

MINUTE ITEM

6. APPLICATION FOR APPROVAL OF LIFE-OF-STRUCTURE PERMIT FOR SMALL BOAT MARINA, SUBMERGED LANDS OF COLORADO RIVER NEAR BLYTHE IN RIVERSIDE COUNTY, COUNTY OF RIVERSIDE - W.O. 4119, P.R.C. 2799.9.

After consideration of Calendar Item 39 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A LIFE-OF-STRUCTURE PERMIT TO THE COUNTY OF RIVERSIDE FOR THE CONSTRUCTION AND OPERATION OF A SMALL BOAT MARINA ON SUBMERGED LANDS OF THE COLORADO RIVER, RIVERSIDE COUNTY. THE LANDS ARE DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF THE COLORADO RIVER LYING SOUTHEASTERLY OF GOVERNMENT LOTS 5 AND 6 IN FRACTIONAL SECTION 7, T6S, R23E, SBB&M, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, APPROVED DECEMBER 28, 1874, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID GOVERNMENT LOT 5, SAID POINT BEING ON THE MEANDER LINE OF THE WEST BANK OF THE COLORADO RIVER AS ESTABLISHED BY SAID UNITED STATES GOVERNMENT SURVEY.

THENCE N.61°57'E., (FORMERLY N.62°00'E.), ALONG SAID MEANDER LINE, A DISTANCE OF 1081.41 FEET;

THENCE N.65°57'E., (FORMERLY N.66°00'E.), ALONG SAID MEANDER LINE, A DISTANCE OF 136.75 FEET;

THENCE S.33°14'W., A DISTANCE OF 1621.31 FEET TO THE NORTHERLY LINE OF THE RIGHT OF WAY OF CALIFORNIA STATE HIGHWAY ROUTE 64 (U.S. No. 60) AS PER CALIFORNIA STATE HIGHWAY RIGHT OF WAY MAP XI-RIV.-64-F, COLORADO RIVER BRIDGE PLANS;

THENCE N. 73°49'10"W., ALONG SAID NORTHERLY LINE, A DISTANCE OF 330.00 FEET;

THENCE N.59°35'10"W., ALONG SAID NORTHERLY LINE, A DISTANCE OF 203.35 FEET;

THENCE N.73°49'10"W., ALONG SAID NORTHERLY LINE, A DISTANCE OF 279.09 FEET;

THENCE N.62°02'38"W., ALONG SAID NORTHERLY LINE, A DISTANCE OF 240.71 FEET TO SAID MEANDER LINE OF THE WEST BANK OF THE COLORADO RIVER;

THENCE N.62°57'E., ALONG SAID MEANDER LINE, A DISTANCE OF 526.78 FEET;

THENCE N.61°57'E., ALONG SAID MEANDER LINE, A DISTANCE OF 354.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.47 ACRES, MORE OR LESS,

EXCEPTING THAT THAT CERTAIN PORTION OF PARCEL 1 PREVIOUSLY RESERVED TO THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, UNDER P.R.C. 2688.9, SHALL

BE UTILIZED BY THE COUNTY OF RIVERSIDE SUBJECT TO SAID COUNTY OF RIVERSIDE OBTAINING APPROVAL OF THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS.

PARCEL 2:

THAT PORTION OF THE COLORADO RIVER LYING SOUTHERLY AND SOUTHEASTERLY OF GOVERNMENT LOT 5 IN FRACTIONAL SECTION 35 AND SOUTHERLY AND SOUTHEASTERLY OF GOVERNMENT LOT 6 IN FRACTIONAL SECTION 36, BOTH IN T6S, R23E, SBB&M, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, APPROVED DECEMBER 28, 1874, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 36 WITH THE MEANDER LINE OF THE WEST BANK OF THE COLORADO RIVER, AS ESTABLISHED BY SAID UNITED STATES GOVERNMENT SURVEY, SAID INTERSECTION ALSO BEING THE MOST SOUTHERLY CORNER OF SAID GOVERNMENT LOT 6;

THENCE N. $62^{\circ}57'E.$, ALONG SAID MEANDER LINE, A DISTANCE OF 48.36 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED NOVEMBER 6, 1933 IN BOOK 145, PAGE 395 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, FROM WHICH POINT A RADIAL LINE OF A CURVE HAVING A RADIUS OF 10,200 FEET, AND BEING CONCAVE NORTHEASTERLY, BEARS N. $20^{\circ}11'55"E.$;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID SOUTHERLY LINE, THROUGH AN ANGLE OF $4^{\circ}02'05"$, FOR A DISTANCE OF 718.27 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY LINE, AND ALONG THE EASTERLY PROLONGATION THEREOF, S. $73^{\circ}50'10"E.$, A DISTANCE OF 596.30 FEET;

THENCE S. $43^{\circ}42'25"W.$, A DISTANCE OF 1191.93 FEET;

THENCE N. $69^{\circ}52'20"W.$, A DISTANCE OF 671.72 FEET;

THENCE N. $19^{\circ}53'20"E.$, A DISTANCE OF 484.60 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 36, AS SHOWN ON MAP OF SURVEY ON FILE IN BOOK 9, PAGE 18 OF RECORD OF SURVEYS OF SAID RIVERSIDE COUNTY;

THENCE N. $0^{\circ}54'50"W.$ ALONG THE SOUTHERLY PROLONGATIONS OF THE WEST LINE OF SAID SECTION 36, AS SHOWN ON SAID RECORD OF SURVEY MAP, A DISTANCE OF 542.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 23.12 ACRES, MORE OR LESS.

THE CONSIDERATION IS STATE-WIDE BENEFIT ARISING FROM IMPROVEMENT OF COMMERCE, NAVIGATION, AND RECREATION.

Attachment

Calendar Item 39 (3 pages)

CALENDAR ITEM

39.

APPLICATION FOR APPROVAL OF LIFE-OF-STRUCTURE PERMIT FOR SMALL BOAT MARINA, SUBMERGED LANDS OF COLORADO RIVER NEAR BLYTHE IN RIVERSIDE COUNTY, COUNTY OF RIVERSIDE - W.O. 4119.

Application has been received from the County of Riverside for approval of a life-of-structure permit for the construction and operation of a small boat marina and accessory facilities on submerged lands of the Colorado River. The lands sought to be used lie on the right bank of the Colorado River adjacent both northerly and southerly to U. S. Highway 60-70 east of the City of Blythe (see Exhibit "A").

The State Division of Small Craft Harbors has allocated \$500,000 in loan funds to the County of Riverside for the development and construction of the facilities. The installation would include boat-launching ramps, mooring facilities, and the necessary fueling and repair facilities.

The application covers two parcels of land (see Exhibit "A"), Parcel 1 being on the north side of U. S. Highway 60, and Parcel 2 being on the south side of the highway. Both parcels lie easterly of the 1874 survey of the meander of the west bank of the Colorado River. The lands were the subject of a recent court proceeding (People of the State of California vs. Anne C. Evans, et al., Riverside County Superior Court Case No. 68131), in which the Superior Court of the State of California, in and for the County of Riverside, determined that the lands easterly of the 1874 meander line were not the property of private parties claiming them, and that these lands appear to be sovereign lands of the State of California. The action was conducted by the Department of Public Works, whose attorneys represented the People of the State of California.

A segment of Parcel 1 (see Exhibit "A") had previously been reserved for highway access purposes to the State Department of Public Works by the State Lands Commission. Paragraph 2 of the Agreement, "Reservation of Lands for Highway Purposes," (P.R.C. 2688.9) reads as follows:

"There is retained by the State Lands Commission the right to convey or otherwise transfer the reserved lands, subject and subordinate to the rights of the Department of Public Works therein, and any such conveyance or transfer shall contain an express reservation so stating. There is also retained by the said Commission the right to grant easements or crossings over, upon and under said reserved lands, provided, however, that any such easement or crossing within 100 feet of the surface of such lands shall be in a form and manner acceptable to, and shall be expressly approved by, said Department of Public Works."

Accordingly, that portion of Parcel 1 (Exhibit "A") previously reserved to the

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State Department of Public Works, Division of Highways, would be included in the life-of-structure permit, subject to and contingent upon the County of Riverside obtaining approval of the Department of Public Works for the use of such land.

The permit will require that the County of Riverside hold harmless and indemnify the State against any loss, damage, claim, demand or action, caused by, arising out of, or connected with the construction, maintenance or use of said property.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE A LIFE-OF-STRUCTURE PERMIT TO THE COUNTY OF RIVERSIDE FOR THE CONSTRUCTION AND OPERATION OF A SMALL BOAT MARINA ON SUBMERGED LANDS OF THE COLORADO RIVER, RIVERSIDE COUNTY. THE LANDS ARE DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF THE COLORADO RIVER LYING SOUTHEASTERLY OF GOVERNMENT LOTS 5 AND 6 IN FRACTIONAL SECTION 36, T6S, R23E, SBB&M, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, APPROVED DECEMBER 28, 1874, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID GOVERNMENT LOT 5, SAID POINT BEING ON THE MEANDER LINE OF THE WEST BANK OF THE COLORADO RIVER AS ESTABLISHED BY SAID UNITED STATES GOVERNMENT SURVEY.

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BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 36 WITH THE MEANDER LINE OF THE WEST BANK OF THE COLORADO RIVER, AS ESTABLISHED BY SAID UNITED STATES GOVERNMENT SURVEY, SAID INTERSECTION ALSO BEING THE MOST SOUTHERLY CORNER OF SAID GOVERNMENT LOT 6;

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