

MINUTE ITEM

5/26/66

34. APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND BERYLWOOD INVESTMENT COMPANY ALONG THE LOW WATER LINE OF THE RIGHT BANK OF THE COLORADO RIVER, IMPERIAL COUNTY - W.O. 503.462, B.L.A. 75.

After consideration of Calendar Item 24 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE AN AGREEMENT WITH BERYLWOOD INVESTMENT COMPANY FIXING THE LOW WATER MARK AS THE PERMANENT BOUNDARY BETWEEN STATE SOVEREIGN LAND AND CERTAIN PRIVATE LANDS ALONG THE RIGHT BANK OF THE 1930 CHANNEL OF THE COLORADO RIVER IN IMPERIAL COUNTY, AS DETAILED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED AND HEREBY MADE A PART HEREOF.

Attachment

Calendar Item 24 (8 pages)

24.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND BERYLWOOD INVESTMENT COMPANY ALONG THE LOW WATER LINE OF THE RIGHT BANK OF THE COLORADO RIVER, IMPERIAL COUNTY - W.O. 503.462, BLA 75.

An application has been received from Berylwood Investment Company to establish a boundary along the right bank of the Colorado River between their privately owned uplands in T. 9 S., R. 22 E., S.B.M., and State-owned sovereign lands in the natural bed of the California half of the Colorado River.

An avulsive action of the Colorado River in 1930 cut off a "loop" in the river, creating an artificial condition. The agreed boundary line follows the low water line along the right bank of the 1930 channel of the river and is agreeable to all parties concerned.

A portion of the property bounded by this agreed line is presently the subject of a Federal condemnation action. It is proposed to dispose of that portion owned by the State by an appropriate stipulation; see Calendar Item 25.

The Attorney General has approved this particular boundary line agreement.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE AN AGREEMENT WITH BERYLWOOD INVESTMENT COMPANY FIXING THE LOW WATER MARK AS THE PERMANENT BOUNDARY BETWEEN STATE SOVEREIGN LAND AND CERTAIN PRIVATE LANDS ALONG THE RIGHT BANK OF THE 1930 CHANNEL OF THE COLORADO RIVER IN IMPERIAL COUNTY, AS DETAILED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED 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, acting by and through the STATE LANDS COMMISSION (as Party of the First Part hereinafter referred to as "the State") and BERYLWOOD INVESTMENT COMPANY (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 fronting on the sovereign lands of the Colorado River, Imperial County, California; and

WHEREAS, the State of California by virtue of its sovereignty is the owner of certain sovereign lands in the Colorado River, Imperial County, California; and

WHEREAS, the 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 describe and fix permanently the low water mark

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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 low water mark.

NOW, THEREFORE, in order to locate, describe and permanently establish the low 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:

The boundary line between the State-owned sovereign land in the Colorado River and the adjoining uplands owned by Berylwood Corporation in fractional Section 7, T. 9 S., R. 22 E., San Bernardino Meridian, California, is described as follows:

Commencing at the section corner common to Sections 1, 12, 6, 7, T. 9 S., R. 21 and 22 E., S.B.M.; thence south, along the range line between R. 21 E. and R. 22 E., 2844.60 feet; thence N. 80° 36' 19" E., 235.50 feet to a point on the arc of a regular curve, the radius of which is 11,260 feet and bears north 44° W., from the center of said curve; thence northeast, along said curve, 200 feet; thence S. 77° E., 675 feet; thence N. 64° E., 550 feet to the true point of beginning, which point of beginning is on the northerly low water line of the 1930 channel of the Colorado River; thence N. 58° 30' W., 760 feet along said northerly low water line to the point of intersection of said northerly low water line of the 1930 channel of the Colorado River with the aforementioned arc of a regular curve; thence, continuing along said northerly low water line, N. 77° W., 1000 feet to the end of this boundary line, said boundary line being the northerly boundary of State of California sovereign land in the bed of the 1930 channel of the Colorado River.

The State of California does not claim any ownership, as sovereign lands, of the lands accreted to Section 6 or in unsurveyed fractional Section 7, T. 9 S., R. 22 E., S.B.M., which may lie southerly of the following-described line, which meanders the middle of the channel of the Colorado River in its last natural state, between the southerly prolongations of lines normal to said line at both ends:

Commencing at the section corner common to Sections 1, 12, 6, 7, T. 9 S., R. 21 and 22 E., S.B.M.; thence south, along the range line between R. 21 E. and R. 22 E., 2844.60 feet; thence N. 80° 36' 19" E., 235.50 feet to a point on the arc of a regular curve, the radius of which is 11,260 feet and bears north 44° W., from the center of said curve; thence northeast

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along said curve, 200 feet to the true point of beginning, which point is on the centerline of the 1930 channel of the Colorado River; thence, from said true point of beginning, along said 1930 centerline of the Colorado River, N. 74° 30' W., 489 feet to the end of said line.

It is further agreed that the said low water mark does not encroach upon any of the following-described lands owned by the Second Party:

The following-described parcels of land are situated in the County of Imperial, State of California:

Parcel 1: The east half of Government Lot 1 of the northwest quarter; the north half of the southwest quarter; the southwest quarter of the southwest quarter; the northeast quarter of the southeast quarter; the south half of the southeast quarter;

all in Section 1, T. 9 S., R. 21 E., S.B.M., according to the United States Government Survey approved March 21, 1857, and on file in the District Land Office.

Parcel 2: That portion of the northeast quarter of the southeast quarter of Section 2, T. 9 S., R. 21 E., S.B.M., according to the United States Government Survey approved March 21, 1857, and on file in the District Land Office, lying southeast of the centerline of Lower Borrow Pit Drain, as located on January 22, 1963.

EXCEPTING THEREFROM any portion included within Sunrise Tract, as shown on Final Map, recorded in Book 2, page 7 of Final Maps, in the office of the County Recorder of Imperial County.

Parcel 4: The west half of the northwest quarter of Section 12, T. 9 S., R. 21 E., S.B.M., according to the United States Government Limited Dependent Re-Survey approved October 2, 1961, and on file in the District Land Office.

Parcel 5: The southeast quarter of the northeast quarter of Section 11, T. 9 S., R. 21 E., S.B.M., according to the United States Government Survey approved March 21, 1857, and on file in the District Land Office.

Parcel 6: All of Section 14, T. 9 S., R. 21 E., S.B.M., according to the United States Government Survey approved March 21, 1857, and on file in the District Land Office.

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EXCEPTING a strip of land 45 feet wide, running parallel with, measured at right angles to, and lying easterly of the following-described line:

BEGINNING at the southwest corner of said Section 14; thence northerly 4471.7 feet more or less to a point on the west line of and distant southerly 894.9 feet from the northwest corner of said Section 14; thence northeasterly 1100 feet more or less to a point on the north line of, and distant easterly 680 feet from the northwest corner of said Section 14.

ALSO EXCEPTING that portion of the northwest quarter of the northwest quarter, lying northwesterly of the above-described line.

ALSO EXCEPTING that part of the northeast quarter of the northeast quarter of said Section 14, lying northeasterly of a line that runs southeasterly 830 feet more or less from a point on the west line of, and distant northerly 700 feet from the southwest corner of said northeast quarter of northeast quarter to a point on the south line of, and distant easterly 420 feet from the southwest corner of said northeast quarter of northeast quarter.

ALSO EXCEPTING those portions of the southeast quarter of the northeast quarter, and the northeast quarter of the southeast quarter lying easterly of a line that runs southeasterly 4205 feet more or less from a point on the north line of and 3173 feet easterly of the northwest corner of said Section 14, to a point on the east line of and distant northerly 1760 feet from the southeast corner of said Section 14.

Parcel 7: That portion of Section 13, T. 9 S., R. 21 E., S.B.M., according to the United States Government Survey approved March 21, 1857, and on file in the District Land Office, described as follows:

LYING northwesterly of the Palo Verde Irrigation District boundary, more particularly described as a line that runs 7392 feet more or less from the corner of Section 23 of said township and range, to the center of Section 13 of said township and range, and lying southwesterly of a line that bears S. 57° E. 1090 feet more or less from a point on the west line of, and distant northerly 1550 feet from the southwest corner of said Section 13 to a point on the Palo Verde Irrigation District boundary as previously described.

The following-described parcels in T. 9 S., R. 21 E., S.B.M., in the County of Imperial, State of California, as per United States Government Survey approved March 21, 1857, and on file in the United States Land Office, described as follows:

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Parcel 8: That portion of the southeast quarter of the southeast quarter of Section 2, said township and range, lying easterly of the following-described line:

BEGINNING at a point on the north line of said southeast quarter of southeast quarter, 244 feet easterly from the northwest corner of said land; thence southerly and parallel to the west line of said land to a point that is 250 feet north of the south line of said Section 2; thence southeasterly 298 feet more or less to a point on the south line of said Section 2 that is 410 feet easterly from the southwest corner of said southeast quarter of southeast quarter.

EXCEPTING therefrom the southerly 30 feet thereof.

ALSO EXCEPTING therefrom that portion of the southeast quarter of the southeast quarter of Section 2, said township and range, described as follows: BEGINNING at a point which is 410 feet east and 30 feet north of the southwest corner of the southeast quarter of the southeast quarter of said Section 2; thence north 125 feet and parallel with the west line thereof; thence east 110 feet and parallel with the south line thereof; thence south 125 feet and parallel with the west line thereof; thence west 110 feet and parallel with the south line thereof to the point of beginning.

Parcel 9: That portion of the northeast quarter of the northeast quarter of Section 11, said township and range, lying easterly of the following-described line:

BEGINNING at a point on the north line of said Section 11, 410 feet easterly from the northwest corner of said northeast quarter of northeast quarter; thence southwesterly 653 feet to a point that is 244 feet east of the west line of said northeast quarter of northeast quarter, and 630 feet south of the north line of said Section 11; thence southerly on a line parallel to the west line of said northeast quarter of northeast quarter, 430 feet; thence southwesterly 364 feet to the southwest corner of said northeast quarter of northeast quarter.

EXCEPTING therefrom the northerly 30 feet thereof.

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



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that this agreement shall not in any way be binding upon the State as to any lands not owned by the Second Party and not described herein.

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

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

BERYLWOOD INVESTMENT COMPANY

Attest:

By \_\_\_\_\_

\_\_\_\_\_

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 persons whose names are subscribed to the within  
Instrument, and acknowledged to me that they executed the same.

\_\_\_\_\_

\_\_\_\_\_  
Name (Typed or printed)

NOTARY PUBLIC IN AND FOR SAID  
COUNTY AND STATE



EXHIBIT "A" (CONFD.)

STATE OF CALIFORNIA,  
acting by and through  
STATE LANDS COMMISSION

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

By \_\_\_\_\_  
F. J. HORTIG

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

ON \_\_\_\_\_, 1966, before me, the undersigned,  
a Notary Public in and for said State, with principal office in \_\_\_\_\_  
County, personally appeared F. J. HORTIG,  
known to me to be the Executive Officer of the STATE LANDS COMMISSION,  
STATE OF CALIFORNIA, the Commission that executed the within Instrument,  
known to me to be the person who executed the within Instrument, on behalf  
of the Commission therein named, and acknowledged to me that such Commission  
executed the within Instrument pursuant to a resolution of its Commissioners.

WITNESS my hand and Official seal.

\_\_\_\_\_  
\_\_\_\_\_  
Name (Typed or printed)

NOTARY PUBLIC IN AND FOR THE  
STATE OF CALIFORNIA