

MINUTE ITEM

18. APPROVAL OF AGREEMENT STIPULATING THE ORDINARY HIGH WATER MARK ALONG THE GULF OF SANTA CATALINA AND FIXING THE BOUNDARY BETWEEN STATE TIDELANDS AND PROPERTY OWNED BY BEACHLAKE CORPORATION IN THE VICINITY OF OCEANSIDE, SAN DIEGO COUNTY, CALIFORNIA - W.O. 4142, B.L.A. 38.

After consideration of Calendar Item 17 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH BEACHLAKE CORPORATION FIXING A BOUNDARY LINE AS IS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND HEREBY MADE A PART HEREOF.

Attachment

Calendar Item 17 (4 pages)

CALENDAR ITEM

17.

APPROVAL OF AGREEMENT STIPULATING THE ORDINARY HIGH WATER MARK ALONG THE GULF OF SANTA CATALINA AND FIXING THE BOUNDARY BETWEEN STATE TIDELANDS AND PROPERTY OWNED BY BEACHLAKE CORPORATION IN THE VICINITY OF OCEANSIDE, SAN DIEGO COUNTY, CALIFORNIA - W.O. 4142.

Wherever natural conditions along the shore of a State-owned waterway have been destroyed, the boundary becomes fixed at its last natural position, and it is desirable to map and document this fixed boundary by agreement between the State and the upland owners. The map of this fixed boundary is recorded, and the described boundary is then used in all future leases, title descriptions, etc. Such a situation exists presently at Oceanside. Beachlake Corporation owns a piece of property which has approximately 463 feet of frontage bounded on the seaward side by the ordinary high water mark of the Gulf of Santa Catalina and which is adjoined on the upcoast side by frontage property owned by the City of Oceanside. A Boundary Line Agreement is presently being processed to fix the permanent boundary between the State and the City of Oceanside. The boundary line between the State and Beachlake Corporation is a part of this same ordinary high water mark and should be settled at this time.

The shoreline within the northerly portion of the City of Oceanside was artificially affected by the construction of the Del Mar Boat Basin and jetties in 1942. The extent of this artificial influence downcoast is uncertain, but in the vicinity of the Del Mar Jetty the artificial condition became very pronounced. A Survey of Record of the Mean High Tide Line, made by McKissick and Bell in 1939, is the last known survey prior to artificial changes, and has been accepted as the fixed boundary as far as the southeastern boundary of the Rancho Santa Margarita Y Las Flores. From the Rancho line to Wisconsin Avenue, a compromise line was delineated by comparing enlarged aerial photographs of 1938 and 1960 (see Exhibit "B"). As the shoreline approached Wisconsin Avenue, the divergence of the 1938 and 1960 mean high tide lines became less and they almost coincide at Wisconsin Avenue.

Beachlake Corporation has reviewed the maps and form of agreement (see Exhibit "A") and has indicated approval of the permanent Ordinary High Water Mark as shown on the maps entitled "Map of the Ordinary High Water Mark along the Shore of the Gulf of Santa Catalina, Vicinity of Oceanside, San Diego County, California", dated January 1962 and recorded on July 20, 1962, as Misc. Map No. 425, Records of San Diego County.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH BEACHLAKE CORPORATION FIXING A BOUNDARY LINE AS IS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND HEREBY MADE A PART HEREOF.

Attachment
Exhibit "A"

EXHIBIT "A"

BOUNDARY AGREEMENT

THIS BOUNDARY AGREEMENT, made and entered into by and between
STATE OF CALIFORNIA

(as Party of the First Part hereinafter referred to as "the State")

and

BEACHLAKE CORPORATION

(as Party of the Second Part)

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, Beachlake Corporation appears of record as owner of certain lands fronting on the tide and submerged lands along the Gulf of Santa Catalina in the vicinity of Oceanside, San Diego County, California; and

WHEREAS, the State of California by virtue of its sovereignty is the owner of certain tide and submerged land in the Gulf of Santa Catalina in the vicinity of Oceanside, San Diego County, California; and

WHEREAS, the ordinary high 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 Beachlake Corporation consider it expedient and necessary and in the best interests of the State and the public to permanently fix and describe the boundary between State lands and Beachlake Corporation property, 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 along the Gulf of Santa Catalina and the true and correct boundary line between the State and Beachlake Corporation is and shall be located and established along the line of the last known natural Ordinary High Water Mark as follows:

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 of Signature

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On this _____ day of _____ 1963, 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 political 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.