

This Calendar Item No. C81
 was approved as Minute Item
 No. C81 by the State Lands
 Commission by a vote of 3
 to 0 at its 10-17-95
 meeting.

CALENDAR ITEM
 C81

A	35	10/17/95
		G-15-00
S	18	W503.1658
		BLA 270
		AD 230
		Fossum
		Eagan

CONSIDER APPROVAL AND EXECUTION OF A TITLE SETTLEMENT AND
 BOUNDARY LINE AGREEMENT INVOLVING CERTAIN LANDS IN AND ADJACENT
 TO THE PACIFIC OCEAN NEAR CARPENTERIA, COUNTY OF SANTA BARBARA,
 PURSUANT TO CHAPTER 846, STATUTES OF 1931 AND PUBLIC RESOURCES CODE
 SECTION 6301 AND 6357

PARTIES:

STATE OF CALIFORNIA, acting by and through the State Lands Commission

COUNTY OF SANTA BARBARA, as trustee of sovereign lands held pursuant to
 Chapter 846, Statutes of 1931

SANDYLAND COVE LOT OWNERS, as more particularly described in Exhibits B-1
 and B-2

A title dispute exists regarding the boundary and ownership of certain real property located in Santa Barbara County, State of California, west of the City of Carpenteria, and specifically involves the issue of the location of the common boundary between the SOVEREIGN LANDS of the STATE held in trust by the COUNTY and the private uplands held by the SANDYLAND COVE LOT OWNERS and their SECURED LENDERS (PRIVATE PARTIES) in the area commonly referred to as Sandyland Cove, which property is depicted on Exhibit "A", Sketch Map of the Agreement Area,

In 1983 the LOT OWNERS undertook emergency repairs to an existing seawall by constructing a large rock revetment/seawall. The County of Santa Barbara issued a permit for the new seawall, but the permit was appealed to the California Coastal Commission. The Coastal Commission issued a permit with conditions for public access that the LOT OWNERS found unacceptable. The LOT OWNERS filed suit and litigated the issue. The Superior Court ruled generally in favor of the homeowners. That decision was appealed. The California Court of Appeal in 1992 issued its decision in *Antoine, et al. v. California Coastal Commission* (No. B051709, issued July 31, 1992; modified August 25, 1992, which decision was ordered decertified for publication by the California Supreme Court), in which the Court of Appeal

CALENDAR ITEM NO. C81 (CONT'D)

reversed and set forth its guidance as to location of the common boundary between the PRIVATE OWNERS' property and the sovereign lands of the STATE held in trust by the COUNTY. The United States Supreme Court denied a petition for a *writ of certiorari*.

The staffs of the State Lands Commission, California Coastal Commission and Attorney General's Office have been involved in discussions and negotiations with representatives of the PRIVATE PARTIES regarding settlement of the *Antoine* litigation and resolution of public versus private property rights relating to the Sandyland Cove seawall and adjacent beach and waters.

Representatives of the PARTIES have agreed to recommend to their clients that they resolve the existing title dispute by entering into a title settlement that would clarify both the public and private interests by resolving the common boundary between the PRIVATE PARTIES' ownership and the sovereign lands and by insuring that the land with public trust values and utility will be protected through the conveyance of certain interests in land to the public for public use. The LOT OWNERS have also agreed to resolve their dispute with the Coastal Commission over permit conditions. The staff of the State Lands Commission recommends approval of the settlement in substantially the form of the agreement now on file with the Commission.

While the agreement sets forth all the specific terms and conditions of the settlement, a brief summary of some of the principal terms and conditions of the settlement is set forth below.

1. The parties agree to fix the location of the Ordinary High Water Mark (OHWM) as it existed in 1983 just prior to construction of the revetment/seawall..
2. The parties will quitclaim any claims lying on opposite sides of that line.
3. The PRIVATE parties will convey a "floating or migrating" easement for public trust purposes over any lands landward of the OHWM which are covered by sand or are located seaward of the elevation of 1.94 NGVD.
4. The parties acknowledge further that the public has the right to exercise recreational rights in areas periodically covered by ocean waters regardless of the underlying ownership of the property.
5. The COUNTY will issue a lease for maintenance of the seawall revetment to the PRIVATE OWNERS.
6. The agreement will become effective upon condition of resolution of the dispute between the LOT OWNERS and the Coastal Commission.

CALENDAR ITEM NO. C81 (CONT'D)

The agreement is in lieu of the costs, delays, and uncertainties of title litigation, is consistent with, and is authorized by the requirements of law.

STATUTORY AND OTHER REFERENCES:

Public Resources Code Div. 6, Parts 1 and 2, including but not limited to PRC §§ 6301, 6308 and 6357; Chapter 846, Statutes of 1931.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. 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 as a statutorily exempt project. The project is exempt because it involves settlements of title and boundary problems.

Authority: Public Resources Code Section 21080.11

EXHIBITS:

- A. Sketch Map of the Agreement Area.
- B-1. Sandyland Cove Lot Owners
- B-2. Secured Lenders

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 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGMENT, AND RECORDATION ON BEHALF OF THE COMMISSION OF THE BOUNDARY AND TITLE SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE FORM OF THE COPY OF SUCH AGREEMENT ON FILE WITH THE COMMISSION.

CALENDAR ITEM NO. C81 (CONT'D)

3. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS THAT MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE SETTLEMENT AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.

CALENDAR PAGE	378.3
MINUTE PAGE	2234

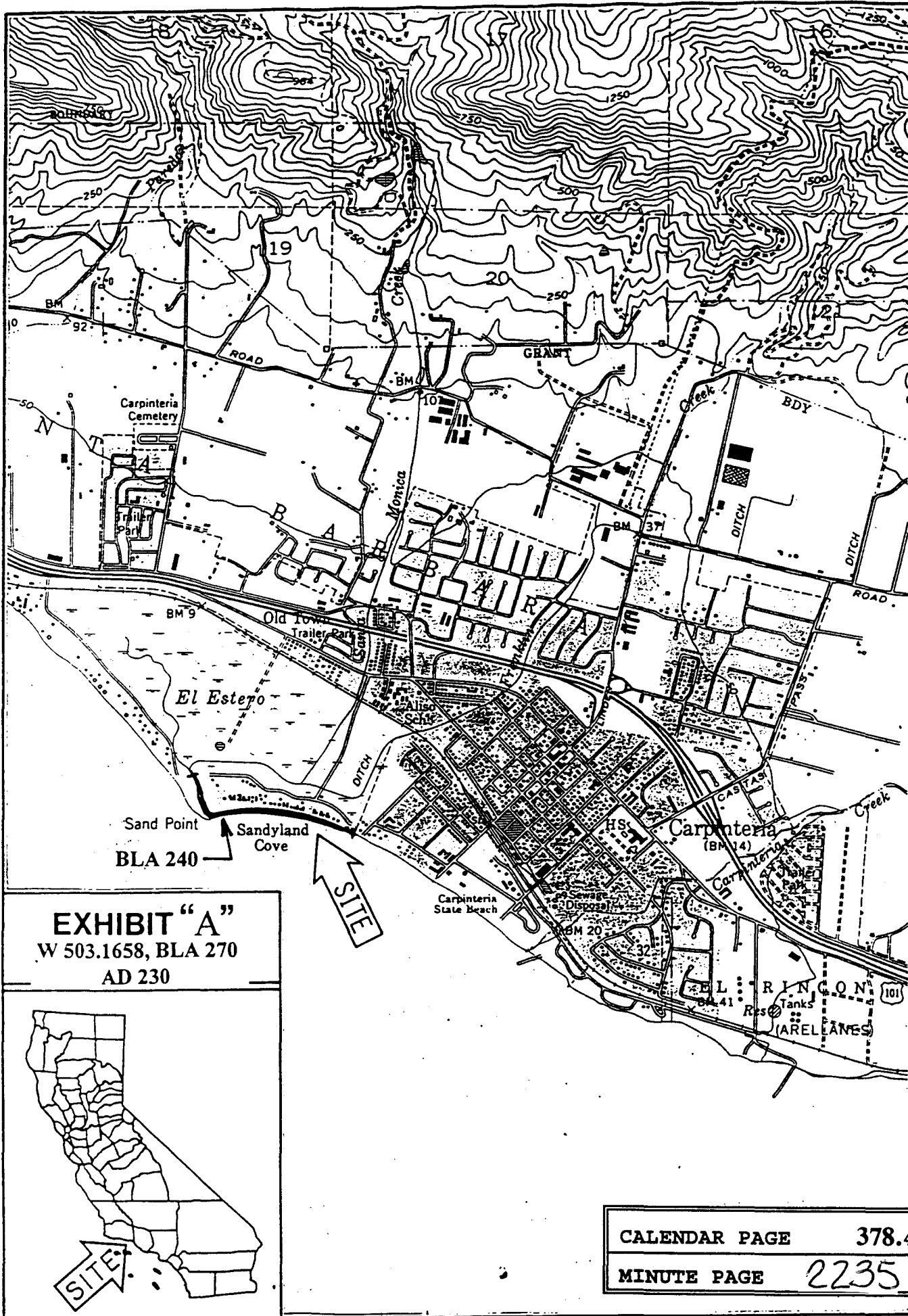


EXHIBIT "A"
 W 503.1658, BLA 270
 AD 230



CALENDAR PAGE	378.4
MINUTE PAGE	2235

EXHIBIT "B-1"

SANDYLAND COVE LOT OWNERS

1. **APN 3-410-03 and APN 4-031-06**
Sandra Brooks Williamson Fallat
Ruth Chandler Williamson
Estate of Alyce M. Williamson by Warren B. Williamson
Henry De Roulet Williamson
Frederick Warren Williamson
Harry Chandler Williamson
Emily Webb Williamson
Jonathan Tebbetts Williamson
Warren B. Williamson
Mrs. Warren B. Williamson
Norman B. Williamson
Mrs. Norman B. Williamson
James Garetson Dulin
Cynthia Dulin Herr
Robert Kenneth Dulin
2. **APN 3-410-04**
Howard Schow, Trustee of the Schow Family Trust Dated 7-23-91
Nan Schow, Trustee of the Schow Family Trust Dated 7-23-91
3. **APN 3-410-05**
4327 Avenue del Mar, a CA LP, as to the life estate for the life of Nancy Swift Furlotti and Alexander Furlotti
William P. Tennity, Trustee of the Nancy Swift Furlotti Trust Established 12-28-76
Lantston E. Elred, Trustee of the Nancy Swift Furlotti Trust Established 12-28-76
4. **APN 3-410-06**
Richard B. Rogers, Trustee of the Richard and Beth Rogers 1988 Trust under Declaration of Trust dated 9-2-88
Elizabeth Davis Rogers, Trustee of the Richard and Beth Rogers 1988 Trust under Declaration of Trust dated 9-2-88
5. **APN 3-410-07**
Toms Sandyland Partners, L.P., a California Limited Partnership
By Mrs. Williams N. Mills, GP
6. **APN 3-410-08**
Lansco Properties, Inc., a California corporation

CALENDAR PAGE	378.5
MINUTE PAGE	2236

19. **APN 3-421-04**
Mary Evans Morton, Trustee of the Mary Evans Morton Living Trust dated 9-7-88
20. **APN 3-421-05**
Donald Wilson Crocker, Trustee Under Trust C FBO Donald Wilson under the Restated and Amended Declaration of Trust dated 5-11-73 amended on 1-30-74 and thereafter
21. **APN 3-421-06**
Eleanor Seavey Griffith, as Trustee under Declaration of trust dated 7-13-65
22. **APN 3-421-007**
Frances W. Gale
23. **APN 3-421-08**
Gilbert M. W. Smith, Trustee Under the Declaration of Smith Estate Trust dated 6-7-83
Joan C. Smith, Trustee Under the Declaration of Smith Estate Trust dated 6-7-83
24. **APN 3-422-01**
John E. Bryson, Trustee of the Bryson Living Trust Dated 6-11-90
Louise Henry Bryson, Trustee of the Bryson Living Trust Dated 6-11-90
25. **APN 3-422-14**
Charles R. Muirhead
Jeannette M. Muirhead
Charles R. Muirhead, Trustee of the Charles and Jeannette Muirhead Family Trust Dated 10-10-84
Jeannette M. Muirhead, Trustee of the Charles and Jeannette Muirhead Family Trust Dated 10-10-84
26. **APN 3-422-15**
William C. Pratt III
Janet G. Pratt
Charles R. Muirhead, Trustee of the Charles and Jeannette Muirhead Family Trust Dated 10-10-84
Jeannette M. Muirhead, Trustee of the Charles and Jeannette Muirhead Family Trust Dated 10-10-84
27. **APN 3-422-03**
Margaret A. Barrett
28. **APN 3-422-04**
Victoria Jackson
Victoria Jackson, Trustee of the Victoria Jackson Revocable Trust VAD 6-1-94

William R. Guthy, Trustee of the William R. Guthy Separate Trust Dated 12--14-92

29. **APN 3-422-05**
Francis L. Norman's Nursery, Inc., by Charles Norman
30. **APN 3-422-06**
Kelton F. Norman
31. **APN 3-422-07**
John F. Maher, Trustee of the John F. Maher Trust Dated 2-24-82
32. **APN 3-422-08**
Charles A. Graham
Marilyn H. Graham
33. **APN 3-422-09**
James E. Drasdo, Trustee of the Anne P. Drasdo Trust Established Pursuant to a Declaration of Trust, Dated 3-17-80
34. **APN 3-422-10**
Lue D. Cramblit, Trustee of the Lue D. Cramblit Qualified Personal Residence Trust Dated 10-28-94
Geraldine W. Cramblit, Trustee of the Lue D. Cramblit Qualified Personal Residence Trust Dated 10-28-94
Lue D. Cramblit, Trustee of the Geraldine W. Cramblit Qualified Personal Residence Trust Dated 10-28-94
Geraldine W. Cramblit, Trustee of the Geraldine W. Cramblit Qualified Personal Residence Trust dated 10-28-94
35. **APN 3-422-11**
George David Sturges
George Davids Sturges, Trustee of the George David Sturges Trust Dated 10-12-90
Molly Sturges Tuthill
Ann Sturges Deyo
36. **APN 3-422-12**
Eugene F. Reid
Marjorie R. Reid
37. **APN 4-031-12**
Ruth Thornburgh, Trustee of the Ruth Thornburgh Living Trust Established Under a Revocable Trust Agreement dated 12-7-90

CALENDAR PAGE	378.7
MINUTE PAGE	2238

7. **APN 3-410-09**
S. Lachlan Hough
Victoria Lyn Hough
8. **APN 3-410-10**
Judy K. Tompkins, Trustee of the Tompkins Family Trust Dated 8-24-89
9. **APN 3-410-12**
Adrienne Deere Hewitt
Alexander Southall Hewitt
Anna Hewitt Wolfe
10. **APN 3-410-13**
Peter J. Eichler, Trustee of the Eichler Family Trust Dated 4-27-93
Joan C. Eichler, Trustee of the Eichler Family Trust dated 4-27-93
11. **APN 3-410-14**
Carol Anne Oxley
12. **APN 3-410-15**
Marjorie G. Wilson
Dorothy T. Peck Flynn
13. **APN 3-410-017**
Susan Sullivan
14. **APN 3-410-18**
Dorothy T. Flynn, Trustee of the Dorothy Flynn Living Trust, Dated 7/12/88
15. **APN 3-410-19 and APN 3-410-20**
Margaret Corrie Taylor
16. **APN 3-421-01**
John R. Wilson
Barbara Z. Wilson
17. **APN 3-421-02**
Bruno H. Pilorz, Trustee of the Pilorz Living Trust Dated 5-29-90
Martha I. Pilorz, Trustee of the Pilorz Living Trust Dated 5-29-90
Elizabeth Ingram Yankwich
18. **APN 3-421-03**
Philip R. Heckendorn
Encarnacion Nita Puig Heckendorn

EXHIBIT "B-2"

SECURED LENDERS

The following hold interests arising as a result of being beneficiaries under deeds of trusts affecting one or more of the LOT OWNER lots and execution of this AGREEMENT is only in the capacity as beneficiaries under such deeds of trust.

APN 3-410-05 CHASE MANHATTAN PERSONAL FINANCIAL SERVICES, INC., a Delaware corporation, as Beneficiary under Deed of Trust recorded January 20, 1993 in Reel 93 -00432 of Official Records of Santa Barbara County.

APN 3-410-06 SHAWMUT CAPITOL CORPORATION, as Assignee under Deed of Trust recorded November 23, 1992 in Reel 92-093768 of Official Records of Santa Barbara County.

DEUTSCH COMPANY PERSONAL SAVINGS PLAN B, FIRST INTERSTATE BANK, TRUSTEE ACCOUNT NO. 9315515-002, as Beneficiary under Deed of Trust recorded February 2, 1993 in Reel 93-008526 of Official Records of Santa Barbara County.

FIRST INTERSTATE MORTGAGE COMPANY, a California corporation, as Assignee under Deed of Trust recorded March 31, 1994 in Reel 94-028023 of Official Records of Santa Barbara County.

APN 3-410-08 LA CUMBRE SAVINGS BANK, a California corporation, as Beneficiary under Deed of Trust recorded December 24, 1991 in Reel 91-085969 of Official Records

APN 3-410-09 THE PRUDENTIAL HOME MORTGAGE COMPANY, INC., as assignee under Deed of Trust recorded October 27, 1993 in Reel 93-084988 of Official Records of Santa Barbara County.

APN 3-410-10 FEDERAL HOME LOAN MORTGAGE CORPORATION, as Assignee under Deed of Trust recorded October 25, 1977 in Reel 77-53374 of Official Records of Santa Barbara County.

APN 3-410-15 Dorothy T. Peck Flynn, as Beneficiary under Deed of Trust recorded February 1, 1974 as Instrument No. 3482 in Book 2490, Page 307 of Official Records of Santa Barbara County.

APN 3-422-01 BANK OF AMERICA NATIONAL

TRUST AND SAVINGS CALENDAR PAGE 378.9
MINUTE PAGE 2240

- ASSOCIATION, a national banking association, as Beneficiary under Deed of Trust recorded September 17, 1986 in Reel 1986-05943 of Official Records of Santa Barbara County.
- APN 3-422-14** SANTA BARBARA BANK & TRUST, as Beneficiary under Deed of Trust recorded March 18, 1994 in Reel 94-23728 of Official Records of Santa Barbara County.
- APN 3-422-15** CHARLES R. MUIRHEAD AND JEANNETTE M. MUIRHEAD, AS TRUSTEES under Deed of Trust Dated OCTOBER 10, 1984, as Assignee under Deed of Trust recorded June 11, 1992 in Reel 92-044886 of Official Records of Santa Barbara County.
- APN 3-422-15** AMERICA'S WHOLESALE LENDER, as Assignee under Deed of Trust recorded April 4, 1994 in Reel 94-02168 of Official Records of Santa Barbara County.
- APN 3-422-04** FIRST REPUBLIC THRIFT & LOAN, a California corporation, as Beneficiary under Deed of Trust recorded March 10, 1994 in Reel 94-021025 of Official Records of Santa Barbara County.
- APN 3-422-06** Kelton F. Norman, as Beneficiary under Deed of Trust recorded February 23, 1987 in Reel 1987-013663 of Official Records of Santa Barbara County.
- APN 3-422-07** GREAT WESTERN FINANCIAL CORPORATION, as Beneficiary under Deed of Trust recorded October 8, 1987 in Reel 1987-076008 of Official Records of Santa Barbara County.
- APN 3-422-08** GREAT WESTERN BANK, a Federal Savings Bank, as Beneficiary under Deed of Trust recorded June 30, 1993 in Reel 93-050136 of Official Records of Santa Barbara County.
- APN 3-422-12** BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION, a national bank association, as Beneficiary under Deeds of Trust recorded (i) December 17, 1985 in Reel 1985-067513; (ii) December 17, 1985 in Reel 1985-067514 and (iii) September 27, 1989 in Reel 89-064129 of Official Records of Santa Barbara County.