

MINUTE ITEM

16. APPROVAL OF A MAP DELINEATING THE BOUNDARY OF STATE SUBMERGED LAND, VICINITY OF MARTINEZ, CONTRA COSTA COUNTY; AND APPROVAL OF BOUNDARY AGREEMENT BETWEEN SHELL OIL COMPANY AND STATE OF CALIFORNIA ALONG CARQUINEZ STRAIT, MARTINEZ, CONTRA COSTA COUNTY - W.O. 3943, GEO.-MARTINEZ CO.

After consideration of Calendar Item 18 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED:

1. TO APPROVE AND HAVE RECORDED SHEET 1 OF 1 OF MAP ENTITLED "BOUNDARY OF STATE SUBMERGED LANDS, VICINITY OF MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA", DATED MARCH 1960, WHICH IS ON FILE IN THE STATE LANDS DIVISION;
2. TO EXECUTE AN AGREEMENT WITH THE UPLAND OWNER, SHELL OIL COMPANY, A DELAWARE CORPORATION, FIXING THE BOUNDARY LINE BETWEEN POINTS "G" AND "J" ALONG CARQUINEZ STRAIT AS DESCRIBED IN THE AGREEMENT, COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN THE STATE SUBMERGED LANDS AND THE SUBJECT PRIVATE LANDS ALONG CARQUINEZ STRAIT, MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA.

Attachment  
Calendar Item 18 (3 pages)

CALENDAR ITEM

18.

APPROVAL OF A MAP DELINEATING THE BOUNDARY OF STATE SUBMERGED LAND, VICINITY OF MARTINEZ, CONTRA COSTA COUNTY; AND APPROVAL OF BOUNDARY AGREEMENT BETWEEN SHELL OIL COMPANY AND STATE OF CALIFORNIA ALONG CARQUINEZ STRAIT, MARTINEZ, CONTRA COSTA COUNTY - W.O. 3943.

As a result of artificial forces, the mean low tide line as it existed originally in nature has been obliterated along Carquinez Strait in the vicinity of Martinez, Contra Costa County. An investigation was conducted by the staff of the State Lands Division to determine the boundary of State submerged lands in this vicinity.

Shell Oil Company, one of the upland owners along Carquinez Strait, is the successor in interest to Tideland Survey No. 3, which was originally patented on October 4, 1870. Since 1856 there has been steady accretion in this area, both natural and artificial. Since the true boundary, the last natural mean low tide line, between State and private property is indeterminate, a map was prepared delineating a boundary line which as nearly as possible represents the last known natural location of the ordinary low tide line as the boundary between the State and Shell Oil Company. Shell Oil Company has approved the location of this boundary line.

It is now proposed to enter into an agreement with the upland owners, Shell Oil Company, a Delaware corporation, to fix the line between Points "G" and "J" (see Exhibit "B") as the common boundary.

A boundary agreement, copy of which is attached as Exhibit "A", has been prepared, and Shell Oil Company is in accord with the provisions thereof. The office of the Attorney General has previously approved boundary agreements in this form, and Staff Counsel has determined this agreement to be legally sufficient.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED:

1. TO APPROVE AND HAVE RECORDED SHEET 1 OF 1 OF MAP ENTITLED "BOUNDARY OF STATE SUBMERGED LANDS, VICINITY OF MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA", DATED MARCH 1960, WHICH IS ON FILE IN THE STATE LANDS DIVISION;
2. TO EXECUTE AN AGREEMENT WITH THE UPLAND OWNER, SHELL OIL COMPANY, A DELAWARE CORPORATION, FIXING THE BOUNDARY LINE BETWEEN POINTS "G" AND "J" ALONG CARQUINEZ STRAIT AS DESCRIBED IN THE AGREEMENT, COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN THE STATE SUBMERGED LANDS AND THE SUBJECT PRIVATE LANDS ALONG CARQUINEZ STRAIT, MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA.

Attachment  
Exhibit "A"

EXHIBIT "A"

BOUNDARY AGREEMENT

THIS BOUNDARY AGREEMENT, made and entered into by and between STATE OF CALIFORNIA, acting by and through the STATE LANDS COMMISSION (as Party of the First Part hereinafter referred to as "the State") and

SHELL OIL COMPANY, a Delaware corporation (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 along Carquinez Strait in the vicinity of Martinez, Contra Costa County, California; and

WHEREAS, the State of California by virtue of its sovereignty is the owner of certain submerged lands in Carquinez Strait, in the vicinity of Martinez, Contra Costa County, California; and

WHEREAS, the ordinary low water mark as it 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 interests of the State and the public to permanently fix and describe 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:

That the ordinary low water mark along Carquinez Strait and the true and correct boundary line between the State and Second Party is and shall be located and established as follows:

Commencing at Station 1, as shown on map entitled "City of Martinez Water Front Area", dated June 1954, having California Coordinates X = 1,526,246.95 and Y = 557,665.04, thence along the following courses: (California Coordinate System Zone III as are all bearings and distances in this description)

EXHIBIT "A" (CONTD.)

N. 01° 40' 35" E. 1269.51 feet, S. 86° 22' 10" E. 496.03 feet, N. 89° 28' 50" E. 575.86 feet, N. 86° 34' 19" E. 175.59 feet, N. 83° 05' 20" E. 723.76 feet, N. 74° 47' 52" E. 1415.51 feet, and N. 65° 48' 30" E. 904.14 feet to the True Point of Beginning, which is designated as Point "G" on map entitled "Boundary of State Submerged Lands, Vicinity of Martinez, Contra Costa County, California", and which bears S. 10° 56' 13" W. 1485.40 feet from CSLC Triangulation Station "Shell 1956"; thence along the boundary line N. 59° 51' 48" E. 630.68 feet and N. 54° 36' 29" E. 726.77 feet to Point "J" which is the end of the boundary line between State Submerged Lands and Shell Oil Company.

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

SHELL OIL COMPANY, a Delaware corporation

By \_\_\_\_\_  
Selwyn Eddy, Vice-President

\_\_\_\_\_  
Date of Signature

By \_\_\_\_\_  
A. J. Fabris, Assistant Secretary

\_\_\_\_\_  
Date of Signature

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ ) ss.

On \_\_\_\_\_, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared  
Selwyn Eddy and A. J. Fabris

known to me to be a Vice-President and Assistant Secretary of SHELL OIL COMPANY, the corporation described in and that executed the within instrument, and also known to me to be the persons who executed it on behalf of the corporation therein named, and acknowledged to me that they executed the same.

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  
the STATE LANDS COMMISSION

By \_\_\_\_\_  
F. J. HORTIG  
Executive Officer

\_\_\_\_\_  
Date of Signature