

MINUTE ITEM

10/27/66

44. AUTHORIZATION OF THE EXECUTIVE OFFICER TO EXECUTE A BOUNDARY AGREEMENT ESTABLISHING THE ORDINARY HIGH WATER MARK AT HUNTINGTON BEACH, ORANGE COUNTY - W.O. 5784, B.L.A. 84.

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

THE COMMISSION APPROVES THE BOUNDARY AGREEMENT WITH HUNTINGTON PACIFIC CORPORATION, ATTACHED HERETO AS EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF, AND AUTHORIZES THE EXECUTIVE OFFICER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE STATE.

Attachment

Calendar Item 7 (8 pages)

7.

AUTHORIZATION OF THE EXECUTIVE OFFICER TO EXECUTE A BOUNDARY AGREEMENT ESTABLISHING THE ORDINARY HIGH WATER MARK AT HUNTINGTON BEACH, ORANGE COUNTY - W.O. 5784.

A request has been received from the Huntington Pacific Corporation that a boundary be established between its upland property and the Pacific Ocean at Huntington Beach, California. An apartment development is being planned for the area southwest of the Pacific Coast Highway and westerly of Main Street.

Section 6357 of the Public Resources Code provides that the Commission may establish the ordinary high water mark by agreement whenever it is deemed expedient or necessary.

In recent years the ordinary high water mark in the Huntington Beach area has been materially affected by various artificial influences, such as the construction of the Long Beach Breakwater and the flood-control projects on the Los Angeles, Santa Ana, and San Gabriel rivers, which have prevented the normal flow of sand. In order to prevent the beaches in the Huntington Beach area from being denuded of sand, the federal government has been adding large quantities of sand at Surfside, which drifts southerly to the Huntington Beach area. The Corps of Engineers added 2,300,000 cubic yards of sand from 1945 to 1956. The area was surveyed in 1934, and at that time the line approximated the last natural ordinary high water mark. This 1934 line was used as the basis for a boundary agreement with the Standard Oil Company on December 10, 1938, to allocate oil production.

It is necessary and in the best interests of the State to establish permanently the ordinary high water mark as the true and correct boundary line between the tidelands owned by the State and the uplands owned by the Huntington Pacific Corporation, as set out more particularly in the boundary agreement attached hereto and incorporated herein as Exhibit "A". (The area involved is shown on Exhibit "B".) Therefore,

IT IS RECOMMENDED THAT THE COMMISSION APPROVE THE BOUNDARY AGREEMENT WITH HUNTINGTON PACIFIC CORPORATION, ATTACHED HERETO AS EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF, AND AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE STATE.

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 HUNTINGTON PACIFIC CORPORATION, A 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 uplands fronting on the tide and submerged lands of the Pacific Ocean at Huntington Beach, California; and

WHEREAS, the State of California by virtue of its sovereignty is the owner of said tide and submerged lands at Huntington Beach, 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 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

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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 hereby mutually agreed between the parties as follows:

That the ordinary high water mark, said ordinary high water mark being the mean high tide line of the Pacific Ocean as surveyed using United States Coast and Geodetic Survey Tidal Bench Mark Data and employing the federally accepted law that the "ordinary high water line" is equivalent to an average of all high tide elevations over a period of 18.6 years, and the true and correct boundary line between the property owned by the State and the Second Party is, and shall be, permanently located and established as follows:

A line passing through and connecting points all of which are southwesterly and seaward of a base line at the distances from the engineer's stations of said base line as given in the tabulation hereinafter, said base line being described as follows:

Beginning at a point in the southwesterly prolongation of the center line of Main Street of the City of Huntington Beach, California, as said street is shown on Map of Huntington Beach recorded at Book 3, Page 36 of Miscellaneous maps, Records of Orange County, which point is 374.92 feet southwesterly, measured along said prolongation of center line, from its intersection with the northeastern line of Ocean Avenue as shown on said map, said intersection being marked by a spike and tin found in the street pavement; thence from the point of beginning, which is Station 0+00 of the base line, along a line which bears northwesterly and makes a forward angle of $94^{\circ} 26' 20''$ to the right from said prolongation of the center line of Main Street, a distance of 2241.40 feet to Station 22+41.40; thence along a line which bears $4^{\circ} 26' 40''$ to the

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left a distance of 3577.91 feet to Station 58+19.31, which point is 221.64 feet southwesterly from a spike in a 4" x 4" stake found at the intersection of the southeastern line of Twenty-second Street and the northeastern line of Ocean Avenue as those lines are shown on Map of Huntington Beach, Seventeenth Street Section, recorded at Book 4, Page 10, of Miscellaneous Maps, Records of Orange County, and which latter distance is measured along said line of Twenty-second Street; thence continuing northwesterly along the same course 37.5 feet to Station 58+56.81; thence along a line which bears 3° 06' 50" to the left a distance of 2323.19 feet to Station 81+80.00; thence northwesterly along a line which bears 6° 50' 40" to the right a distance of 1800 feet to Station 99+80.00; thence northwesterly along a line which bears 5° 03' 10" to the right a distance of 1000.00 feet to Station 109+80.00; thence northwesterly along a line which bears 2° 36' 50" to the left a distance of 1234.55 feet to Station 122+14.55, which is a point in the west boundary of the City of Huntington Beach distance 359.73 feet southerly, measured along said boundary, from a 6" x 6" concrete monument found at the intersection of said boundary with the northeastern line of the 90-foot right of way of the State Highway northwesterly from said boundary, said monument being shown on maps on file in the offices of the Division of Highways, State of California, at Los Angeles and Sacramento and in State Highway Map Book No. 1, Page 16-B, Office of the Recorder of Orange County, said west boundary here being the north and south center line of Section 4, T. 6 S., R. 11 W., San Bernardino Base and Meridian; thence continuing northwesterly along the same course 70.41 feet to Station 122+84.96, the end of said base line.

Points on said line of ordinary high water are located southwesterly from and distant from Stations of said base line as shown in the following tabulation, offset distances being measured normal to the back tangent at

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each station:

<u>Station</u>	<u>Distance in feet from Station to Line of Ordinary High Water of 1938</u>
0+13.75	135
0+26 *	137
6+00	243
12+00	159
16+14.47	98
17+76.97	84
19+39.47	78
21+01.97	76
22+66.40	75
24+28.90	75
25+91.40	83
27+53.90	95
29+02.70	71
29+16.40	107
30+78.90	109
32+41.40	122
34+03.90	124
35+66.40	138
37+28.90	127
38+47.80	147
38+91.40	125
40+57.65	121
42+23.90	114
43+90.15	109

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<u>Station</u>	<u>Distance in feet from Station to Line of Ordinary High Water of 1938</u>
45+56.40	103
47+18.90	98
48+81.40	101
50+43.90	99
52+06.40	94
52+25.90	78
53+68.90	105
55+31.40	105
56+39.73	101
57+48.06	97
58+06.00	90
58+56.81	101
59+67.64	94
60+78.47	89
61+89.31	79
63+00.00	80
64+10.00	89
65+20.00	95
66+30.00	93
67+40	94
68+50	92
69+60	86
70+70	88
71+80	89
74+88.30	79

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<u>Station</u>	<u>Distance in feet from Station to Line of Ordinary High Water of 1938</u>
77+80	80
81+80	103
87+80	174
93+80	216
99+80	209
105+80	151
109+80	78
110+79.63	79
115+80	88
121+27.55**	83
122+84.96	82

* Offset distance from Station 0+26 intersects the prolongation of the northwesterly line of Main Street at the ordinary high water mark of 1938. Said point of intersection is the point of beginning of the Boundary line between State tide and submerged land and lands of Huntington Pacific Corporation.

** Offset distance from Station 121+27.55 intersects the north and south center line of Section 4 at the ordinary high water mark of 1938, which point of intersection is the end of the boundary line between State tide and submerged land and lands of Huntington Pacific Corporation.

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:

EXHIBIT "A" (CONTD.)

HUNTINGTON PACIFIC CORPORATION

July 14, 1966
Date of Signature

By J. D. Froggatt
Vice President

July 14, 1966
Date of Signature

By J. F. Strachan
Assistant Secretary

STATE OF CALIFORNIA)
COUNTY OF Orange) ss

On July 14, 19 66, before me, the undersigned, a Notary Public in and for said State, with principal office in Orange County, personally appeared J. D. Froggatt and J. F. Strachan, known to me to be the Vice President and Assistant Secretary respectively of the corporation that executed the within instrument, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the within instrument pursuant to the authority of said corporation.

WITNESS my hand and official seal.

Johanna A. McDonald

Name (Typed or Printed)
NOTARY PUBLIC IN AND FOR
THE STATE OF CALIFORNIA

STATE OF CALIFORNIA
Acting by and through
STATE LANDS COMMISSION

Date of Signature

By F. J. Hortig, Executive Officer

STATE OF CALIFORNIA)
COUNTY OF _____) ss

On _____, 19____, 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

13, 29th