

MINUTE ITEM
This Calendar Item No. C64
was approved as Minute Item
No. 64 by the State Lands
Commission by a vote of 2
to 0 at its 05/09/96
meeting.

CALENDAR ITEM
C64

A 35
S 18

AD 256
05/09/96
W 24164
L. Kiley

**CONSIDER TITLE SETTLEMENT AND SETTLEMENT OF CLAIMS
REGARDING IMPLIED DEDICATION BETWEEN
ARTHUR H. AND SUZANNE G. STOLNITZ
AND THE CALIFORNIA STATE LANDS COMMISSION**

PARTIES:

Arthur H. and Suzanne G. Stolnitz
c/o Daniel M. Sklaar, Esq.
1900 Avenue of the Stars, Suite 1700
Los Angeles, CA 90067

State of California

The staff of the Commission was contacted several years ago regarding a dispute over access to an area commonly known as "Santa Claus Beach," near Padaro Lane in Santa Barbara County. Several members of the public represented that they had been denied access to the beach area which they alleged had been freely used by them for many years in the belief that the beach was a public beach. Upon investigation by the Office of the Attorney General and members of the staff, it was determined that there was evidence which would support a claim of implied dedication of the beach area, but that such a claim would be and was vigorously disputed by the holder of record title to the disputed area. Negotiations continued off and on for the ensuing several years during which time the record title to the disputed area passed to Stolnitz. The staff and the Office of the Attorney General have now negotiated a proposed agreement which would resolve the dispute over access to the beach, subject to approval by the Attorney General and the Commission.

The essential elements of the agreement are:

1. The Commission will quitclaim any and all implied dedication claims against Stolnitz and will covenant not to oppose lawful improvements or maintenance, repair or extension of existing improvements on the quitclaimed parcel (the PRIVATE PARCEL); and

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2. Stolnitz will quitclaim approximately one-half of the disputed area to the State, to be held as sovereign land for public trust purposes (the TRUST PARCEL).

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 to Public Resources Code Section 21080.11, settlement of title and boundary problems.

Authority: Public Resources Code Section 21065.

2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Section 6370, et seq., but will not affect those significant lands.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS 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. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE, IN SUBSTANTIALLY THE FORM ON FILE IN THE OFFICE OF THE COMMISSION, THE TITLE SETTLEMENT AND SETTLEMENT OF CLAIMS AGREEMENT.
3. AUTHORIZE THE EXECUTIVE OFFICER TO ACCEPT, ON BEHALF OF THE COMMISSION, A QUITCLAIM DEED TO THE TRUST PARCEL IDENTIFIED IN THE TITLE SETTLEMENT AND SETTLEMENT OF CLAIMS AGREEMENT;
4. AUTHORIZE THE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING ANY REQUIRED COURT APPEARANCES, TO IMPLEMENT THE TITLE SETTLEMENT AND SETTLEMENT OF CLAIMS AGREEMENT.