

MINUTE ITEM

21. APPROVAL OF MAP DELINEATING THE BOUNDARY OF STATE SUBMERGED LAND ALONG CARQUINEZ STRAIT, VICINITY OF ELLIOT COVE, SOLANO COUNTY; AND APPROVAL OF BOUNDARY AGREEMENT BETWEEN ROBERT E. HUBERT, VEDA E. HUBERT, HENRY T. KIYOI, ITTSEI NAKAGAWA, AND TOMIYE SATAKE AND THE STATE OF CALIFORNIA ALONG CARQUINEZ STRAIT, VICINITY OF ELLIOT COVE, SOLANO COUNTY - W.O. 4417, GEO.-SOLANO CO., *B.L.A #27*

After consideration of Calendar Item 4 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 ELLIOT COVE, SOLANO COUNTY, CALIFORNIA", DATED 5 APRIL 1962, WHICH IS ON FILE IN THE STATE LANDS DIVISION;
2. TO EXECUTE AN AGREEMENT WITH THE UPLAND OWNERS FIXING THE COMMON BOUNDARY LINE 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, ELLIOT COVE, SOLANO COUNTY, CALIFORNIA.

Attachment

Calendar Item 4 (3 pages)

CALENDAR ITEM

4.

APPROVAL OF MAP DELINEATING THE BOUNDARY OF STATE SUBMERGED LAND ALONG CARQUINEZ STRAIT, VICINITY OF ELLIOT COVE, SOLANO COUNTY; AND APPROVAL OF BOUNDARY AGREEMENT BETWEEN ROBERT E. HUBERT, VEDA E. HUBERT, HENRY T. KIYOI, ITTSEI NAKAGAWA, AND TOMIYE SATAKE AND THE STATE OF CALIFORNIA ALONG CARQUINEZ STRAIT, VICINITY OF ELLIOT COVE, SOLANO COUNTY - W.O. 4417.

Robert E. Hubert, Veda E. Hubert, Henry T. Kiyoi, Ittsei Nakagawa, and Tomiye Satake are the successors in interest to a portion of T.L.S. No. 14, which was originally patented to Benjamin T. Osborn on March 6, 1868.

Elliot Cove has gradually filled in by accretion, mostly from run-off during rains. There has also been some artificial accretion caused by dredging and earth fill to form a small harbor. Since the exact location of the last natural Mean Low Tide Line cannot be determined, a map has been prepared delineating a boundary line which is acceptable and equitable to all parties.

It is now proposed to enter into an agreement with the above-named upland owners to fix the common property boundary as shown on the map (Exhibit "B").

The boundary agreement (see Exhibit "A") is acceptable to the upland owners. The office of the Attorney General 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 CF MAP ENTITLED "BOUNDARY OF STATE SUBMERGED LANDS, VICINITY OF ELLIOT COVE, SOLANO COUNTY, CALIFORNIA", DATED 5 APRIL 1962, WHICH IS ON FILE IN THE STATE LANDS DIVISION;
2. TO EXECUTE AN AGREEMENT WITH THE UPLAND OWNERS FIXING THE COMMON BOUNDARY LINE 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, ELLIOT COVE, SOLANO COUNTY, CALIFORNIA.

Attachment  
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

ROBERT E. HUBERT, VEDA E. HUBERT, HENRY T. KIYOI, ITTSEI NAKAGAWA AND TOMIYE SATAKE (as Parties of the Second Part hereinafter referred to as "Second Parties")

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, wherever it is deemed expedient or necessary; and

WHEREAS, the Second Parties appear of record as owners of certain lands along Carquinez Strait in the vicinity of Elliot Cove, Solano 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 Elliot Cove, Solano 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 Parties consider it expedient and necessary and in the best interests of the State and the public to describe and fix permanently the boundary of the lands belonging to the State and Second Parties 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 correct boundary line between the State and Second Parties, said boundary line is and shall be located and established as follows:

Commencing at an iron pipe set in the fence on the property boundary forming the south boundary of the lands now or formerly owned by James E. Woodside and also the north boundary of lands as described in Deed to Oscar H. Klatt recorded August 12, 1926 in Book 264 of Deeds, page 39, Recorder's Instrument No. 2673; thence S. 79° 25' E. 85.67 feet along said fence and boundary; thence S. 1° 37' W. 710.22 feet to a point on the ordinary low water mark which point is the True Point of Beginning of the

EXHIBIT "A" (CONTD.)

boundary between State submerged lands and private lands; thence from said True Point of Beginning N. 84° 10' E. 16.64 feet and S. 86° 40' E. 836.14 feet to the point of intersection with the easterly boundary of the property of the Second Parties, which point is the end of the aforementioned boundary line.

This agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates hereafter written.

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

\_\_\_\_\_  
Robert E. Hubert

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

\_\_\_\_\_  
Veda E. Hubert

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

\_\_\_\_\_  
Henry T. Kiyoi

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

\_\_\_\_\_  
Ittsei Nakagawa

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

\_\_\_\_\_  
Tomiye Satake

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_ } ss

On \_\_\_\_\_, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Robert E. Hubert, Veda E. Hubert, Henry T. Kiyoi, Ittsei Nakagawa, and Tomiye Satake, known to me to be the persons whose names are subscribed to the within instrument, 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

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

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