

MINUTE ITEM

30. APPROVAL OF BOUNDARY AGREEMENT BETWEEN MELVIN E. AND LILLIAN B. LINCH, UPLAND OWNERS, AND STATE OF CALIFORNIA; MALIBU BEACH, LOS ANGELES COUNTY, CALIFORNIA - W.O. 4269, GEO.-LOS ANGELES CO.

After consideration of Calendar Item 32 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. APPROVES THE PROPOSED BOUNDARY LINE ESTABLISHING THE ORDINARY HIGH WATER MARK BETWEEN STATE PROPERTY AND UPLAND PROPERTY OWNED BY MELVIN E. AND LILLIAN B. LINCH AT MALIBU BEACH, LOS ANGELES COUNTY, CALIFORNIA, AS DESCRIBED IN EXHIBIT "A" ATTACHED.
2. AUTHORIZES THE EXECUTIVE OFFICER TO EXECUTE AN AGREEMENT WITH THE UPLAND OWNERS, MELVIN E. LINCH AND LILLIAN B. LINCH, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, WHICH WILL FIX THE PERMANENT BOUNDARY LINE BETWEEN STATE TIDE AND SUBMERGED LANDS AND THE SUBJECT UPLANDS AT MALIBU BEACH, LOS ANGELES COUNTY, CALIFORNIA.

Attachment

Calendar Item 32 (4 pages)

CALENDAR ITEM

32.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN MELVIN E. AND LILLIAN B. LINCH, UPLAND OWNERS, AND STATE OF CALIFORNIA; MALIBU BEACH, LOS ANGELES COUNTY, CALIFORNIA - W.O. 4269.

Mr. Melvin E. Linch and Mrs. Lillian B. Linch, upland owners, at Malibu Beach, Los Angeles County, have constructed riprapping on their property in order to protect their land and structures from inroads of the sea. To prevent future problems regarding title to possible waterward accretions, it is believed necessary and in the best interests of the State to establish the permanent location of the boundary between the State's property and that of these upland owners, as authorized by Public Resources Code Section 6457.

The staff has reviewed the surveyed position of a boundary proposed by the upland owners, and, based thereon, an acceptable Ordinary High Water Mark boundary description has been prepared. The upland owners are in accord with the proposed boundary agreement. The office of the Attorney General has previously approved similar agreements in this form, and Staff Counsel has determined the subject agreement to be legally sufficient.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE PROPOSED BOUNDARY LINE ESTABLISHING THE ORDINARY HIGH WATER MARK BETWEEN STATE PROPERTY AND UPLAND PROPERTY OWNED BY MELVIN E. AND LILLIAN B. LINCH AT MALIBU BEACH, LOS ANGELES COUNTY, CALIFORNIA, AS DESCRIBED IN EXHIBIT "A" ATTACHED.
2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE AN AGREEMENT WITH THE UPLAND OWNERS, MELVIN E. LINCH AND LILLIAN B. LINCH, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, WHICH WILL FIX THE PERMANENT BOUNDARY LINE BETWEEN STATE TIDE AND SUBMERGED LANDS AND THE SUBJECT UPLANDS AT MALIBU BEACH, LOS ANGELES COUNTY, CALIFORNIA.

Attachment
Exhibit "A"

EXHIBIT "A"

BOUNDARY AGREEMENT

THIS BOUNDARY AGREEMENT, by and between the

STATE OF CALIFORNIA, acting by and through the State Lands Commission,
(as Party of the First Part hereinafter referred to as "the State")

and

MELVIN E. LINCH and LILLIAN B. LINCH, Husband and Wife, as Joint Tenants,
(as Party of the Second Part hereinafter referred to as "Second Party").

W I T N E S S E T H

WHEREAS, the State acting through the State Lands Commission is authorized by Section 6357 of the Public Resources Code to establish by agreement the ordinary high water mark or 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 Second Party appears of record as owner of certain lands fronting on the tide and submerged lands in the vicinity of Malibu, Los Angeles County, California; and

WHEREAS, the State of California by virtue of its sovereignty is the owner of the tide and submerged lands in the vicinity of Malibu, Los Angeles County, California; and

WHEREAS, the ordinary high water mark or the ordinary low water mark as each may have existed in its last natural state has been affected by artificial and natural processes or a combination of both; and

WHEREAS, the State Lands Commission and the Second Party consider it expedient and necessary and in the best interest of the State and the public to fix and describe permanently the boundary of the lands belonging to the State and Second Party and forever set at rest any and all questions relating to the location of said boundary line;

NOW, THEREFORE, in order to locate, describe and permanently establish a common boundary, the parties hereto mutually agree on behalf of themselves and their successors in interest as follows:

The ordinary high water mark along the shore fronting certain lands in the vicinity of Malibu and the true and the correct boundary line between

EXHIBIT "A" (CONTD.)

the State and Second Party is and shall be located and permanently established as follows:

Commencing at a point on the north line of Lot 6, Tract 12634, in the County of Los Angeles, State of California, as per map recorded in Book 260, pages 26 and 27 of Maps, in the office of the County Recorder of said County, which point is distant 199.80 feet from the northeast corner of said Lot 6 (said portion of north line being a curve concave to the south having a radius of 960 feet and a radial line of said curve to said point of commencement bears N. 10° 08' 34" W.), thence S. 3° 25' 39" E. 86.00 feet to a point on the boundary line between State tidelands and private upland property, which point is the True Point of Beginning of this boundary line; thence from said True Point of Beginning N. 83° 30' E. 94.62 feet to a point on the east property line of said private property, which point is the northeasterly end of said boundary line and which bears S. 0° 01' 20" W. along said east property line 87.60 feet from a point on the north line of Lot 6.

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

MELVIN E. LINCH and LILLIAN B. LINCH,
Husband and Wife, as Joint Tenants

Date

BY

Melvin E. Linch

Date

BY

Lillian B. Linch

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On _____, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MELVIN E. LINCH and LILLIAN B. LINCH known to me to be the persons who executed the within Instrument, and acknowledged to me that they executed the same.

EXHIBIT "A" (CONTD.)

WITNESS my hand and official seal.

NAME (TYPED OR PRINTED)

Notary Public in and for said County
and State.

STATE OF CALIFORNIA,
acting by and through
STATE LANDS COMMISSION

By _____

F. J. HORTIG
Executive Officer

_____ Date

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On _____, 1962, before me, the undersigned, a
Notary Public in and for said County and State, personally appeared
F. J. HORTIG known to me to be the Executive Officer of the State Lands
Commission, the political body that executed the within Instrument, and
also known to me to be the person who executed it on behalf of the politi-
cal body therein named, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

NAME (TYPED OR PRINTED)

Notary Public in and for said County
and State.