

CAPISTRANO BAY DISTRICT
AGENDA REPORT
SEPTEMBER MEETING
September 30, 2025

Old Business

ITEM 10c

Uncertainty with Storm Drain #1 Ownership

Director Seidensticker was kind enough last month to tap her title officer to run a title search on District Storm Drain No. 1. This is the open channel that runs adjacent to the District's vacant lot. It was hoped that another set of eyes might turn up new information.

The District has a fairly extensive document file for this drain that includes most (but not all) deeds and quitclaim records for this drain, some of which date back to 1950.

The most recent record is that of a quitclaim by the District in 1996 to the then existing adjacent property owners, William McConnell (35067) and the Harvey family on the vacant lot (35071) that is now owned by the District.

The prelim title report from Director Seidensticker's contact concluded that the District is the owner of record. Without further discussion with this title officer, I believe he is relying on the 1996 quitclaim from District to McConnell as the basis for his conclusion.

Without a full chain of title search, there is some belief that the District may not be the owner of the drain easement and therefore had no legal basis for giving it away.

In 2018 the District made some effort, although not to the finish line, to research the District's document file on this drain. At that time, the conclusion reached by our counsel was that without access to some missing documents, ownership is currently inconclusive. In other words, there are so far, no documents providing evidence that the City of Dana Point deeded ownership of this drain to the Capistrano Bay District.

To bring this issue to a close, the District would have to engage with a title company to take a deep dive into the chain of title, going back to the original subdivision date of 1927 or possibly earlier, maybe as far back as the original Mexican land grant. If it can be legally proven that the drain is owned by others, the District is then in a much stronger position to negotiate repairs or reconstruction.