

REPORT OF TITLE  
POINT PINOS LIGHT STATION  
MONTEREY COUNTY, CALIFORNIA

I certify that I have examined the Real Estate Records of the Commander, Twelfth Coast Guard District, relating to Point Pinos Light Station, and on the basis of such examination, I conclude the following:

1. Fee simple title to the real property described in Schedule A attached is vested in the United States of America.

2. Title to approximately 25 acres thereof was vested in the United States of America by virtue of Final Decree of condemnation in United States vs. Hopkins, et al. This Final Decree was entered 23 January 1880 by the United States District Court, Ninth Circuit, District of California and recorded 7 February, 1880 in volume B of Decrees, page 100, Monterey County Records (enclosure 1).<sup>1</sup> This is the land upon which the light-house was located in 1880, and upon which it still is located. The records of the Twelfth Coast Guard District contain both a certified reproduction of a microfilm of the handwritten entry, and a typewritten but uncertified transcription of the Final Decree. The content of the two copies is substantially identical, except that the typed transcription includes a case number (number 1255), and omits an apparently erroneous repetition of a course and distance. Only the microfilm copy contains the information concerning filing with the Clerk of the United States District Court and with the County Recorder. There are also minor punctuation and word differences between the two copies.

3. Title to the balance of the property was vested in the United States of America by virtue of Warranty Deed from Pacific Improvement Company, a California Corporation, to United States of America, dated 20 August 1901 and recorded 18 December 1901 in Deeds volume 66, page 385, Monterey County Records (enclosure 2). This property is situated between the tract acquired in 1880 and the coast line. The text of the deed itself does not recite the total area of the property conveyed, but a chart attached to the deed states "about 52 acres." Other information in the files indicates that the area of the property acquired in 1901 was closer to 49.8 acres in size.

4. The United States of America, acting by and through the Federal Security Administrator conveyed approximately 2.23 acres for a sewage disposal plant to the City of Pacific Grove by Quitclaim Deed dated 17 September 1951, and recorded in OR book 1333, page 2, Monterey County Records (enclosure 3). This 2.23 acre parcel is excluded from the property proposed to be declared excess to the needs of the Coast Guard. The records of the Twelfth Coast Guard District contain only a conformed copy of the Quitclaim Deed and a note from the Monterey County Recorder as to the recording information. The records do not contain a copy of the recorded deed or show the date of recording. As is

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<sup>1</sup> Unless recording information or specific information concerning recording status is provided, the records of the Twelfth Coast Guard District do not indicate that a document has been recorded.

ENCLOSURE(4)

more particularly indicated in enclosure 3, the Quitclaim Deed reserves to the United States of America the right to full unrestricted possession, control, and use of the property during any period of emergency, certain rights in fissionable materials, and the now expired right of reentry for non-use or breach of other condition by the grantee. The 2.23 acreage figure is derived from a statement in the legal description in the Quitclaim Deed.

5. The United States of America conveyed to the City of Pacific Grove certain public utility, pipeline, and effluent pipeline easements, by Easement Deed from the United States of America dated 8 November 1951 (enclosure 4). The interest of the United States of America in the real property described in Schedule A is subject to these four easements; please note that Schedule A does not state that the property is subject to these easements. Recording information is not available in the records of the Twelfth Coast Guard District, but by letter dated 20 December 1951, the City of Pacific Grove advised that it had recorded the original deed. As more particularly indicated in enclosure 4, the United States of America reserved certain rights in fissionable materials, and the right of annulment of the easement for non-use or for failure to comply with the conditions of the easement. All of these easements are within the area proposed to be declared excess to the needs of the Coast Guard. The easement described in paragraph (a) of the Easement Deed is co-extensive with an easement to be retained of the Coast Guard for utility purposes, which is described in the final two paragraphs of Parcel 4, Schedule A. The easement described in paragraph (c) of the Easement Deed is co-extensive with a portion of Ocean View Boulevard, which is described in the fifth paragraph of Parcel 4 of Schedule A.

6. The United States Coast Guard transferred a 4.28+ parcel to the United States Navy by letter dated 5 July 1974 (enclosure 5), which the United States Navy accepted by letter dated 24 July 1974 (enclosure 6). This property is excluded from the property proposed to be declared excess to the needs of the Coast Guard. The calculation of the 4.28+ acreage is derived from the plot plan attached to the letter of transfer. This 4.28+ acres has been used by the United States Navy under Permit since 1951 (enclosure 7).

7. The interest of the United States of America in the property described in Schedule A is subject to Easement from United States of America to City of Pacific Grove dated 25 July 1967 and recorded August 4, 1967 at reel 516, page 529, Monterey County Records (enclosure 8). This easement is for road purposes, and also authorizes the piping of water in the area covered. This easement includes Ocean View Boulevard and the land seaward of Ocean View Boulevard. It is co-extensive with an easement to be reserved by the Coast Guard, which is described in paragraph 5, Parcel 4, Schedule A. By its terms, this Easement is revocable at the will of the Commandant of the Coast Guard.

8. The road easement in favor of the City of Pacific Grove replaced a prior revocable easement, which in turn replaced a prior revocable license, as amended, all of which were in favor of the County of Monterey. Enclosure 9, a Revocation of Easement dated 10 April 1967 and recorded 12 May 1967 in Reel

504, page 799, revoked the easement granted by the U. S. Coast Guard to the Monterey County Board of Supervisors on 5 January 1959. Enclosure 10, an Easement Deed from the United States of America to the Supervisors of Monterey County, dated 5 January 1959 and recorded 7 January 1960 in OR 2018, page 358 of the Monterey County Records, in paragraph 16 thereof, revoked the agreement between the United States of America and the Board of Supervisors of Monterey County, California on 10 December 1927, as amended on 17 July 1928 and 16 December 1957 (enclosure 11). Because of the revocations, the interest of the United States of America in the real property described in Schedule A no longer is subject to the interests described in enclosures 9, 10, and 11.

9. The Twelfth Coast Guard District intends to renew the presently expired Revocable License authorizing an historical marker honoring Frey Juan Crespi. The license is in favor of the City of Pacific Grove, and relates to "a certain piece of parcel of land on the north side of Ocean View Boulevard." The initial revocable license, 12 Li-4-72, is dated 23 February 1972, and is for a period not to exceed 5 years, commencing 1 March 1972, (enclosure 12). There have been 2 one-year renewals of this license. A letter dated 22 March 1977, renewed the license for one year commencing 1 March 1977 (enclosure 13). A letter dated 3 March 1978 renewed the license for 1 year commencing 1 March 1978 (enclosure 14).

10. The interest of the United States Coast Guard in the real property described in Schedule A is subject to permission granted to the Commanding General, Fort Ord, California by letter dated 11 December 1940, to erect a 30 foot pole, about 500 yards 352° from the light tower, for a danger signal streamer pole (enclosure 15). The records of the Twelfth Coast Guard District do not indicate that this permission has ever been formally withdrawn, or that the pole has been disestablished.

11. The Twelfth Coast Guard District intends to renew the license in favor of the City of Pacific Grove for public recreation purposes. The presently expired license relates to the golf course property, and is within the property proposed to be declared excess to the needs of the Coast Guard. Prior licenses were executed 19 February 1958, for the 5 year period commencing 2 January 1958 (enclosure 16), 22 January 1963 for the 5 year period commencing 1 January 1963 (enclosure 17), 6 March 1968 for the 5 year period commencing 1 January 1968 (enclosure 18), 29 December 1972 for the 5 year period commencing 1 January 1973 (enclosure 19), and 26 January 1978 for the 1 year period commencing 1 January 1978 (enclosure 20). The licenses require Coast Guard permission for alteration and the Records of the Twelfth Coast Guard District contain letters authorizing the City of Pacific Grove to accomplish various repairs and alterations.

12. The interest of the United States of America in Parcel 1, Schedule A is subject to the interest of the City Pacific Grove pursuant to License for Use of Real Property (12 LI-03-75, dated 17 January 1975 for a 5 year period commencing 1 January 1975 (enclosure 21), as amended by Amendment of License for Use of Real Property dated 17 January 1979 (enclosure 22). This license

is for the museum at the original lighthouse building. It is revocable upon 30 days notice, and relates only to real property being retained by the United States Coast Guard. There were two prior licenses to the same licensee for the same purpose, License for Use of Real Property LI 12-02-73, dated 13 September 1972, for the 5 year term commencing 1 September 1972 (enclosure 23), and License for Use of Real Property 12 LI-3-68, dated 18 October 1967 for the 5 year period commencing 1 September 1967. The licenses require Coast Guard permission for alteration, and the records of the Twelfth Coast Guard District contain letters authorizing the City of Pacific Grove to accomplish various repairs and improvements.

13. The interest of the United States Coast Guard in Parcel 1, Schedule A is subject to the rights of the United States Department of Commerce National Weather Service to maintain certain weather equipment on the property. The weather equipment is located only on the real property being retained by the Coast Guard. This is a revocable permit granted by Permit for Use of Real Property by Other Federal Agencies number 12-PE-01-68 dated 16 November 1977, for the period 1 November 1977 through 31 October 1982 (enclosure 25). The prior permit is number 12PE-02-74 dated 24 September 1973 for the period 1 July 1973 to 30 June 1978 (enclosure 26).

14. The interest of the United States Coast Guard in Parcel 2, Schedule A is subject to the interest of the United States Navy granted by Permit for the U. S. Navy to Use Certain Portions of the U. S. Coast Guard Point Pinos Light Station Reservation dated 4 August 1961, as amplified by Twelfth Coast Guard District letter dated 2 June 1961 (enclosure 27). This permit is Revocable, but does not have a termination date. It allows the Navy to operate a truck-van mounted unit of a LORAC system "within the fenced area of the U. S. Coast Guard Point Pinos Light Station Reservation." The preliminary letter states that the desired location is "adjacent to the fog signal building and inside of the fenced area." As amplified by the location given in the letter, this permit relates only to real property retained by the U. S. Coast Guard.

15. The records of the Twelfth Coast Guard District do not contain any certificates of title or title opinions. There is a statement in a 1974 letter that the muniments of title are available in the file "California 66, Records of the U. S. Coast Guard" of the Legislative, Judicial, and Fiscal Records Division, National Archives (enclosure 5). The status of the title and any exceptions to the title that may be shown by these documents are not now known.

16. The interest of the United States of America in the property described in Schedule A is subject to any state of facts which may be disclosed by a physical examination of the premises.

17. The interest of the United States of America in the property described in Schedule A is subject to any state of facts which may be disclosed by an examination by the Official Records of Monterey County, California.

18. The interest of the United States of America in the property described in Schedule A is subject to all the facts shown on Coast Guard drawing F-161-

02 (enclosure 2 to B/S 12-004-79) and to any state of facts which may be disclosed by an accurate survey of the premises subsequent to 22 April 1977.

19. The interest of the United States of America in the real property described in Schedule A is subject to the difference, if any, resulting from the use of magnetic bearings in the original acquisition documents, and the use of meridian bearings in Schedule A and in other subsequent documents. The 1880 Final Decree in condemnation and the 1901 Warranty Deed (enclosures 1 and 2) contain magnetic bearings. Enclosure 2 contains a statement, "The magnetic Courses given are run on a variation of fifteen degrees and twenty-six minutes East from the true meridian."

20. The interest of the United States of America in the property described in Schedule A is subject to the possibility of disputing the precise location of the property. This arises from the use in Schedule A and in various other documents, of an actual initial reference point located only as, "10" X 10" granite monument bearing the letters 'U.S.L.H' at the south easterly corner of Coast Guard Property."

21. The interest of the United States of America in the real property described in Schedule A is subject to whatever rights the City of Pacific Grove may have, by prescriptive right or otherwise, in the effluent pipeline shown on Drawing F-161-02 (enclosure 2 to B/S 12-004-79). Enclosure 4, paragraph (b) grants an easement for effluent pipeline beginning at the northwesterly corner of the 2.32 sewer treatment plant tract. Drawing F-161-02 does not show this effluent pipeline, but does show an effluent pipeline leaving the sewer plant from another point and not completely located within any easement described in enclosure 4.

22. The interest of the United States of America in Schedule A is subject to the possibility of disputing the precise location of the 2.23 acre parcel quitclaimed to the City of Pacific Grove for a sewage treatment plant. Enclosure (3) contains a legal description as follows:

"Beginning at a point at a fence line, said point of beginning being located South 15°, 26' west 825 feet and north 43° west 932.76 feet from a granite monument...."

A literal reading of this description is that there are two different points of beginning.

23. The United States of America has exclusive jurisdiction over this real property, subject to the rights reserved by the State of California for the administration of the criminal laws of the State of California and the service of civil process therein. 1891 statutes of California, Chapter 181 (enclosure 28

DATED: 8 May 1979

*H. Diane Breithaupt*

H. DIANE BREITHAUPT  
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Twelfth Coast Guard District