



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EXHIBIT "B"

RIVER R/W

38.15'

N 65°35'32" E

PARCEL 1

MIDDLE POND

157.05'

RIVER AREA = 0.70 ACRES

P.O.B.

SCALE 1" = 100'

N 39°00'00" W

590.17'

40'

S 72°30'07" W

TEMPORARY CONSTRUCTION EASEMENT

PARCEL 2

476.56'

476.73'

PROPOSED R/W S.R. 76 PER CALTRANS MAP DD-23662-01-01

43.12'

100.00'

S 39°05'10" E

702.18'

15

PARCEL 1

PARCEL MAP 9315

REMAINDER PARCEL = 7.36 ACRES

S 50°33'28" W 70.00'

11 39°06'32" W 300.00'

SEC. 15

T15S

S.B.M.

LICENSED LAND SURVEYOR
CECIL E. RYAN
No. 3967
Exp. 6/30/96
STATE OF CALIFORNIA

S 50°33'28" W 372.1'



NOTE: ALL BEARINGS SHOWN
HEREON ARE LAMBERT BEARINGS
BASED ON CORPS OF ENGINEERS
COORDINATE CONTROL ZONE VI,
SAN LUIS RIVER PROJECT.

Assessor's Parcel No.:
160-271-11

Right-of-Way Engineering Services, Inc.
2103 E Camino Real Ste. 208 Ocean View, CA 92054
(619) 757-4443

CITY OF OCEANSIDE CALENDAR PAGE 498.2

S.L.R. RIVER RIGHT OF WAY-~~1~~40¹50¹ PAGE

DATE: NOVEMBER 12, 1990

SHEET 1 OF

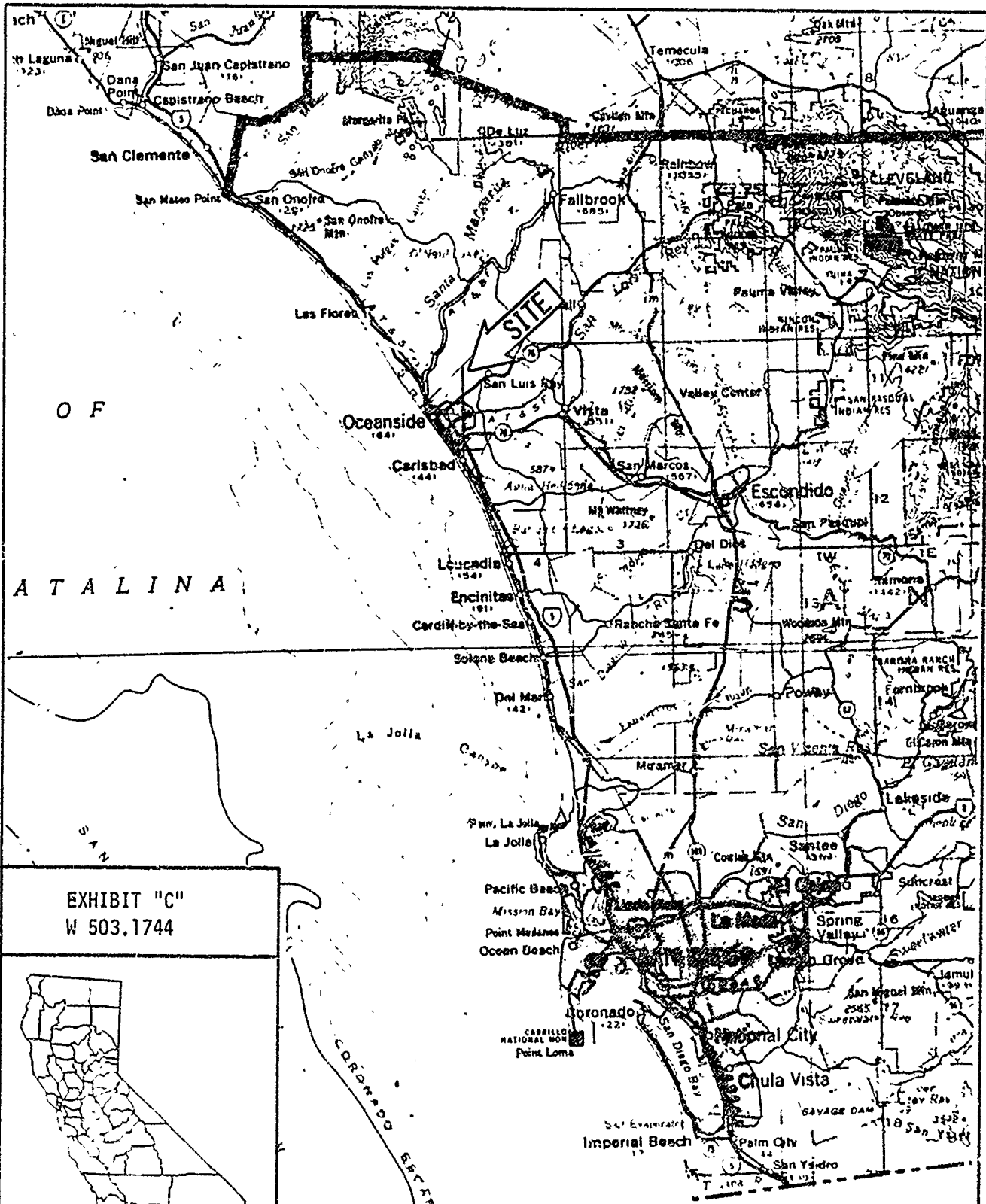


EXHIBIT "C"
W 503.1744