

MINUTE ITEM

36. APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND HAROLD M. FIELD, DOREEN FIELD, AND EMILE MAALOUF, ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF LAS TUNAS BEACH, LOS ANGELES COUNTY - W.O. 5185, B.L.A. 52.

After consideration of Calendar Item 7 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE AN AGREEMENT WITH HAROLD M. FIELD, DOREEN FIELD, AND EMILE MAALOUF, FIXING THE ORDINARY HIGH WATER MARK AS THE COMMON BOUNDARY ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF LAS TUNAS BEACH, LOS ANGELES COUNTY, AS DESCRIBED IN BOUNDARY AGREEMENT, W.O. 5185, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN STATE TIDE AND SUBMERGED LAND AND SUBJECT PRIVATE LANDS.

Attachment

Calendar Item 7 (5 pages)

CALENDAR ITEM

7.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND HAROLD M. FIELD, DOREEN FIELD, AND EMILE MAALOUF, ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF LAS TUNAS BEACH, LOS ANGELES COUNTY - W.O. 5185.

The shoreline along Santa Monica Bay, in the vicinity of Las Tunas Beach, Los Angeles County, in front of property owned by Harold M. Field, Doreen Field, and Emile Maalouf, was artificially affected by the construction of groins in 1927. The Fields and Emile Maalouf are in the process of building on their property, and Title Insurance & Trust Company has requested that they settle the boundary location between the uplands and State tide and submerged lands. Because of the artificial influences, it is proposed to enter into a boundary agreement with Harold M. Field, Doreen Field, and Emile Maalouf to fix the common property boundary along the shore of Santa Monica Bay. A survey of the Mean High Tide Line by Los Angeles County in 1928 is considered acceptable to the staff as to establishing the position of the permanent boundary.

The office of the Attorney General previously approved boundary agreements in the subject form; Staff Counsel has determined that the agreement is legally sufficient.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE AN AGREEMENT WITH HAROLD M. FIELD, DOREEN FIELD, AND EMILE MAALOUF, FIXING THE ORDINARY HIGH WATER MARK AS THE COMMON BOUNDARY ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF LAS TUNAS BEACH, LOS ANGELES COUNTY, AS DESCRIBED IN BOUNDARY AGREEMENT, W.O. 5185, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN STATE TIDE AND SUBMERGED LAND AND SUBJECT PRIVATE LANDS.

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 HAROLD M. FIELD, DOREEN FIELD, AND EMILE MAALOUF, (as Parties 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 uplands in the vicinity of Las Tunas Beach, 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 Las Tunas Beach, Los Angeles 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 the Second Party consider it expedient and necessary and in the best interests of the State and the public to describe and fix permanently the ordinary high water mark as the boundary between the lands belonging to the State and Second Party and forever set at rest any and all questions relating to the location of said ordinary high water mark.

NOW, THEREFORE, in order to locate, describe and permanently establish the ordinary high water mark as the true and correct boundary line between the State and Second Party, it is agreed that said boundary line is and shall be located and established as follows:

Commencing at the point of intersection of the southerly right-of-way line of the State highway, 80 feet in width, as described in and granted by a deed recorded in book 582, page 14, Official Records, with the Compromise Line, established in an agreement by and between the Title Insurance and Trust Company, a corporation, and the Unity Realty Company, a corporation, recorded in book 5886 page 313 of Deeds, said point being on a curve at a radial line bearing N 0° 23' 13" E. and situated in the north half of Fractional Section 31, Township 1 South, Range 16 West, San Bernardino meridian, in the County of Los Angeles, State of California; thence following aforementioned State Highway Right-of-Way line 27.40 feet easterly along a curve to the left with radius of 500 feet; thence along the westerly line of Lot 1 and its prolongation, as shown on map filed in Book 26, pages 43

EXHIBIT "A" (CONTD.)

and 44 of Record of Surveys, in the Office of the Los Angeles County Recorder, S. 05° 42' 10" E., 70.00 feet to a point on the Mean High Tide Line of 1928, which point is the True Point of Beginning of this Boundary Line; thence from said True Point of Beginning, along the Mean High Tide Line of 1928, the following courses: S. 79° W. 59 feet, S. 86° W. 50 feet, N. 87° 30' W. 50 feet, N. 89° W. 50 feet, N. 80° W. 52 feet and N. 79° W. 50.20 feet to the point of intersection of the Mean High Tide Line of 1928 with the southerly prolongation of the easterly line of the parcel of land 16.67 feet wide, described in deed to Cecil Call Godshall, recorded in book 14002 page 21, Official Records, which point is the end of this 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

Harold M. Field

Date of Signature

Doreen Field

STATE OF CALIFORNIA)
COUNTY OF _____) ss.

On this _____ day of _____ in the year _____, before me, _____, a Notary Public in and for said County and State, personally appeared

_____ known to me to be the person whose name is subscribed to the within Instrument, and acknowledged to me that he executed the same.

Name (Typed or Printed)
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

EXHIBIT "A" (CONTD.)

STATE OF CALIFORNIA)
COUNTY OF _____) ss.

On this _____ day of _____, in the year _____, before me, a Notary Public, personally appeared _____, known to me to be the person whose name is subscribed to the within Instrument as the attorney in fact of _____, and acknowledged to me that he subscribed the name of _____ thereto as principal, and his own name as attorney in fact.

Name (Typed or printed)
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

Date of Signature

Emile Maalouf

STATE OF CALIFORNIA)
COUNTY OF _____) ss.

On this _____ day of _____ in the year _____, before me, _____, a Notary Public in and for said County and State, personally appeared _____

known to me to be the person whose name is subscribed to the within Instrument, and acknowledged to me that ___ he ___ executed the same.

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)
COUNTY OF _____) ss.

On this _____ day of _____ in the year _____, before me, _____ 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, and known to me to be the person who executed the within Instrument on behalf of said agency, and acknowledged to me that such agency executed the same.

Name (Typed or Printed)
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE