

MINUTE ITEM
This Calendar Item No. 40
was approved as Minute Item
No. 40 by the State Lands
Commission by a vote of 3
to 0 at its 3-2-88
meeting.

CALENDAR ITEM

A 70, 74

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03/02/88
W 2400.166
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S 37

CONSIDERATION OF CONSENT TO INCORPORATION OF
TIDE AND SUBMERGED LANDS INTO THE PROPOSED
CITY OF DANA POINT, ORANGE COUNTY

APPLICANT: Dana Point Citizens for Incorporation
c/o Robert J. Wagner
25672 Eastwind Drive
Dana Point, California 92629

The State Lands Commission has received a request from the Applicant to consent as the landowner, to the proposed incorporation of tide and submerged lands in the Pacific Ocean (as described in Exhibit B and as depicted on Exhibit A) into the proposed City of Dana Point pursuant to Government Code Section 56108(a).

The Commission approved, on November 19, 1987, pursuant to Minute Item #29, the description of the proposed boundaries (Exhibit B) and in addition approved the boundaries and consented as landowner to the incorporation of an adjacent offshore area.

Because of a controversy between the Dana Point Incorporation proponents and proponents of incorporation of Laguna Niguel the decision on consent to incorporation was postponed until both the citizens in the effected area and the Orange County Local Agency Formation Commission could determine which proposed city should be allowed to incorporate this land.

The citizens in the subject area voted in an advisory election on November 3 and the Orange County LAFCO rendered its decision on December 2, 1987. That decision was appealed, the appeal being rejected on December 16, 1987. On January 27, 1988, Orange County LAFCO again heard the matter and upheld its prior approval of Dana Point as the appropriate local government for incorporation.

(CALENDAR ITEM NO. 40 CONT'D)

The staff of the Commission has no objection to the incorporation of tide and submerged lands into the proposed City of Dana Point.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

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. 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. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
- 2. CONSENT, AS THE LANDOWNER, TO THE PROPOSED INCORPORATION OF TIDE AND SUBMERGED LANDS UNDER THE JURISDICTION OF THE STATE LANDS COMMISSION IN THE PACIFIC OCEAN WITHIN THE AREA DESCRIBED IN EXHIBIT "A", PURSUANT TO GOVERNMENT CODE SECTION 56108(a).
- 3. AUTHORIZE STAFF TO GIVE THE REQUESTED NOTICE OF SAID APPROVAL TO THE INCORPORATION PROPONENTS AND ORANGE COUNTY LAFCO, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 56108(e).

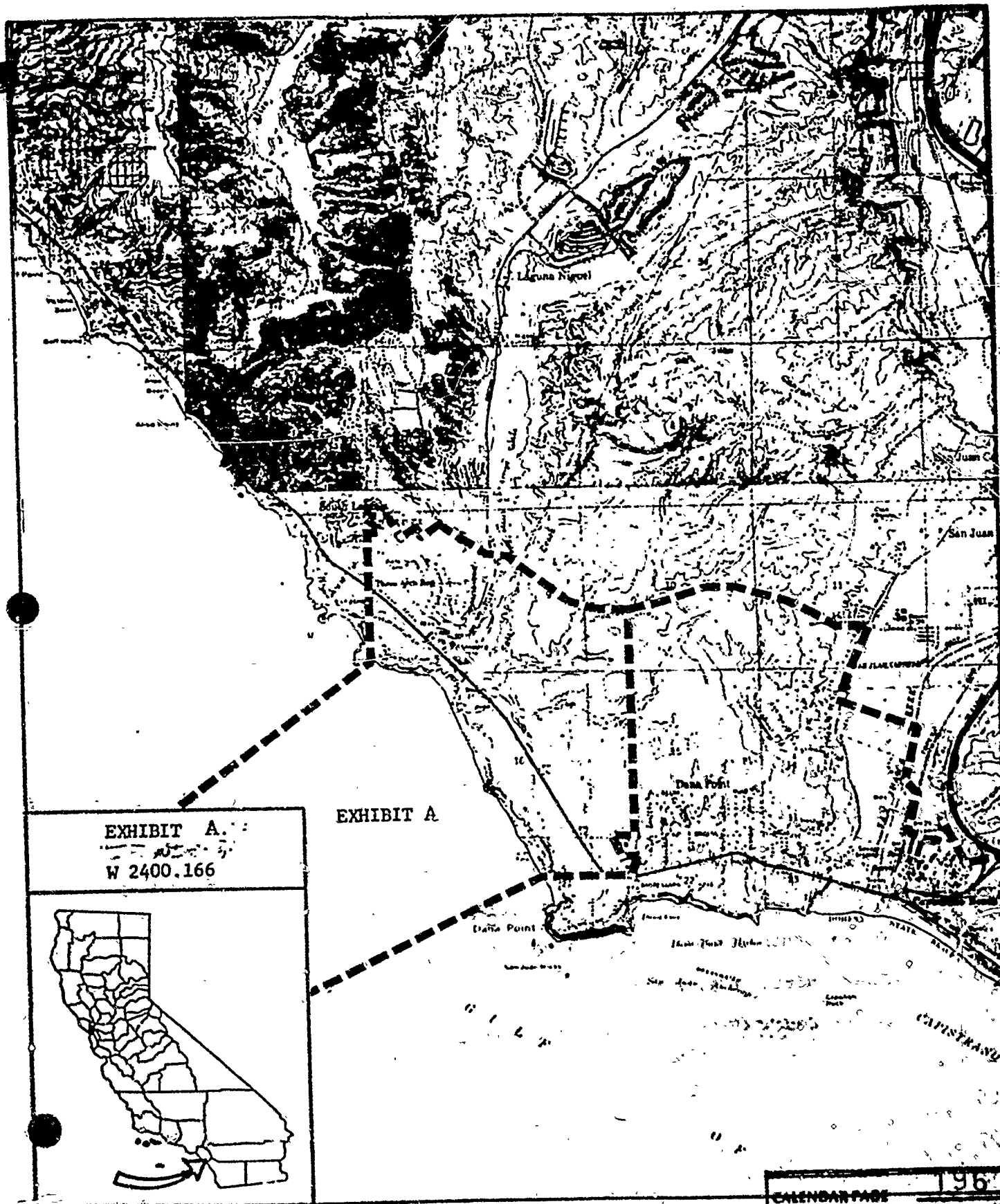


EXHIBIT A
W 2400.166

EXHIBIT A

EXHIBIT "B"

Dana Point

Coastal Advisory Election Area

Those portions of Section 10, 14, 15, 21, 22 and 23 of Township 8 South, Range 8 West, San Bernardino Meridian in the Unincorporated Territory, County of Orange, State of California, as shown on the Official Plat, filed in the District Land Office on April 12, 1875 and that portion of the Rancho Boca de la Playa, as shown on a map recorded June 29, 1887 in Book 4, Pages 118 and 119 of Patents Records of Los Angeles County, California and described as a whole as follows:

Beginning at the intersection of the South line of the Northwest quarter of the Northeast quarter of said Section 21 with the Mean High Tide Line of the Pacific Ocean;

Thence following along said South line and the South line of the Northeast quarter of the Northeast quarter of said Section 21, Easterly 900.00 feet more or less to a point on the existing boundary line of the Laguna Niguel Community Services District (LNCSD) as established by "Reorganization No. 11-A" to County Service Area No. 3 (CSA #3), said point being the most Southerly Southwest corner of Parcel 2 of said Reorganization;

Thence following along the existing boundary line of LNCSD through the following described courses: South 89°10'25" East, 550.00 feet;

Thence South 89°00'14" East, 1,325.65 feet;

Thence North 00°54'14" East, 559.11 feet;

Thence South 49°19'38" West, 404.84 feet;

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Thence North $89^{\circ}15'05''$ West, 269.15 feet;

Thence North $06^{\circ}48'49''$ West, 655.37 feet;

Thence North $32^{\circ}10'24''$ West, 457.91 feet;

Thence South $88^{\circ}56'03''$ east, 910.06 feet;

Thence North $00^{\circ}53'34''$ East, 3,003.63 feet;

Thence North $00^{\circ}52'44''$ East, 2,277.23 feet;

Thence North $00^{\circ}01'53''$ West, 1,575.46 feet to the most Easterly Northeast corner of said Parcel 2;

Thence leaving the existing boundary line of INCSD, following along the East line of a map filed in Book 141 Page 39 of Parcel Map in the office of the County Recorder of said Orange County, North $00^{\circ}02'37''$ East, 346.28 feet more or less to a point on the Southerly right-of-way line of Camino Del Avion (110.00 feet wide) as conveyed to the County of Orange by Document 87-439846 of Official Records, said point also being on a non-tangent curve, concave Northwesterly and having a radius of 1,850.00 feet, a radial bearing from said point bears North $11^{\circ}33'23''$ West;

Thence following along said right-of-way line Westerly along said curve through a central angle of $37^{\circ}11'44''$ an arc distance of 1,200.99 feet to the beginning of a reverse curve concave Southeasterly and having a radius of 42.00 feet;

Thence continuing along said right-of-way line Northwesterly along said curve through a central angle of $03^{\circ}00'08''$ an arc distance of 2.20 feet;

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Thence North $67^{\circ}21'47''$ West, 54.70 feet to the beginning of a tangent curve concave Northeasterly having a radius of 58.00 feet;

Thence Northwesterly along said curve through a central angle of $04^{\circ}54'45''$ an arc distance of 4.97 feet to the beginning of a compound curve concave Northeasterly and having a radius of 1,854.00 feet;

Thence Northwesterly along said curve through a central angle of $02^{\circ}32'47''$ an arc distance of 82.40 feet;

Thence South $72^{\circ}27'54''$ West, 38.45 feet to a point on a non-tangent curve, concave Southeasterly and having a radius of 1,940.00 feet, a radial bearing from said point bears South $63^{\circ}07'17''$ East;

Thence Northeasterly along said curve through a central angle of $00^{\circ}57'57''$ an arc distance of 32.70 feet to a point on a non-tangent curve concave Northeasterly and having a radius of 1,850.00 feet, a radial bearing from said point bears North $30^{\circ}56'52''$ West;

Thence continuing along said Southerly right-of-way line Northwesterly along said curve through a central angle of $00^{\circ}18'14''$ an arc distance of 9.81 feet;

Thence North $58^{\circ}44'54''$ West, 249.57 feet to the intersection of said Southerly right-of-way line with the East boundary line of Tract No. 10712 as shown on a map filed in Book 463 Pages 11 through 16 inclusive of Miscellaneous Maps, records of said Orange County;

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EXHIBIT "B"

Dana Point

Coastal Advisory Election Area

Thence following the Southerly right-of-way line of Camino Del Avion as shown on the map of said Tract, through the following described courses:

North $58^{\circ}45'00''$ West, 330.93 feet to the beginning of a tangent curve concave Northeasterly and having a radius of 1,750.00 feet;

Thence Northwesterly along said curve through a central angle of $33^{\circ}42'12''$ an arc distance of 1,029.41 feet;

Thence North $25^{\circ}02'48''$ West, 311.40 feet to the beginning of a tangent curve, concave Southwesterly having a radius of 1,150.00 feet;

Thence Northwesterly along said curve through a central angle of $32^{\circ}23'00''$ an arc distance of 649.97 feet to the intersection of said Southerly right-of-way line with the East boundary line of Tract No. 11900 as shown on a map filed in Book 535 Pages 45 through 48 inclusive of said Miscellaneous Maps;

Thence following along said Southerly right-of-way line as shown on the map of said Tract No. 11900, continuing Northwesterly along last-mentioned curve through a central angle of $42^{\circ}49'07''$ an arc distance of 859.42 feet;

Thence South $60^{\circ}56'26''$ West, 39.10 feet to a point on a non-tangent curve concave Southeasterly and having a radius of 1,138.00 feet, a radial bearing from said point bears South $12^{\circ}07'15''$ East;

Thence Southwesterly along said curve through a central angle of $83^{\circ}59'59''$ an arc distance of 79.44 feet;

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EXHIBIT "B"

Dana Point

Coastal Advisory Election Area

Thence South $29^{\circ}04'26''$ East, 38.95 feet to a point on the Easterly right-of-way line of Crown Valley Parkway as shown on the map of said Tract No. 11900, said point being on a non-tangent curve concave Westerly and having a radius of 2,013.00 feet, a radial bearing from said point bears South $74^{\circ}16'05''$ West;

Thence South $76^{\circ}41'55''$ West, 123.12 feet;

Thence North $58^{\circ}27'40''$ West, 36.65 feet to a point on the Southerly right-of-way line of Pacific Island Drive as described in document 85-369310 Official Records of said County and also shown on a map of Tract No. 10010 filed in Book 465 Pages 30 and 31 of said Miscellaneous Maps, said point also being on a non-tangent curve concave Northerly and having a radius of 500.00 feet, a radial bearing from said point bears North $17^{\circ}34'20''$ West;

Thence following said Southerly right-of-way line of Pacific Island Drive, Westerly along said curve through a central angle of $33^{\circ}23'33''$ an arc distance of 465.94 feet;

Thence continuing along said Southerly right-of-way line through the following described courses: South $80^{\circ}46'10''$ West, 20.86 feet;

Thence North $64^{\circ}48'10''$ West, 19.00 feet;

Thence North $25^{\circ}11'50''$ East, 16.67 feet;

Thence North $64^{\circ}48'10''$ West, 19.00 feet;

Thence North $20^{\circ}32'30''$ West, 16.61 feet;

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Dana Point

Coastal Advisory Election Area

Thence North $49^{\circ}48'06''$ West, 51.75 feet to the intersection of said Southerly right-of-way line with the Southeasterly boundary line of Lot A, Tract No. 12041 as shown on a map filed in Book 533 Pages 33 through 41 inclusive of said Miscellaneous Maps;

Thence continuing along said Southerly right-of-way line of Pacific Island Drive (86.00 feet wide) as shown on said map of Tract No. 12041 through the following described courses: North $49^{\circ}46'48''$ West, 62.05 feet to the beginning of a tangent curve concave Northeasterly and having a radius of 1,050.00 feet;

Thence Northwesterly along said curve through a central angle of $05^{\circ}31'08''$ an arc distance of 101.14 feet;

Thence North $44^{\circ}15'40''$ West, 21.16 feet to the beginning of a tangent curve concave Southwesterly and having a radius of 950.00 feet;

Thence Northwesterly along said curve through a central angle of $14^{\circ}08'40''$ an arc distance of 234.52 feet;

Thence North $58^{\circ}24'20''$ West, 62.48 feet to the beginning of a tangent curve concave Northeasterly and having a radius of 1,050.00 feet;

Thence Northwesterly along said curve through a central angle of $11^{\circ}45'02''$ an arc distance of 216.26 feet;

Thence North $46^{\circ}36'18''$ West, 665.38 feet;

Thence leaving said right-of-way line, South $69^{\circ}17'51''$ West, 428.55 feet more

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Dana Point

Coastal Advisory Election Area

or less to the most Easterly corner of Lot 21 of said Tract No. 12041;

Thence following the boundary line of said Lot 21 and the boundary line of said Tract No. 12041, the following described courses: South $42^{\circ}26'28''$ West, 175.09 feet;

Thence North $47^{\circ}33'32''$ West, 41.35 feet to the beginning of a tangent curve concave Northeasterly and having a radius of 270.00 feet;

Thence Northerly along said curve through a central angle of $36^{\circ}36'48''$ an arc distance of 144.26 feet;

Thence South $73^{\circ}03'16''$ West, 635.54 feet;

Thence North $25^{\circ}33'55''$ West, 690.38 feet;

Thence North $89^{\circ}04'05''$ West; 482.90 feet to a point on the Westerly boundary line of the Rancho Niguel, as shown on a map recorded June 30, 1877 in Book 2, Pages 230 and 231 of Patents, records of Los Angeles County, said point also being the most Westerly Southwest corner of said Tract No. 12041;

Thence along said Rancho line, South $0^{\circ}44'39''$ West, 38.10 feet to an angle point in the existing boundary line of the City of Laguna Beach as established by "South Laguna Annexation", said angle point being the Northeasterly terminus of that certain course described as "South $0^{\circ}44'57''$ West, 949.86 feet" in said Annexation;

Thence following along said existing boundary line of the City of Laguna Beach per said Annexation through the following described courses: South $0^{\circ}44'57''$ West,

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Coastal Advisory Election Area

949.86 feet;

Thence South 89°14'57" East, 63.69 feet;

Thence South 59°16'42" East, 59.84 feet;

Thence South 19°19'17" East, 60.02 feet;

Thence South 59°45'19" East, 224.33 feet;

Thence South 25°31'03" West, 118.59 feet;

Thence South 66°52'05" West, 86.00 feet;

Thence South 01°15'57" West, 175.00 feet;

Thence North 89°18'40" West, 201.51 feet;

Thence South 00°44'57" West, 3,431.00 feet more or less to the point on the
Mean High Tide Line of the Pacific Ocean;

Thence continuing along said existing boundary line of the City of Laguna Beach
per said Annexation, South 52°45'00" West to an intersection with
the Southwesterly line of the State of California, an envelope line every point of
which is at a distance of three (3) geographic miles from the nearest point on the
Mean Lower Low Water Line of the Pacific Ocean.

Thence leaving the existing boundary line of the City of Laguna Beach,
Southeasterly along said envelope line to the intersection with a line which bears
South 64°01'04" West from the POINT OF BEGINNING;

Thence North 64°01'04" East to the POINT OF BEGINNING;

The above-described parcel of land contains 4,460.98 acres more or less.

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EXHIBIT "B"

Dana Point

Coastal Advisory Election Area

Attached and made a part of is a map designated as "Exhibit "B".

ORANGE COUNTY SURVEYOR'S OFFICE

This document was prepared by me
of under my direction.



Paul A. Cuomo 02-87

Paul A. Cuomo, L.S. 4136 Date
My license expires 6-30-88

This proposal does meet the approval
of the Surveyor's Office

C. R. Nelson, County Surveyor.

By _____
Deputy County Surveyor

Date _____

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/// REVIEWED NOVEMBER 17, 1987 BY BIC 1.

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