

MINUTE ITEM

29. APPROVAL OF MAPS - W.O.s 3321, 2903, 2530, AND 2316.

Following presentation of Calendar Items 13, 12, 9, and 16 attached, approvals were authorized as follows:

(a) APPROVAL OF MAPS OF THE SURVEY OF THE MEAN HIGH TIDE LINE ALONG THE SHORE OF THE PACIFIC OCEAN IN THE VICINITY OF IMPERIAL BEACH, SAN DIEGO COUNTY - W.O. 3221, GEO.-SAN DIEGO CO.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE EXECUTIVE OFFICER IS AUTHORIZED TO APPROVE AND HAVE RECORDED SHEETS 1 THROUGH 6 OF 6 OF THE MAPS ENTITLED "SURVEY OF THE MEAN HIGH TIDE LINE ALONG THE SHORE OF THE PACIFIC OCEAN, VICINITY OF IMPERIAL BEACH, SAN DIEGO COUNTY, CALIFORNIA", DATED JUNE 1959.

(b) APPROVAL OF MAPS OF THE SURVEY OF THE ORDINARY HIGH WATER MARK ALONG THE LEFT BANK OF PETALUMA CREEK AND ALONG THE NORTH SHORE OF SAN PABLO BAY, SONOMA COUNTY - W.O. 2903, GEO.- SONOMA CO.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE EXECUTIVE OFFICER IS AUTHORIZED TO APPROVE AND HAVE RECORDED SHEETS 1 THROUGH 8 OF 8 OF THE MAPS ENTITLED "MAP OF THE ORDINARY HIGH WATER MARK ALONG THE NORTH SHORE OF SAN PABLO BAY AND THE LEFT BANK OF PETALUMA CREEK, SONOMA COUNTY, CALIFORNIA", DATED AUGUST 1958 TO MAY 1960.

(c) APPROVAL OF RECORD-OF-SURVEY MAPS ALONG BOTH SIDES OF ELKHORN SLOUGH, PREPARED BY MONTEREY COUNTY SURVEYORS, INC., FOR MOSS LANDING HARBOR DISTRICT - W.O. 2530, GEO.-MONTEREY CO.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE EXECUTIVE OFFICER IS AUTHORIZED TO APPROVE SHEETS 1 THROUGH 9 OF 9 OF MAPS ENTITLED "RECORD OF SURVEY OF AGREEL PROPERTY LINES ALONG ELKHORN SLOUGH", MADE FOR THE MOSS LANDING HARBOR DISTRICT BY THE MONTEREY COUNTY SURVEYORS, INC., IN FEBRUARY 1960; AND TO EXECUTE THE NECESSARY DOCUMENTS MAKING THE STATE A PARTY TO THE ESTABLISHMENT OF BOUNDARY LINES BETWEEN THE MOSS LANDING HARBOR DISTRICT AND ADJOINING UPLAND OWNERS.

(d) APPROVAL OF A MAP DELINEATING A FIXED BOUNDARY BETWEEN STATE LANDS AND LANDS OWNED BY THE CITY OF MARTINEZ IN FRONT OF THE CITY OF MARTINEZ, CONTRA COSTA COUNTY - W.O. 2316, GEO.-CONTRA COSTA CO.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE EXECUTIVE OFFICER IS AUTHORIZED TO APPROVE AND HAVE RECORDED SHEET 1 OF 1 OF THE MAP ENTITLED "FIXED BOUNDARY BETWEEN SOVEREIGN AND MUNICIPAL LANDS, VICINITY OF MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA", DATED MARCH 1960.

FURTHER, THE EXECUTIVE OFFICER IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE CITY OF MARTINEZ FIXING THIS BOUNDARY LINE. (A COPY OF THE PROPOSED AGREEMENT IS ATTACHED.)

Attachments

Calendar Items 13, 12, 9, and 16 (5 pages)

CALENDAR ITEM

13.

APPROVAL OF MAPS OF THE SURVEY OF THE MEAN HIGH TIDE LINE ALONG THE SHORE OF THE PACIFIC OCEAN IN THE VICINITY OF IMPERIAL BEACH, SAN DIEGO COUNTY - W.O. 3221.

A survey has been made along the coast of San Diego County in the vicinity of Imperial Beach to establish the location of the last natural mean high tide line prior to construction by the U. S. Army Corps of Engineers of five groins for beach erosion control.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO APPROVE AND HAVE RECORDED SHEETS 1 THROUGH 6 OF 6 OF THE MAPS ENTITLED "SURVEY OF THE MEAN HIGH TIDE LINE ALONG THE SHORE OF THE PACIFIC OCEAN, VICINITY OF IMPERIAL BEACH, SAN DIEGO COUNTY, CALIFORNIA", DATED JUNE 1959.

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CALENDAR ITEM

12.

APPROVAL OF MAPS OF THE SURVEY OF THE ORDINARY HIGH WATER MARK ALONG THE LEFT BANK OF PETALUMA CREEK AND ALONG THE NORTH SHORE OF SAN PABLO BAY, SONOMA COUNTY - W.O. 2903.

A survey has been made to establish the boundary of State lands along the left bank of Petaluma Creek from San Antonio Creek south to State Highway 37 Bridge and continuing along the north shore of San Pablo Bay for approximately two miles. Levees have been built, some prior to 1900, along the entire length of the surveyed bay shoreline and river bank. Because of existing structures and proposed dredging operations at the mouth of Petaluma Creek, it is now necessary to determine and record the position of the State boundary.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO APPROVE AND HAVE RECORDED SHEETS 1 THROUGH 8 OF 8 OF THE MAPS ENTITLED "MAP OF THE ORDINARY HIGH WATER MARK ALONG THE NORTH SHORE OF SAN PABLO BAY AND THE LEFT BANK OF PETALUMA CREEK, SONOMA COUNTY, CALIFORNIA", DATED AUGUST 1958 TO MAY 1960.

CALENDAR ITEM

9.

APPROVAL OF RECORD-OF-SURVEY MAPS ALONG BOTH SIDES OF ELKHORN SLOUGH, PREPARED BY MONTEREY COUNTY SURVEYORS, INC., FOR MOSS LANDING HARBOR DISTRICT - W.O. 2530.

Chapter 1190 of the Statutes of 1947 granted certain tide and submerged lands in Elkhorn Slough to the Moss Landing Harbor District. The statutes did not direct the State Lands Commission to survey, monument, plat and record this grant.

Since it was necessary to define the boundaries between the granted area and the upland owners, the Moss Landing Harbor District contracted with the Monterey County Surveyors to survey and map a boundary which would be acceptable to all parties concerned. These maps have been reviewed by staff engineers of the State Lands Division and found to be satisfactory. Separate agreements will be processed between the Harbor District and each individual owner indicating acceptance of this boundary line.

Although the agreement will be primarily between the Moss Landing Harbor District and the upland owners, the Attorney General has expressed an opinion that it would be permissible for the State of California to be a party to these agreements. The Harbor District requested such participation in order to facilitate the execution of the agreements. The upland owners felt that they did not wish to enter into any agreements unless the State's approval was indicated on both the maps and on the individual agreements.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO APPROVE SHEETS 1 THROUGH 9 OF 9 OF MAPS ENTITLED "RECORD OF SURVEY OF AGREED PROPERTY LINES ALONG ELKHORN SLOUGH", MADE FOR THE MOSS LANDING HARBOR DISTRICT BY THE MONTEREY COUNTY SURVEYORS, INC., IN FEBRUARY 1960; AND TO EXECUTE THE NECESSARY DOCUMENTS MAKING THE STATE A PARTY TO THE ESTABLISHMENT OF BOUNDARY LINES BETWEEN THE MOSS LANDING HARBOR DISTRICT AND ADJOINING UPLAND OWNERS.

CALENDAR ITEM

16.

APPROVAL OF A MAP DELINEATING A FIXED BOUNDARY BETWEEN STATE LANDS AND LANDS OWNED BY THE CITY OF MARTINEZ IN FRONT OF THE CITY OF MARTINEZ, CONTRA COSTA COUNTY - W.O. 2316.

The history of the waterfront of the City of Martinez has been one of steady accretion since 1856. Piers and artificial fills have existed since that time, and after extensive research it has been concluded that the accretion has been partly natural and partly artificial. It is impossible to determine how much is artificial and how much is natural, but the piers have caused or accelerated the rate of accretion. However, there would have been some accretion even if there had been no piers or fills.

The only basis for fixing the boundary between State and private lands in the subject area appears to be by agreement with the upland owners as authorized by Section 6357 of the Public Resources Code. The upland owners obtained their title to the lands as successors in interest to early patented tideland sales. Although attempts have been made to settle this boundary line location since 1946, all proposals were met with violent opposition from one upland owner and with indifference from others. Only the City of Martinez has agreed to accept a boundary line which divides the accreted lands into two approximately equal parts. The City of Martinez is presently engaged in promoting a harbor, for which it is leasing an area waterward of the proposed boundary line from the State.

In order to clear the way for the boat harbor development, it is proposed to establish the boundary line by agreement between the State and the City of Martinez only as shown by segments AB and EFG on map entitled "Fixed Boundary Between Sovereign and Municipal Lands, Vicinity of Martinez, Contra Costa County, California", dated March 1960.

The City of Martinez has inspected the map of the proposed boundary line and has indicated approval by letter. The City has also stated that it is willing to enter into an agreement fixing this boundary line.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO APPROVE AND HAVE RECORDED SHEET 1 OF 1 OF THE MAP ENTITLED "FIXED BOUNDARY BETWEEN SOVEREIGN AND MUNICIPAL LANDS, VICINITY OF MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA", DATED MARCH 1960.

IT IS FURTHER RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE CITY OF MARTINEZ FIXING THIS BOUNDARY LINE. A COPY OF THE PROPOSED AGREEMENT IS ATTACHED.

Attachment
-Draft of Proposed Agreement

AGREEMENT

(ARBITRATING ORDINARY LOW WATER MARK)

THIS AGREEMENT, made and entered into this _____ day of _____, 1960, by and between the STATE OF CALIFORNIA, and the CITY OF MARTINEZ, a municipal corporation, authorized and existing under and by virtue of the laws of the State of California.

WITNESSETH:

WHEREAS, the State, acting through the State Lands Commission is authorized by Section 6357 of the Public Resources Code to establish by arbitration the ordinary low water mark of the swamp, overflowed, marsh, tide, or submerged lands of this State, whenever it is deemed expedient or necessary, and;

WHEREAS, the boundary between certain lands owned by the State of California and the City of Martinez fronting on Carquinez Straits is the ordinary low water mark, and;

WHEREAS, the natural ordinary low water mark has been obliterated as a result of natural and artificial causes, and;

WHEREAS, the State Lands Commission and the City of Martinez consider it expedient and necessary and in the best interests of the public to permanently fix and describe the boundary between lands belonging to the State of California and the City of Martinez, and forever set at rest any and all questions relating to the location of said boundary.

NOW, THEREFORE, in order to describe and establish a common boundary between the lands of the City of Martinez and the State of California, the parties hereto mutually agree, for and on behalf of themselves and their successors in interest, to accept the following as the true boundary line of the ordinary low water mark:

Segments AB and EFG as delineated on the State Lands Commission map entitled "Fixed Boundary Between Sovereign and Municipal Lands, Vicinity of Martinez, Contra Costa County, California", dated March 1960.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

STATE OF CALIFORNIA, through
STATE LANDS COMMISSION

CITY OF MARTINEZ

By _____

By _____

F. J. HORTIG, Executive Officer