

MINUTE ITEM
This Calendar Item No. C24
was approved as Minute Item
No. C24 by the State Lands
Commission by a vote of 3
to 0 at its 2-22-90
meeting.

CALENDAR ITEM

A 70

S 37

C 2 4

PRC 7430

08/22/90

W 24570

Fossum

Saggese

Grimmett

PUBLIC AGENCY LEASE

APPLICANT: United States Army Corps of Engineers
P. O. Box 2711
Los Angeles, California 90053-2325

AREA, TYPE LAND AND LOCATION:
State ownership interest within an 8.19-acre
parcel of tide and submerged lands in the
former bed of the Santa Ana River known as Ox
Bow Loop, City of Newport Beach, Orange County.

LAND USE: Wetlands restoration.

TERMS OF PROPOSED LEASE::
Initial period: Forty-nine (49) years
beginning July 1, 1990.

CONSIDERATION: The public benefit.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:
Applicant is permittee owners of adjacent land.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:
N/A.

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STATUTORY AND OTHER REFERENCES:

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

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. As part of the Santa Ana River Mainstem Flood Control Project, the United States Army Corps of Engineers (Corps) is performing a wetlands restoration project on 8.19 acres within a former bed of the Santa Ana River known as the Oxbow Loop.

The majority of the project is within the legislative grant to the City of Newport Beach. The State, as a result of a title settlement agreement, retained ownership of the portion of the former bed lying outside the current city limits. This ownership is comprised of several parcels which total less than one acre within the 8.19-acre project area.

The City of Newport Beach has granted permission to the Corps for the wetlands restoration project for that portion of Oxbow Loop within the legislative grant limits.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15067), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land, 14 Cal. Code Regs. 15304.

Authority: P.R.C. 21084 and 14 Cal. Code Regs. 15300.

APPROVALS OBTAINED:

City of Newport Beach.

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- EXHIBITS:
- A. Location Map.
 - B. Site Map.
 - C. 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. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND, 14 CAL. CODE REGS. 15304.
2. AUTHORIZE ISSUANCE TO THE UNITED STATES ARMY CORPS OF ENGINEERS OF A 49-YEAR PUBLIC AGENCY LEASE BEGINNING JULY 1, 1990 CONSIDERATION OF THE PUBLIC BENEFIT; FOR WETLANDS RESTORATION ON THE LANDS DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

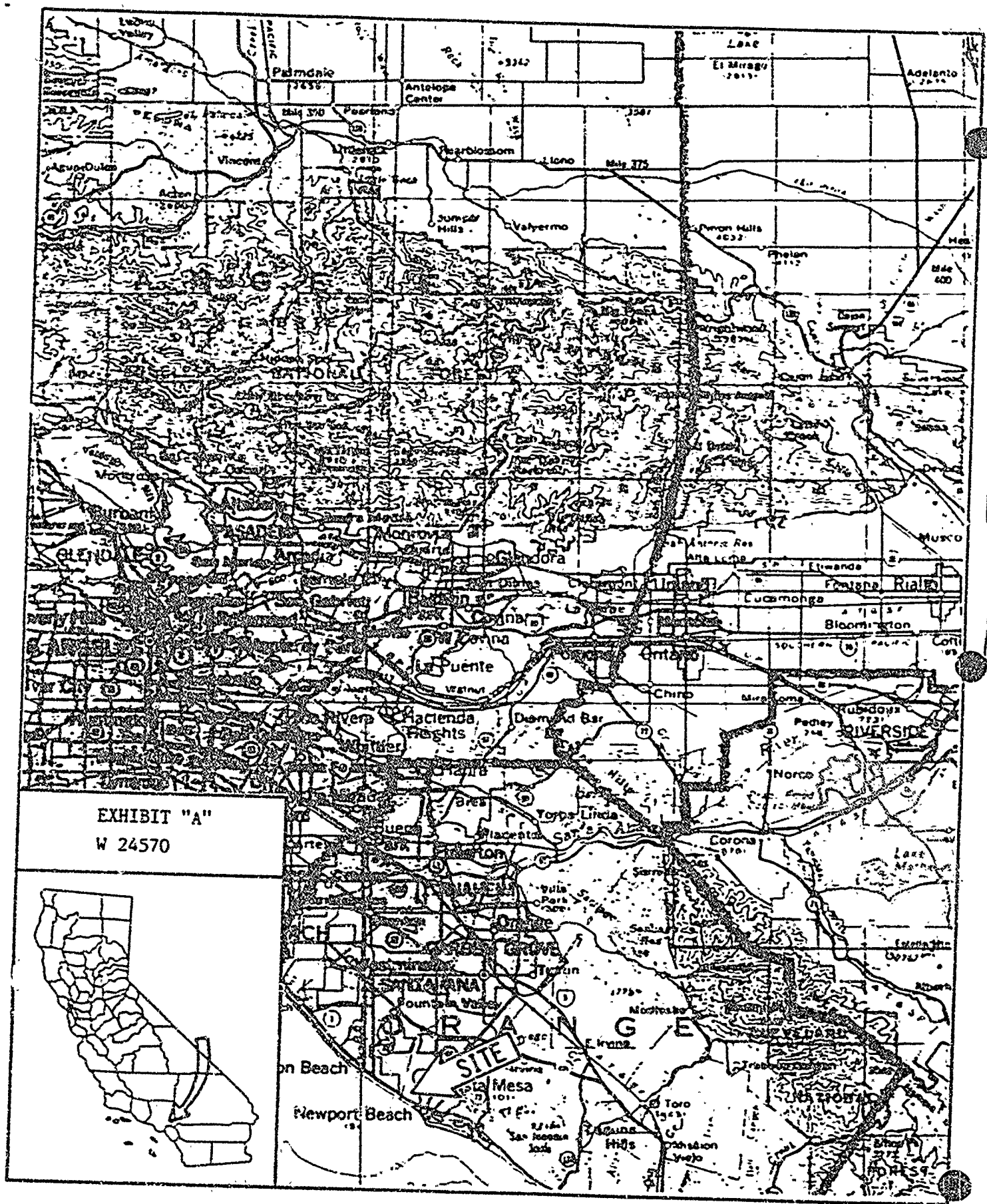


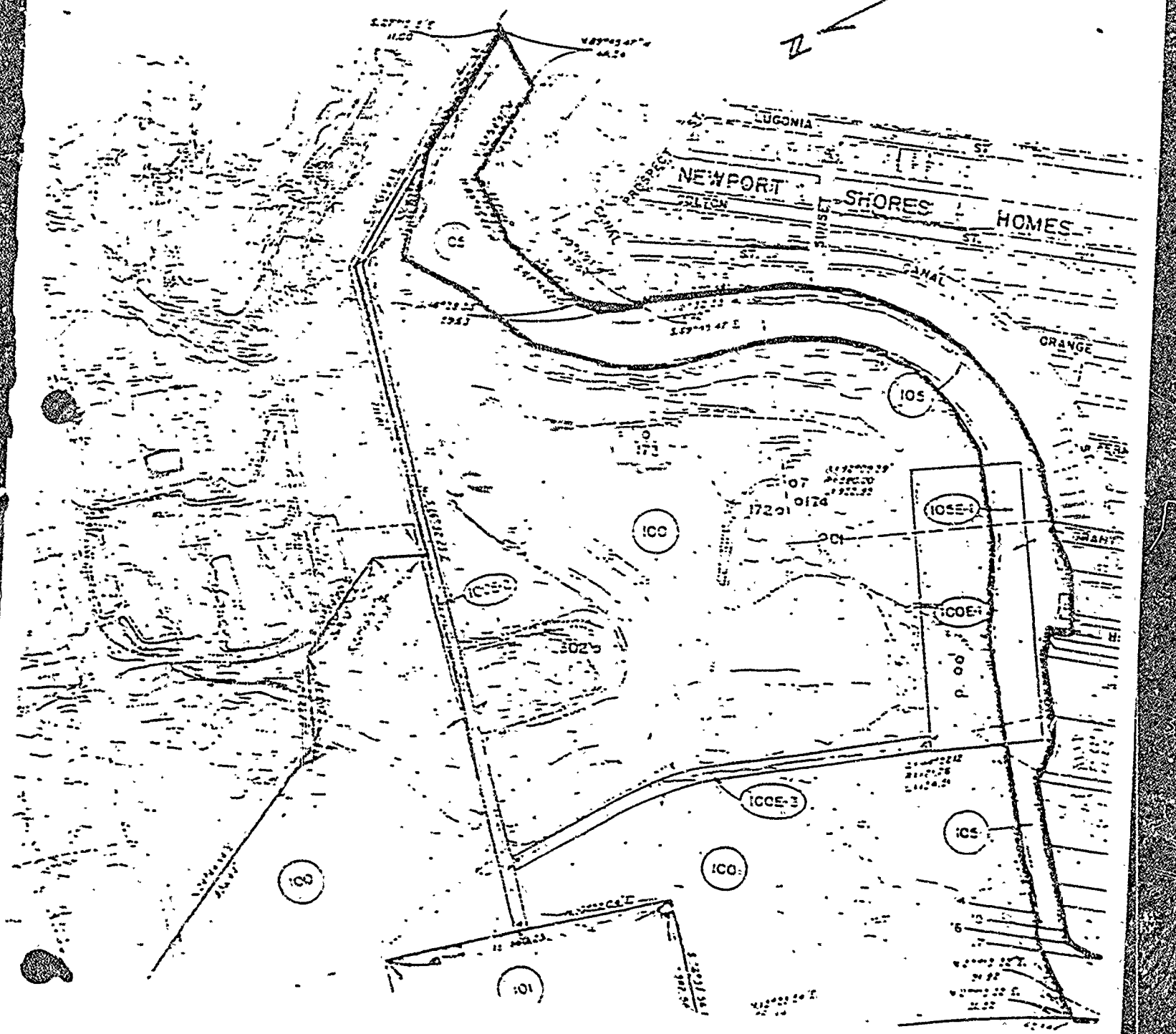
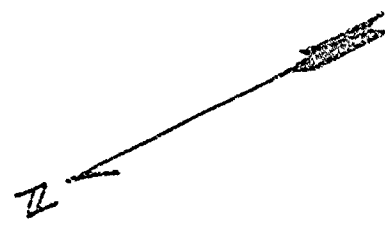
EXHIBIT "A"
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EXHIBIT "B"

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LEGAL DESCRIPTION OF PORTION OF FORMER SANTA ANA
RIVER BED COMMONLY KNOWN AS OXBOW LOOP (Tract 105)

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Those state owned tide and submerged lands located within the following described area:

THAT CERTAIN REAL PROPERTY near the mouth of the Santa Ana River in the County of Orange, State of California, situate in the Rancho Santiago de Santa Ana and in Sections 19 and 20, Township 6 South, Range 10 West, San Bernardino Base & Meridian, further described as follows:

BEGINNING at the northeasterly terminus of the centerline of Summit Street, 30 feet wide, vacated by resolution of the Board of Supervisors on 28 September 1936, recorded in Book 2151, Page 55^a, of Official Records of said County, at a point distant North 60^d 52' 54" West, 15.11 feet, more or less, from a two-inch-diameter iron pipe capped with a brass disc stamped "R.L.S. 1048", at the intersection of a westerly boundary of the City of Newport Beach, according to a survey by said city as shown on City Map No. 159-2055 on file in the office of the City Engineer, with the northwesterly terminus of that certain course in the line decreed as the centerline of the Santa Ana River by California Superior Court for Orange County in Case No. 22797 (said line hereinafter called the "Decreed Line") recorded 21 February 1930 as Document No. 5293 in Book 362, Pages 31-32-33, of Official Records of said county, shown as "N 78^d 00' 22", 517.70' on a map filed 18 July 1963 as Document No. 16712 in Book 65, Pages 31 through 34, inclusive, of Records of Survey (said survey hereinafter called "65RS31") of said county;

thence southwesterly along the centerline of Summit Street (vacated), South 25^d 45' 31" West (Record S. 35^d 57' 30" West per 65RS31), 46.20 feet;

thence, leaving said centerline, North 54^d 02' 20" West, 15 feet, more or less, to the most southerly corner of Lot 1, Block C of the El Moro Tract, as said tract is shown on map filed 30 April 1913 as Document No. 38431 in Book 8, Page 75, of Official Records and as said corner is shown on 65RS31;

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thence along the southwesterly line of Block C as shown on 65RS31, North 54d 02' 20" West, 104.02 feet to a point in the southwesterly line of Lot 4 of Block C;

thence, leaving said southwesterly line. North 27d 13' 32" East, 91.92 feet, more or less, to intersect the northerly line of that canal or body of water sometimes commonly known as "Oxbow Loop", said Oxbow Loop being a former bed of the Santa Ana River, as said northerly line is described in that instrument titled "Settlement and Boundary Line Agreement, State and City Deeds and Corporation Deed regarding Certain Lands in the County of Orange, California, BLA No. 266", between the State of California and City of Newport Beach (as trustee and individually) as one party, and Mobil Oil Corporation and Rancho Santiago Partnership as the other party, recorded 30 August 1989 as Document No. 89-46641A, Official Records (said instrument hereinafter called the "Boundary Agreement" and said line hereinafter called the "Agreement Line");

thence southeasterly, easterly, northeasterly and southeasterly along the Agreement Line the following forty (40) courses:

- (1) South 80d 29' East, 39.11 feet;
- (2) South 89d 50' East, 103.2 feet;
- (3) South 83d 42' East, 70.7 feet;
- (4) South 59d 21' East, 31.4 feet;
- (5) South 71d 10' East, 100.3 feet;
- (6) South 86d 40' 14" East (Rec. South 86d 39' East per Boundary Agreement), 40.60 feet, more or less, to a point distant South 17d 01' 20" West, 2.41 feet from a 4"x4" concrete monument with a nail and tag, marked "R.E. 4633" shown at the westerly terminus of that course in the City of Newport Beach boundary shown as "S 68d 22' 45" E, 756.00'" on 65RS31;
- (7) South 65d 04' East, 60.9 feet;
- (8) South 73d 11' East, 200 feet;
- (9) South 69d 14' East, 78.9 feet;
- (10) South 75d 27' East, 17.5 feet;

Tract 105, Marsh Restoration Area
Lower Santa Ana River (cont'd)

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- (11) South 71d East, 100.85 feet;
- (12) South 66d 03' East, 100.1 feet;
- (13) South 56d 55' East, 100.7 feet;
- (14) South 63d 42' East, 99.1 feet;
- (15) South 71d 15' East, 104.5 feet;
- (16) South 70d 54' East, 100.6 feet;
- (17) North 84d 24' East, 26.1 feet;
- (18) North 86d 43' East, 91.2 feet;
- (19) North 75d 43' East, 100.2 feet;
- (20) North 52d East, 106.7 feet;
- (21) North 69d 07' East, 17.5 feet;
- (22) North 41d 20' East, 90.6 feet;
- (23) North 29d 22' East, 112.5 feet;
- (24) North 17d 30' East, 91.2 feet;
- (25) North 11d 50' East, 100.55 feet;
- (26) North 15c 1' East, 100.05 feet;
- (27) North 22d 52' East, 100.4 feet;
- (28) North 39d 22' East, 84.5 feet;
- (29) North 43d 53' East, 100.9 feet;
- (30) North 41d 31' East, 100.2 feet;
- (31) North 66d 47' East, 101.1 feet;
- (32) North 53d 40' East, 18.42 feet to a point in the right bank at the mouth of that tributary channel of Oxbow Loop

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described and named as "Bohn-Mack Slough" in the Boundary Agreement;

(33) North 55d 40' East, 121 feet to a point in the left bank at the mouth of said Bohn-Mack Slough;

(34) North 55d 40' East, 9.28 feet;

(35) South 51d 40' East, 136.8 feet;

(36) South 50d 12' East, 104.7 feet;

(37) South 31d 42' East, 89.5 feet;

(38) South 34d 15' East, 100.3 feet;

(39) South 30d 08' East, 100 feet;

(40) South 28d 18' East, 25.54 feet, more or less, to intersect an easterly prolongation of the northerly boundary of Tract 772, as shown on tract map recorded 24 October 1925 as Document No. 26868 in Book 23, Pages 5-6, of Miscellaneous Maps (hereinafter called "23MMS") of Official Records of said county, and being also an easterly prolongation of the southerly boundary of Tract 4601, as shown on tract map recorded 21 February 1963 as Document No. 15785 in Book 175, Pages 26-27, of Miscellaneous Maps (hereinafter called "175MM26"), of said Official Records;

thence, leaving the Agreement Line and crossing Oxbow Loop, westerly along said prolongations and north line of Tract 772, North 89d 45' 47" West (Rec. S. 89d 48' E. per 23MMS and 175MM26, and S. 89d 45' E. per 6SR53), 118.07 feet;

thence, leaving said boundary line and prolongation, North 32d 19' 56" West, 243.44 feet, more or less, to intersect a line parallel with and 205.16 feet northerly, measured at right angles, from said tract boundary and prolongation, at a point distant along said parallel line South 89d 45' 47" East (Rec. N. 89d 48" W. per 175MM26), 165 feet from the northeast corner of Lot 7 of Tract 4601;

thence westerly along said parallel line 165 feet to said northeast lot corner;

thence westerly along the northerly line of Lot 7, North 89d 47'

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45" West (Rec. N. 89d 48' W. per 175MM26), 12.05 feet to an angle point therein;

thence southwesterly along the northwesterly lines of Lots 7, 6, 5, 4 and 3 of Tract 4601, South 67d 44' 23" West (Rec. N. 67d 42' 10" E. per 175MM26), 204.15 feet to an angle point in the northwesterly line of said Lot 3;

thence southwesterly along the northwesterly line of Lots 3 and 2 of said tract, South 48d 38' 33" West (Rec. N. 48d 36' 20" E. per 175MM26), 59.63 feet to an angle point in the boundary of said Lot 2;

thence southwesterly along the northwesterly lines of Lots 2 and 1 of said tract, South 20d 11' 03" West (Rec. N. 20d 08' 50" E. per 175MM26), 93.04 feet to the southwest corner of Lot 2 and of said Tract 4601;

thence easterly along the south line of Tract 4601, South 89d 45' 47" East (Rec. S. 89d 48' E. per 175MM26 and 23MM5, and S. 89d 45' E. per 6SR931), 6.56 feet, more or less, to intersect a northerly prolongation of the westerly line of Block 26; Tract 772;

thence, leaving said boundary common to Tracts 772 and 4601, southerly along said prolongation and along the westerly lines of Lots 12 through 4 inclusive, of said Block 26, South 19d 32' 32" West (Rec. N. 19d 29' 27" E. per 23MM5), 270.49 feet to a point in the westerly line of Lot 4 which is the beginning of a tangent curve to the right, concave northwesterly, having a radius of 580 feet;

thence southerly and westerly along said curve and along the westerly line of Block 26, across Sunset Drive, along the northwesterly line of Block 12, across Lancaster Street, and along the northerly line of Block 11, all in Tract 772, through a central angle of 92d 09' 39" (Rec. 92d 09' 03" per 23MM5), an arc distance of 932.93 feet, more or less, to the most northerly corner of Lot 1 of Block 11, a radial to said corner bearing South 21d 42' 09" West (Rec. N. 21d 37' 30" E. per 23MM5); and said corner being also a point in the southeasterly line of Grant Street, 40 feet wide;

thence northwesterly, crossing said Grant Street at right angles thereto, North 54d 10' 00" West (Rec. N. 54d 12' 11" per 23MM5), 21.02 feet, more or less, to intersect the northerly boundary

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Tract 772 shown as "S 88d 25' E, 366.30" on 23MMS and as "S 88d 22' 30"" on 65RS31;

thence westerly along said boundary, North 88d 23' 00" West, 100.50 feet, more or less, to an angle point therein;

thence northwesterly along said boundary, North 64d 39' 37" West, 112.67 feet, more or less (Rec. S 64d 43' E, 112.35 per 23MMS, and N. 64d 40' 28" W., 112.34 per 65RS31), to intersect a northeasterly prolongation of the northwesterly line of Block 10, Tract 772, being also a northeasterly prolongation of the southeasterly line of Highland Street, 30 feet wide;

thence northwesterly, crossing Highland Street at right angles thereto, North 54d 09' 37" West (Rec. N 54d 12' W, per 23MMS and N. 54d 09' 00" W. per 65RS31), 30 feet, more or less, to intersect a northeasterly prolongation of the southeasterly line of Lot 8, Block 11 of Seashore Colony Tract, being also a northeasterly prolongation of the northwesterly line of Highland Street, 30 feet wide, as said lot and street are laid out and shown on the map of Seashore Colony Tract recorded 20 July 1911 in Book 7, Page 25, of Miscellaneous Maps, Official Records of said county;

thence, at right angles to last said course, northeasterly along said prolongations, North 35d 50' 23" East (Rec. N 35d 48' E per 23MMS, and N 35d 51' 00" E per 65RS31), 43.12 feet;

thence North 50d 49' 23" West, 10.77 feet to a point in the top of the southerly bank of Oxbow loop as shown on an American Land Title Association Survey dated December 1983, by Bobby G. Johnson, RLS 4140, recorded 3 March 1989 as R.S. No. 89-1031 in Book 121, Pages 40 through 43 inclusive, Records of Survey of said county (said survey hereinafter called "121RS40");

thence, continuing generally along the top of said bank as shown on 121RS40, the following eleven (11) courses numbered (41) through (51) below:

(41) North 50d 49' 23" West, 54.06 feet;

(42) North 67d 05' 56" West, 143.21 feet to the beginning of a non-tangent curve to the right, concave northeasterly, having a radius of 171.74 feet, a radial to said beginning point bearing South 15d 59' 16" West;

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(43) westerly and northwesterly along said curve through a central angle of 44d 52' 12", an arc distance of 134.51 feet, more or less, to the ending point thereof, a radial to said point bearing South 60d 51' 28" West;

(44) North 51d 39' 57" West, 18.66 feet;

(45) North 71d 28' 26" West, 158.94 feet;

(46) North 74d 04' 07" West, 89.52 feet;

(47) North 77d 31' 58" West, 56.62 feet;

(48) North 58d 33' 52" West, 19.66 feet;

(49) North 73d 22' 45" West, 34.51 feet;

(50) North 82d 41' 29" West, 29.58 feet;

(51) South 59d 31' 52" West, 60.07 feet, more or less, to intersect a northerly prolongation of the southeasterly line of the aforesaid Summit Street (vacated);

thence southwesterly along said prolongation, South 35d 46' 08" West (Rec. N. 35d 57' 30" E. per 65RS31), 31.05 feet, more or less, to a two-inch-diameter iron pipe capped with a brass disc stamped "R.L.S. 1063" at the intersection of a westerly boundary of the City of Newport Beach, as shown in aforesaid City Map No. 159-2055, with the northwesterly terminus of that course in the Decreed Line shown as "N 78d 00' 22", 517.70'" on 65RS31;

thence North 60d 52' 54" West, 15.11 feet, more or less, to the POINT OF BEGINNING;

and containing 8.19 acres of land, more or less;

AND THE BASIS OF BEARINGS for the description above being the same as for 65RS31, noting, however, that the basis of bearings for Tract 772 in 23MMS and for Tract 4601 in 175MM26 was the north line of aforesaid Section 20, and that bearings in said tracts in the description above have been rotated to conform with 65RS31, and with distance measurements in 121RS40.

//////////////////////END OF DESCRIPTION////////////////////////////////////

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