

MINUTE ITEM

This Calendar Item No. 52  
was approved as Minute Item  
No. 52 by the State Lands  
Commission by a vote of 3  
to 0 at its 11-9-93  
meeting.

CALENDAR ITEM

52

A 67  
S 35

11/09/93  
W 24643  
AD 197  
Fossum  
Saggese

APPROVE A COMPROMISE TITLE SETTLEMENT AGREEMENT  
REGARDING CERTAIN REAL PROPERTY  
IN THE CITY OF HUNTINGTON BEACH, ORANGE COUNTY,  
PURSUANT TO PUBLIC RESOURCES CODE SECTION 6307  
AND THE KAPILOFF LAND BANK ACT

**PARTY:**

Doris and Ferydoun Ahadpour  
1442 Galaxy Drive  
Newport Beach, CA 92660

A title dispute exists between the State and Ferydoun and Doris Ahadpour (Ahadpours) concerning ownership interests in approximately 12.387 acres of real property within the City of Huntington Beach in Orange County. The parcels involved are Lots A, B, C, E, 1, 6, and 7 of Tract No. 11181 (described in Exhibit A and shown on Exhibit B).

Initial discussions relating to resolution of title problems began in 1990. After several months of negotiations failed to produce a settlement, the Ahadpours filed a lawsuit in February, 1993 in United States District Court, Central District, entitled Doris Ahadpour and Ferydoun Ahadpour v. State of California, and the State Lands Commission, Case No. SACV 93-184-AHS (RWRx). This lawsuit sought: 1) to Quiet Title to the Subject Property, 2) damages for a "taking" of their property, 3) damages for inverse condemnation, 4) declaratory relief from the "nuisance" caused by the State's claim, and 5) damages and other relief for violation of 42 U.S.C. Sec 1983.<sup>1</sup> The lawsuit also demanded a jury trial in federal court.

<sup>1</sup>The Court declined to exercise supplemental jurisdiction over the nuisance cause of action and dismissed it without prejudice.

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Negotiations between the parties continued and settlement of the litigation and title matters was conceptually approved by the Commission in July 1993. This calendar item details the status of the property and the proposed resolution of the litigation.

Commission staff has conducted a study of the evidence of title to the subject property, evaluated the relative strengths and weaknesses of the legal and factual positions of the State and has drawn a number of conclusions relating to the value of the State's claim, as summarized below:

1. The Ahadpours are the record owners of the Subject Property.
2. The Subject Property is located within the meander survey for Tideland Location 221 (TLL 221). The State of California sold the Subject Property to R.J. Northam, issuing a patent for the tidelands on January 6, 1903. The State does not contend that it owns the fee title to the Subject Property.
3. In its natural condition, the Subject Property, as evidenced by historical data (including, but not limited to, the 1873 United States Coast Survey Topographic sheet T - 1345), was covered by the ordinary tides of tidal sloughs; the precise extent of coverage being subject to dispute. To the extent the Subject Property was tidelands in its natural condition it is owned by the Ahadpours subject to the Public Trust Easement for commerce, navigation and fisheries.
4. The Trust Termination parcels (Lots 1, 6 and 7) are relatively small parcels totalling 2.631 acres of the Subject Property's 12.387 acres. The Trust Termination parcels have been improved, bulkheaded, filled, and reclaimed for the improvement of navigation and enhancement of the shoreline, and are no longer, in fact, tide and submerged lands, nor are they littoral to the waters of Huntington Harbour.
5. The Subject Property is currently improved with a navigable waterway, commercial marina and supporting facilities, two parking lots, two public accessways and a tennis/recreation club facility.

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6. Boundary Line Agreement 18 (BLA 18) (PRC 2686.1[A]), dated December 22, 1960, by and between the State Lands Commission and Huntington Harbour Corporation, predecessor-in-interest to the Ahadpours, established, pursuant to P.R.C. Section 6357, the ordinary low-water mark of certain portions of Anaheim Bay. That Agreement established the boundary between the lands sold by the State, pursuant to TLL 221, which were at the time owned by Huntington Harbour Corporation, and the unsold submerged lands located within the perimeter description of TLL 221.
7. Sovereign Land Location 34 (SLL 34) (PRC 2686.1(B)), dated December 22, 1960 as amended by the Agreement dated November 22, 1961, by and between the State Lands Commission and Huntington Harbour Corporation exchanged, pursuant to P.R.C. Section 6307, 17.91 acres of submerged lands of the State for 66.47 acres of tidelands patented under TLL 221 and owned by Huntington Harbour Corp. The Exchange Agreement did not terminate the Public Trust Easement, except as to the 17.91 acres conveyed pursuant to the Agreement.
8. The State's position is that neither BLA 18 nor SLL 34 nor any action or inaction of the state taken thereafter affected the public trust easement which exists today over the Subject property to the extent it was tidelands in its last natural condition.
9. The Ahadpours through their attorneys and title insurance company, dispute the effect to be given the boundary line and exchange agreements described in paragraphs 6 and 7 above (BLA 18 and SLL 34, respectively). Their conclusion is that the State terminated the Public Trust Easement over the entire area encompassed within TLL 221, including the Subject Property, not just the 17.91 acres conveyed by the State.
10. The Ahadpours further contend that the Subject Property was never, in fact, tidelands. Finally, they argue the State is guilty of laches and should be estopped from asserting any interest in the Subject Property, based upon its actions and inactions relative to the development of Huntington Harbour over the last 30 years, and specifically its actions relating to the Subject Property.

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The staff is of the opinion that the title evidence and the applicable legal principles lead to the conclusion that the State, in its sovereign capacity, is the owner of some public trust right, title, or interest in the Subject Property. Indeed, staff believes that the Public Trust Easement potentially exists over substantial portions of the Subject Property. However, the exact extent and nature of the State's interest in the Subject Property is subject to uncertainty and continued vigorous dispute. The strongest evidence of historic tidelands appears to be located primarily within the areas which the parties have agreed will be subject to the easement for public trust purposes following approval of this agreement.

Moreover, the Trust Termination parcels within the Subject Property have been filled and reclaimed since the 1960s and are currently occupied by the above described parking lots and club facility. If the State were to exercise the Public Trust Easement so as to take possession or require removal of the improvements, pursuant to P.R.C. Section 6312 the State would be required to compensate the fee owner of the property for the fair market value of those improvements. The improvements on the Trust Termination parcels are valued by the Assessor at \$1,146,820, which is in excess of value attributed to the land (\$928,337). The State does not claim ownership of the land only an easement over the property. The Ahadpours are acknowledged as owners of the fee interest in the property. The value of the state's claimed easement therefore should not be equated with the fee value.

The Ahadpours have offered to resolve the existing title dispute by entering into a compromise title settlement that would result in approximately 80% of the Subject Property (virtually the entire watercovered and littoral property within the area) being subject to an easement for public trust purposes. The Ahadpours will convey an easement to the State for public trust purposes over Lots A, B, C and E. These lots are a navigable waterway, a commercial marina, and public accessways littoral to the waters of Huntington Harbor and are useful for public trust purposes. These lots constitute 64% of the land value attributed to the Subject Property. In addition the Ahadpours will place \$300,000 into the Kapiloff Land Bank to advance the public interest in acquiring land with public trust values and utility.

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Staff has, therefore, conducted an evaluation of the easement and likelihood of success in the lawsuit, taking into account the factual uncertainties, the legal disputes, as well as the present and foreseeable future utility to the public in asserting, exercising, or preserving the easement over the filled and improved non-littoral parcels and recommends accepting that offer and terminating any remaining sovereign interest in the Trust Termination parcels in order to acquire lands of greater value and utility to the Public Trust. The Kapiloff Land Bank provides the mechanism for pooling funds and acquiring parcels with public trust values and utility which are then held by the State as public trust assets.

The staff of the State Lands Commission recommends approval of the settlement of the litigation substantially in 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. It should be noted that, between the lots on which the club facility is located and the waters of Huntington Harbour to which the easement will attach, there exists a lot (Lot F, as shown on Exhibit "B"), owned in fee by the Ahadpours, which has been offered for dedication as a public recreation area (as a condition of a Coastal permit). The proposed agreement does not terminate or resolve the State's claim of a Public Trust Easement over any portion of Lot F.

1. The Ahadpours will deposit the sum of \$300,000 into the Kapiloff Land Bank Fund which is administered by the State Lands Commission as trustee pursuant to P.R.C. Sec. 8600 et seq.
2. The State Lands Commission, as Land Bank Trustee, will hold the funds in trust and expend them only for interests in land which provide a public trust benefit (wetlands protection, public access, etc.).
3. The Ahadpours will convey to the state an easement for those uses and purposes equivalent to a Public Trust Easement as defined in California case law over Lots A, B, C, and E.

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4. In exchange for the above transfer of funds and easements by the Ahadpours to the State, the State Lands Commission will quitclaim to the Ahadpours any and all of its remaining sovereign right, title, and interest, and will terminate any public trust interest in the Trust Termination parcels (Lots 1, 6 and 7).
5. The Agreement provides for an escrow period and is to be effective upon its recordation. The State will not incur any costs associated with escrow fees.

Staff has appraised the Subject Property, has evaluated the law and evidence bearing on the title dispute, and is of the opinion that the conveyance to the State of an easement for public trust purposes over 9.6831 acres of land plus \$300,000 is equal to or greater than the value of the State's interest in the 2.631 acres of the Trust Termination parcels.

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.

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 an action taken pursuant to the Kapiloff Land Bank Act, P.R.C. 8600, et seq.

Authority: P.R.C. 8631.

2. In taking action on this staff recommendation, the Commission is acting pursuant to its authority under P.R.C. Section 6307 and as the trustee of the Kapiloff Land Bank Fund created by P.R.C. Section 8610 et seq.

**EXHIBITS:**

- A. Description of Subject Property.
- B. Site Map.

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**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 P.R.C. 8631, AN ACTION TAKEN PURSUANT TO THE KAPILOFF LAND BANK ACT, P.R.C. 8600 ET SEQ.
2. FIND THAT, WITH RESPECT TO THE PROPOSED COMPROMISE TITLE SETTLEMENT AGREEMENT, INCLUDING THE EXCHANGE OF THE STATE'S INTEREST IN THE TRUST TERMINATION PARCELS (LOTS 1, 6 AND 7) OF THE SUBJECT PROPERTY FOR THE CONVEYANCE OF AN EASEMENT FOR THOSE USES AND PURPOSES EQUIVALENT TO A PUBLIC TRUST EASEMENT AS DEFINED IN CALIFORNIA CASE LAW ON LOTS A, B, C, AND E AND FUNDS FOR DEPOSIT INTO THE KAPILOFF LAND BANK:
  - A. THE AGREEMENT IS IN THE BEST INTEREST OF THE STATE AND CONSISTENT WITH PUBLIC TRUST NEEDS.
  - B. THE INTERESTS IN LANDS PLUS THE MONIES (\$300,000) RECEIVED BY THE STATE ARE OF A VALUE EQUAL TO, OR GREATER THAN, THE VALUE OF THE INTEREST IN THE TRUST TERMINATION PARCELS BEING RELINQUISHED BY THE STATE.
  - C. ON THE EFFECTIVE DATE OF THE AGREEMENT AND CONSISTENT WITH ITS TERMS, THE TRUST TERMINATION PARCELS WILL BE FOUND TO BE A RELATIVELY SMALL AREA (APPROXIMATELY 2.631 ACRES), WHICH HAS BEEN IMPROVED, RECLAIMED, AND FILLED FOR THE IMPROVEMENT OF NAVIGATION AND ENHANCEMENT OF THE CONFIGURATION OF THE SHORELINE, EXCLUDED FROM THE PUBLIC CHANNELS, AND ARE NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING AND NO LONGER, IN FACT, TIDE OR SUBMERGED LAND, NOR ADJACENT THERETO, AND THE PUBLIC TRUST INTEREST MAY BE TERMINATED.
  - D. THE PARTIES HAVE A GOOD FAITH AND BONA FIDE DISPUTE AS TO THEIR RESPECTIVE INTERESTS AND CLAIMS WITHIN THE SUBJECT PROPERTY.
  - E. THE PROPOSED AGREEMENT CONSTITUTES A COMPROMISE OF THE CONTESTED ISSUES OF LAW AND FACT UPON WHICH THE DISPUTE AND LITIGATION ARE BASED.

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- F. THE AGREEMENT IS IN LIEU OF THE COSTS, DELAYS AND UNCERTAINTIES OF FURTHER TITLE LITIGATION, AND IS CONSISTENT WITH AND IS AUTHORIZED BY THE REQUIREMENTS OF LAW.
- G. THE CONVEYANCES MADE PURSUANT TO THE AGREEMENT WILL NOT SUBSTANTIALLY INTERFERE WITH THE RIGHTS OF FISHING AND NAVIGATION IN HUNTINGTON BAY OR ANAHEIM BAY.
- H. THE AHADPOURS' CURRENT COMMERCIAL MARINA OPERATION IS NOT INCONSISTENT WITH THE PUBLIC TRUST EASEMENT OVER LOT B AND IS CONSISTENT WITH PRESENT PUBLIC TRUST NEEDS FOR THE AREA, AS DETAILED IN PARAGRAPH 8D OF THE AGREEMENT.
3. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGEMENT, AND RECORDATION, ON BEHALF OF THE COMMISSION, OF THE COMPROMISE TITLE SETTLEMENT AGREEMENT SUBSTANTIALLY IN THE FORM OF THE COPY OF SUCH AGREEMENT ON FILE WITH THE COMMISSION.
4. 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, ACKNOWLEDGEMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AND PAYMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE COMPROMISE TITLE SETTLEMENT AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.

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EXHIBIT "A"  
LEGAL DESCRIPTION  
SUBJECT PROPERTY

All those certain parcels of land situate in the State of California, County of Orange, City of Huntington Beach described as follows:

All of Lots 1, 6, 7, A, B, C and E as said Lots are shown on the map of Tract No. 11881, recorded in Book 592, Pages 20 through 23 inclusive of Miscellaneous Maps, Records of Orange County, California.

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SHEET 1 OF 4 SHEETS

ALL OF TENTATIVE  
TRACT NO. 11881

7 NUMBERED LOTS  
LETTERED LOTS "A" THROUGH "F", INCLUSIVE  
14.936 ACRES (GROSS)

DATE OF SURVEY,  
NOVEMBER 1966

BLOCK 8045  
MO. 81,  
70, 71

# TRACT NO. 11881

IN THE CITY OF HUNTINGTON BEACH,  
COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF ALL OF LOT 174 AND LOT 8 OF TRACT NO. 4880, AS SHOWN ON THE MAP RECORDED IN BOOK 178 OF MISCELLANEOUS MAPS AT PAGE 17 THROUGH 19, INCLUSIVE, A PORTION OF THE NORTHWEST QUARTERS OF SECTION 29, TOWNSHIP 8 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSA CHICA, AS SHOWN ON THE MAP RECORDED IN BOOK 86 OF RECORDS OF SURVEY AT PAGES 35 AND 36, AND A PORTION OF LOT 3 OF TRACT NO. 8778, AS SHOWN ON THE MAP RECORDED IN BOOK 810 OF MISCELLANEOUS MAPS AT PAGES 11 AND 12, ALL IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

LAWRENCE L. TRUMAN, L.S. 8348

APPROVED AND FILED  
DATE December 21, 1967  
TIME 1:00 PM FEE \$12.50  
INSTRUMENT # 87-2196  
BOOK 592 PAGE 200  
LEE A. BRANCH  
COUNTY RECORDER  
ST. Joseph L. Kinnell  
DEPUTY

### OWNERSHIP CERTIFICATE

WE, THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND COVERED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP, AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE HEREBY DEDICATE TO THE CITY OF HUNTINGTON BEACH:

1. ACCESS RIGHTS IN, OVER, ACROSS, UPON AND THROUGH THE PRIVATE STREETS WITHIN SAID TRACT FOR THE PURPOSE OF MAINTAINING, SERVICING, CLEANING, REPAIRING AND REPLACING THE WATER SYSTEM WITHIN SAID TRACT.
  2. THE DOMESTIC WATER SYSTEM AND APPURTENANCES AS SHOWN ON THE IMPROVEMENT PLANS FOR THIS TRACT.
  3. ALL OF LOT "A" FOR USE ONLY AS PUBLIC AND NAVIGABLE WATERWAYS, AND NO OTHER PURPOSE WHATSOEVER.
  4. THE TWO 800 FOOT WIDE EASEMENTS SO DESIGNATED, FOR PUBLIC ACCESS PURPOSES.
  5. THE TWO 1600 FOOT WIDE STRIP GRASS EASEMENTS SO DESIGNATED.
- WE ALSO HEREBY RELEASE AND RELINQUISH TO THE CITY OF HUNTINGTON BEACH:
1. ALL VEHICULAR ACCESS RIGHTS TO WARNER AVENUE AND EDGEWATER LANE, EXCEPT AT LOCATIONS APPROVED BY THE CITY PLANNING COMMISSION.

FERTYDOUN AHADPOUR AND DORIS AHADPOUR, AS RECORD OWNERS.

Fertydoun Ahadpour  
FERTYDOUN AHADPOUR

Doris Ahadpour  
DORIS AHADPOUR

STATE OF CALIFORNIA } 88  
COUNTY OF ORANGE }

ON THIS 5th DAY OF June, 1967, BEFORE ME, KAREN T. ARAKAWA A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED FERTYDOUN AHADPOUR AND DORIS AHADPOUR, PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS DESCRIBED IN, AND WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

WITNESS MY HAND:

Karen T. Arakawa  
NOTARY PUBLIC IN AND FOR SAID STATE  
KAREN T. ARAKAWA

MY PRINCIPAL PLACE OF BUSINESS IS IN Orange COUNTY.

MY COMMISSION EXPIRES 8/20/69

WELLS FARGO BANK, N.A., A NATIONAL BANKING ASSOCIATION, AS BENEFICIARY UNDER DEEDS OF TRUST RECORDED SEPTEMBER 28, 1966 AS INSTRUMENT NO. 87-499743 AND RECORDED OCTOBER 16, 1967 AS INSTRUMENT NO. 87-570925, BOTH OF OFFICIAL RECORDS

Richard D. Donald  
VICE PRESIDENT

STATE OF CALIFORNIA } 88  
COUNTY OF ORANGE }

ON THIS 30th DAY OF December, 1967, BEFORE ME, KAREN T. ARAKAWA A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Richard D. Donald, VICE PRESIDENT OF WELLS FARGO BANK, N.A., THE NATIONAL BANKING ASSOCIATION THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID NATIONAL BANKING ASSOCIATION AND ACKNOWLEDGED TO ME THAT SUCH NATIONAL BANKING ASSOCIATION EXECUTED THE SAME, AS BENEFICIARY.

WITNESS MY HAND:

Karen T. Arakawa  
NOTARY PUBLIC IN AND FOR SAID STATE  
KAREN T. ARAKAWA

MY PRINCIPAL PLACE OF BUSINESS IS IN Orange COUNTY.

MY COMMISSION EXPIRES 3/20/69

### SIGNATURE OMISSIONS NOTE

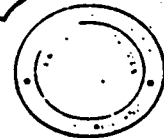
PURSUANT TO THE PROVISIONS OF SECTION 86438(a)(7) OF THE SUBDIVISION MAP ACT, THE FOLLOWING SIGNATURES HAVE BEEN OMITTED:

1. CITY OF HUNTINGTON BEACH, HOLDER OF EASEMENTS FOR STORM DRAIN AND INCIDENTAL PURPOSES PER DOCUMENT RECORDED DECEMBER 20, 1963 IN BOOK 6854 AT PAGE 261 OF OFFICIAL RECORDS; HOLDER OF EASEMENT FOR STORM DRAIN PURPOSES AS DEDICATED PER TRACT NO. 4880; HOLDER OF VEHICULAR ACCESS RIGHTS TO WARNER AVENUE FROM LOT 174 AS DEDICATED PER TRACT NO. 4880; HOLDER OF SUBSURFACE EASEMENTS FOR SEWER AND WATER MAIN PURPOSES AS DEDICATED PER TRACT NO. 8778; HOLDER OF DOMESTIC WATER AND SEWER SYSTEMS AS DEDICATED PER TRACT NO. 8778; HOLDER OF LOTS A AND B OF TRACT NO. 4880 FOR USE ONLY AS PUBLIC AND NAVIGABLE WATERWAYS AS DEDICATED PER TRACT NO. 4880; HOLDER OF SUBSURFACE WATER RIGHTS AS DEDICATED PER TRACT NO. 4880 AND TRACT NO. 8778; AND HOLDER OF EASEMENT FOR STORM DRAIN PURPOSES PER DOCUMENT RECORDED DECEMBER 18, 1966 AS INSTRUMENT NO. 86-827293 OF OFFICIAL RECORDS.
2. SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF EASEMENT FOR UNDERGROUND ELECTRIC LINES PER DOCUMENT RECORDED APRIL 26, 1966 IN BOOK 7486 AT PAGE 836 OF OFFICIAL RECORDS.
3. GENERAL TELEPHONE COMPANY OF CALIFORNIA, HOLDER OF EASEMENT FOR UNDERGROUND CONDUIT PURPOSES PER DOCUMENT RECORDED AUGUST 2, 1962 AS INSTRUMENT NO. 82-298732 OF OFFICIAL RECORDS.
4. C.H. MARTRE, HOLDER OF SUBSURFACE EASEMENTS AND RIGHTS-OF-WAY PER DOCUMENT RECORDED APRIL 1, 1966 IN BOOK 7487 AT PAGE 886 OF OFFICIAL RECORDS.
5. CALIFORNIA BANK AND ARTHUR H. LORRIS, TRUSTEES UNDER THE WILL OF STANTON A. BRUMER, DECEASED, HOLDER OF EASEMENTS AND RIGHT-OF-WAYS AS RESERVED PER DOCUMENT RECORDED OCTOBER 11, 1966 IN BOOK 8488 AT PAGE 410 OF OFFICIAL RECORDS.
6. CHRISTIANA REALTY, INC., AS LESSEE, AS DISCLOSED BY DOCUMENT RECORDED APRIL 2, 1978 IN BOOK 13091 AT PAGE 723 OF OFFICIAL RECORDS.
7. JABARI, INC., OWNER OF SUBSURFACE MINERAL RIGHTS PER DOCUMENT RECORDED OCTOBER 11, 1966 IN BOOK 8486 AT PAGE 410 OF OFFICIAL RECORDS.

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA, THAT THIS MAP CONSISTING OF FOLIO 11 SHEETS AND THE TRUE AND COMPLETE SURVEY MADE IN NOVEMBER, 1966, WHICH IS CORRECTLY REPRESENTED HEREON, WERE BOTH MADE BY ME OR UNDER MY DIRECTION; THAT THE PLACEMENT AND OF THE CHARACTER AND OCCUPY OR WILL OCCUPY THE POSITIONS INDICATED BY SAID MAP AND THE MONUMENT NOTES NOTED THEREON, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Lawrence L. Truman  
LAWRENCE L. TRUMAN, L.S. 8348  
EXP. 12/31/68



### CITY ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND IT TO BE SUBSTANTIALLY IN CONFORMANCE WITH THE TENTATIVE MAP AS FILED WITHIN, AMENDED AND APPROVED BY THE CITY PLANNING COMMISSION; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND CITY SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH AND THE MAP IS TECHNICALLY CORRECT IN ALL RESPECTS NOT CERTIFIED TO BY THE COUNTY SURVEYOR.

DATED THIS 1st DAY OF December, 1967.

Lester G. Evans, R.C.E. 20924  
CITY ENGINEER OF THE  
CITY OF HUNTINGTON BEACH

### CITY CLERK'S CERTIFICATE

STATE OF CALIFORNIA } 88  
COUNTY OF ORANGE }

I HEREBY CERTIFY THAT THIS MAP WAS PRESENTED FOR APPROVAL TO THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AT A REGULAR MEETING THEREOF HELD ON THE 24th DAY OF May, 1967, AND THAT THEREUPON SAID COUNCIL DID, BY AN ORDER DULY PASSED AND ENTERED, APPROVE SAID MAP.

1. AND DID ACCEPT ON BEHALF OF THE CITY OF HUNTINGTON BEACH,
2. THE ACCESS RIGHTS IN, OVER, ACROSS, UPON AND THROUGH THE PRIVATE STREETS WITHIN SAID TRACT AS DEDICATED.
3. THE DOMESTIC WATER SYSTEM AND APPURTENANCES AS DEDICATED.
4. THE TWO 800 FOOT WIDE EASEMENTS SO DESIGNATED, AS DEDICATED.
5. THE TWO 1600 FOOT WIDE STRIP GRASS EASEMENTS SO DESIGNATED, AS DEDICATED.
6. VEHICULAR ACCESS RIGHTS TO WARNER AVENUE AND EDGEWATER LANE AS RELEASED AND RELINQUISHED.

AND DID ALSO APPROVE SUBJECT MAP PURSUANT TO THE PROVISIONS OF SECTION 86438 (a)(7) OF THE SUBDIVISION MAP ACT.

DATED THIS 2nd DAY OF December, 1967.

Alicia D. Wentworth  
CITY CLERK OF  
CITY OF HUNTINGTON BEACH

### CITY PLANNING COMMISSION CERTIFICATE

I, Alicia D. Wentworth SECRETARY TO THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND IT TO BE SUBSTANTIALLY THE SAME AS THE TENTATIVE MAP AS FILED WITHIN, AMENDED AND APPROVED BY THE HUNTINGTON BEACH CITY PLANNING COMMISSION.

DATED THIS 12th DAY OF December, 1967.

Alicia D. Wentworth  
SECRETARY OF THE PLANNING  
COMMISSION OF HUNTINGTON BEACH

### COUNTY SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND THAT ALL RAPPING PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH AND I AM SATISFIED SAID MAP IS TECHNICALLY CORRECT RELATIVE TO THE TRACT MAP BOUNDARY.

DATED THIS 9th DAY OF December, 1967.

C. R. Nelson  
COUNTY SURVEYOR

### COUNTY TREASURER-TAX COLLECTOR'S CERTIFICATE

STATE OF CALIFORNIA } 88  
COUNTY OF ORANGE }

I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF MY OFFICE THERE ARE NO LIENS AGAINST THE LAND COVERED BY THIS MAP OR ANY PART THEREOF FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR OFFICIAL ASSIGNMENT COLLECTOR'S TAXES.

DATED THIS 4th DAY OF December, 1967.

Robert L. Citron  
COUNTY TREASURER-TAX COLLECTOR DEPUTY TREASURER-TAX COLLECTOR

### CLERK OF THE BOARD OF SUPERVISORS' TAX CERTIFICATE

STATE OF CALIFORNIA } 88  
COUNTY OF ORANGE }

I HEREBY CERTIFY TO BE THE RECORDER OF ORANGE COUNTY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH REGARDING DEEDS TO SECURE THE PAYMENT OF COUNTY AND LOCAL TAXES OR OFFICIAL ASSIGNMENT TAXES ON THE LAND COVERED BY THIS MAP.

DATED THIS 19th DAY OF December, 1967.

Linda D. Rober's  
CLERK OF THE BOARD OF SUPERVISORS

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# TRACT NO. 1881

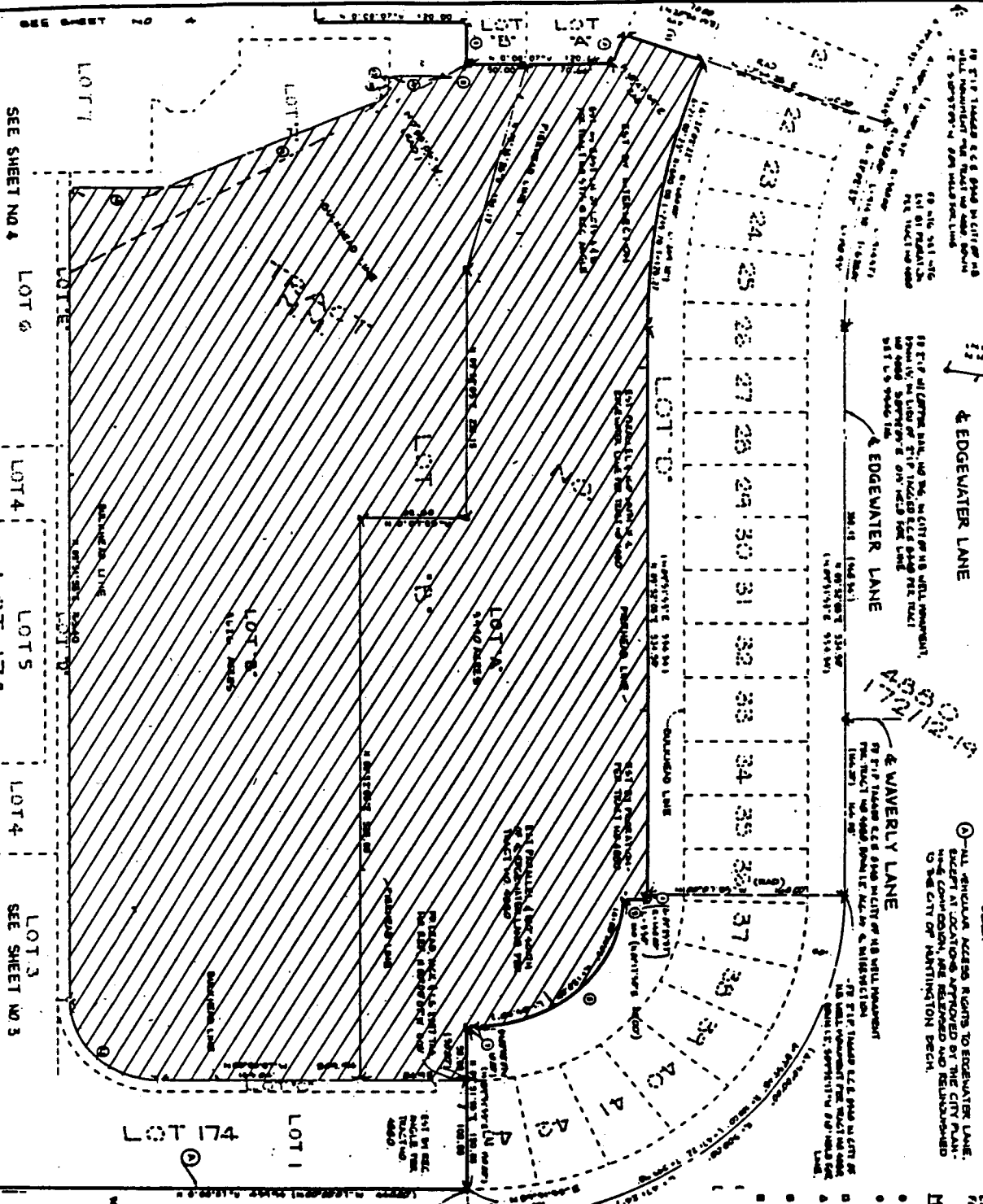
IN THE CITY OF HUNTINGTON BEACH,  
COUNTY OF ORANGE, STATE OF CALIFORNIA  
EPD ENGINEERING, INC.  
LAND SURVEYOR LICENSE NO. 2876

SHEET 2 of 4 SHEETS  
UNRECORDED LOTS  
LIEBOWITZ TRACT (SUBDIVISION)  
DATE OF SURVEY:  
UNRECORDED MAP  
ALL OF EXISTING TRACT NO. 1881  
ORIGINAL POINT

DAVENPORT DRIVE  
EDGEWATER LANE  
WAVELY LANE

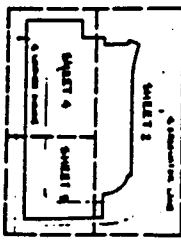
NOTE:  
ALL VEHICULAR ACCESS RIGHTS TO EDGEWATER LANE, WAVELY LANE, AND DAVENPORT DRIVE ARE APPROVED BY THE CITY PLANNING DEPARTMENT, AND APPROVED BY THE HUNTINGTON BEACH CITY OF HUNTINGTON BEACH.

**NOTE:**  
ALL VEHICULAR ACCESS RIGHTS TO EDGEWATER LANE, WAVELY LANE, AND DAVENPORT DRIVE ARE APPROVED BY THE CITY PLANNING DEPARTMENT, AND APPROVED BY THE HUNTINGTON BEACH CITY OF HUNTINGTON BEACH.



**SHEET INDEX**

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Sheet 4 of 4  
 17-1888-AD-197  
 454  
 DATE OF SHEET  
 1/18/2018  
 ALL RIGHTS RESERVED

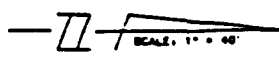
**TRACT No. 11881**

IN THE CITY OF HUNTINGTON BEACH  
 COUNTY OF ORANGE, STATE OF CALIFORNIA

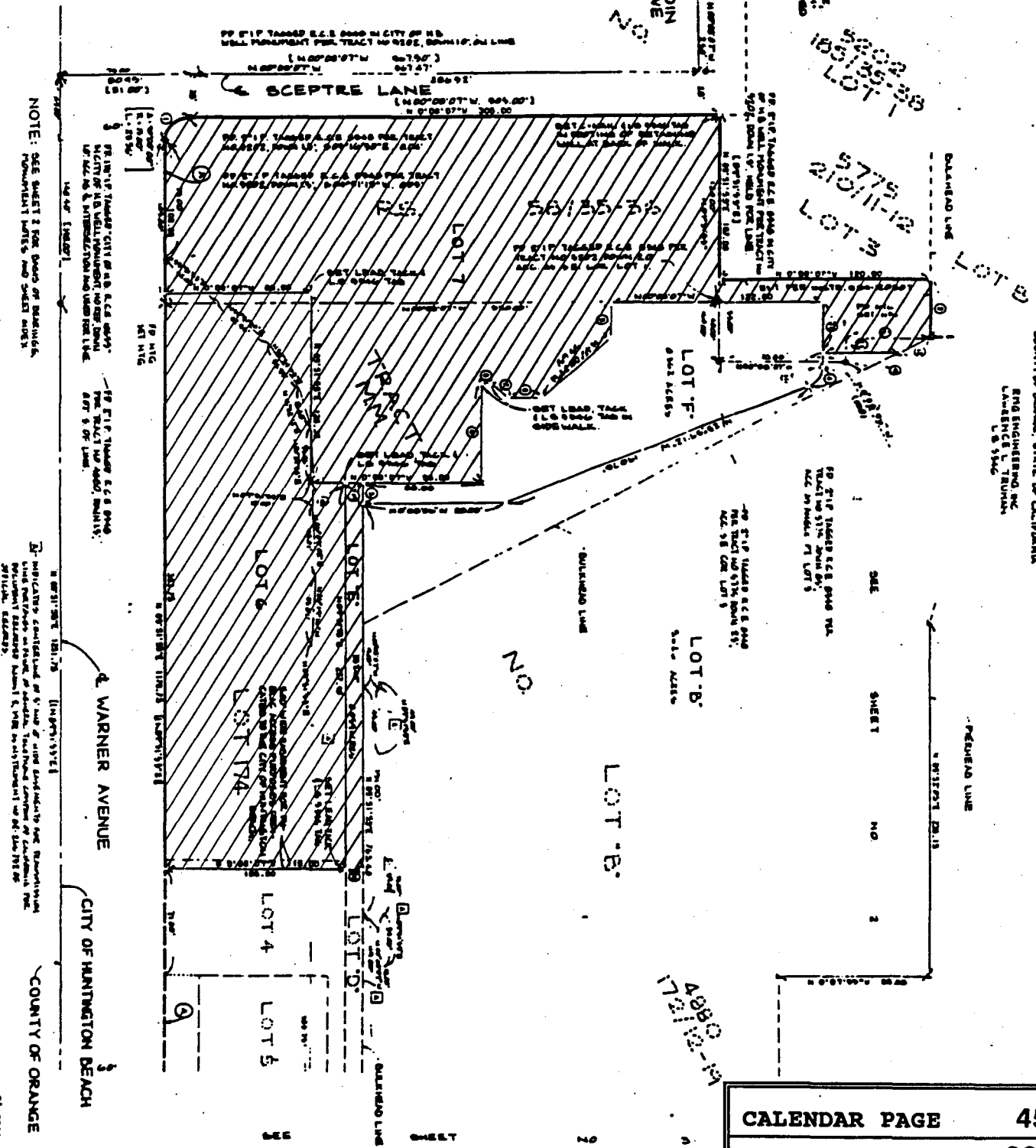
ENGINEERING, INC.  
 LAWRENCE L. TRUMAN  
 L.S. 3146

**NOTE:**

1. ALL VARIANCES AND/OR PERMITS TO BE OBTAINED FROM THE CITY OF HUNTINGTON BEACH SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.  
 2. ALL UTILITIES ARE SHOWN AS APPROXIMATE EXCEPT AT LOCATIONS APPROVED BY THE CITY PLANNING DEPARTMENT. SEE THE RECORD AND RECORDED TO THE CITY OF HUNTINGTON BEACH.



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NOTE: SEE SHEET 3 FOR BOARD OF SUPERVISORS' RESOLUTIONS AND SHEET 4 FOR CITY OF HUNTINGTON BEACH PERMITS.

CITY OF HUNTINGTON BEACH  
 COUNTY OF ORANGE

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Prepared by  
City of Huntington Beach  
Date of Issue  
North-Old Map  
City of Huntington Beach 1981

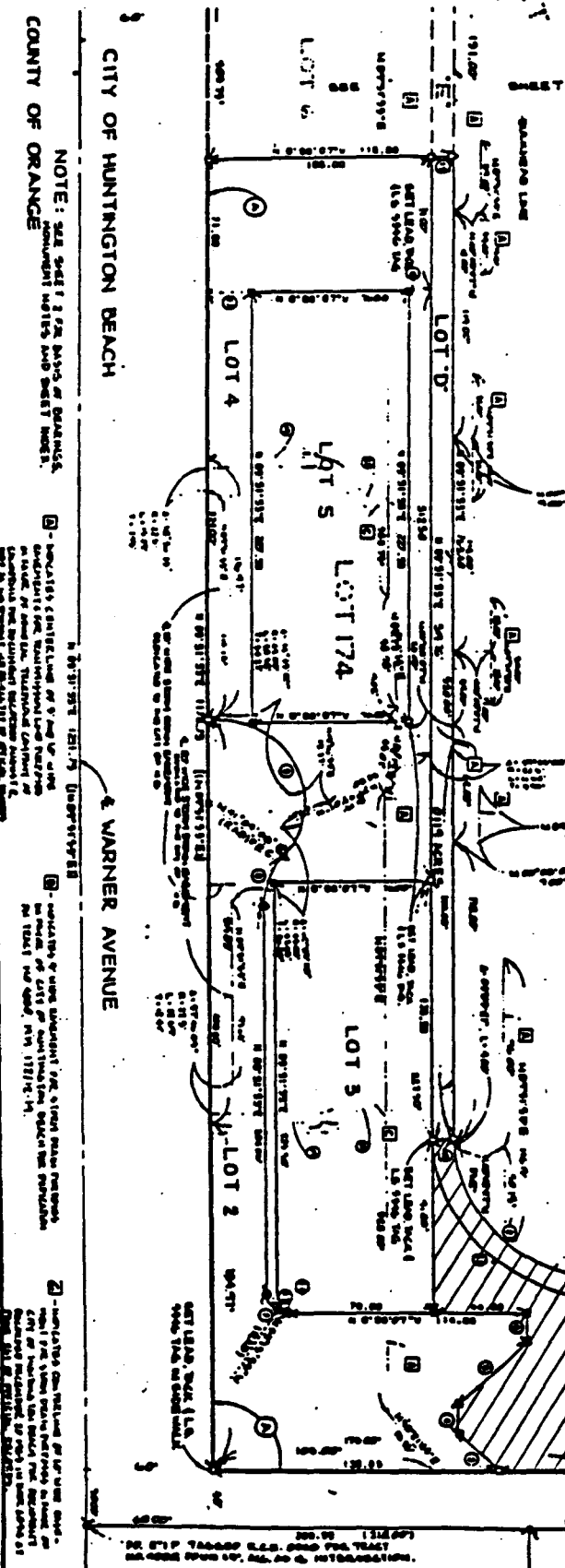
# TRACT NO. 11881

THE CITY OF HUNTINGTON BEACH  
COUNTY OF ORANGE STATE OF CALIFORNIA  
RMC ENGINEERING INC  
COURTESY & 1744

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VEHICULAR ACCESS RIGHTS TO EDGEWATER LANE AND WARNER AVENUE, EXCEPT AT LOCATIONS APPROVED BY THE CITY PLANNING DEPARTMENT, ARE RELEASED AND RELINQUISHED TO THE CITY OF HUNTINGTON BEACH

**NOTE:**  
 1. ALL ACCESS RIGHTS TO THE TRACT ARE SUBJECT TO THE CITY OF HUNTINGTON BEACH'S POLICY AND REGULATIONS.  
 2. ALL ACCESS RIGHTS TO THE TRACT ARE SUBJECT TO THE CITY OF HUNTINGTON BEACH'S POLICY AND REGULATIONS.



INDICATED CONTROLLING OF THE FUTURE EASEMENT FOR OTHER TRACTS PURCHASED IN CASE OF THE CITY OF HUNTINGTON BEACH PER DEPARTMENT RECORDS OR OTHERWISE IN THE DEPARTMENT NO. 20-01270 OF OFFICIAL RECORDS.

IF THE TRACT IS TO BE USED FOR THE TRACT AS SHOWN ON THE MAP, SEE TO BE INTERFERED.

IF THE TRACT IS TO BE USED FOR THE TRACT AS SHOWN ON THE MAP, SEE TO BE INTERFERED.

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 MINUTE PAGE 2700

**NO TEXT THIS PAGE**

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