

2/23/67

36. APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA, THE CITY OF SANTA MONICA, AND IRVING KAY, ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF OCEAN PARK PIER, LOS ANGELES COUNTY - W.O. 6302, B.L.A. 81.

After consideration of Calendar Item 39 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE A BOUNDARY AGREEMENT WITH THE CITY OF SANTA MONICA, IRVING KAY, AND THE STATE OF CALIFORNIA, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, FIXING THE BOUNDARY OF GRANTED STATE TIDE AND SUBMERGED LANDS ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF OCEAN PARK PIER.

Attachment

Calendar Item 39 (5 pages)

APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA, THE CITY OF SANTA MONICA, AND IRVING KAY, ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF OCEAN PARK PIER, LOS ANGELES COUNTY - W.O. 6302.

A request has been received from the City of Santa Monica and adjoining property owner, Irving Kay, for the establishment of the boundary along the shore of Santa Monica Bay dividing the privately owned uplands and granted tide and submerged lands.

Chapter 78 of the Statutes of 1917 granted a certain area in the vicinity of Ocean Park Pier to the City of Santa Monica. The City of Santa Monica and the upland owner, Irving Kay, will be the principal parties concerned, with the State entering into the agreement as an interested third party.

Shoreline conditions have been determined to be artificially affected by man-made structures, and the mean high tide line of 1921 is the last known position of the natural mean high tide line.

The boundary line described in Boundary Agreement, Exhibit "A", is the same line described in City of Santa Monica Ordinance No. 188 passed in 1921, and is acceptable to both the City of Santa Monica and Irving Kay.

The Office of the Attorney General has approved this proposed boundary agreement.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE A BOUNDARY AGREEMENT WITH THE CITY OF SANTA MONICA, IRVING KAY, AND THE STATE OF CALIFORNIA, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, FIXING THE BOUNDARY OF GRANTED STATE TIDE AND SUBMERGED LANDS ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF OCEAN PARK PIER.

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 CITY OF SANTA MONICA (as Party of the Second Part hereinafter referred to as "City"), and IRVING KAY (as Party of the Third Part hereinafter referred to as "Third 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 Third Party appears of record as owner of certain uplands along the shore of Santa Monica Bay in the vicinity of Ocean Park Pier, being a portion of Crescent Bay Tract in the City of Santa Monica; and

WHEREAS, the State of California, by virtue of its sovereignty, and City, by grant pursuant to Chapter 78 of the Statutes of 1917 as amended by Chapter 616 of the Statutes of 1949, are the owners of the tide and submerged lands in Santa Monica Bay; 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 City of Santa Monica passed Ordinance No. 188 on

EXHIBIT "A" (CONTD.)

25 July 1921, which "fixed" the mean high tide line within the City of Santa Monica along the mean high tide line of 1921; and

WHEREAS, a study of the history of the shoreline in the City of Santa Monica, in the vicinity of Ocean Park Pier, shows that the mean high tide line of 1921 is the last known position of the natural mean high tide line prior to artificial influences; and

WHEREAS, the State Lands Commission, City and Third 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 City and Third 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 City and Third Party, it is agreed that said boundary line is and shall be located and established as follows:

Beginning at the point of intersection of the Southwesterly prolongation of the Southeasterly line of Kinney Street, 50 feet wide, with the mean high tide line of the Pacific Ocean, as established in 1921 by Ordinance No. 188 of the city of Santa Monica, and recorded in Book 431 Page 90, Official Records, of Los Angeles County; thence from said point of beginning Southeasterly along said mean high tide line as described in said Ordinance No. 188 to its intersection with the Southwesterly prolongation of the centerline of Marine Street, said centerline being the boundary line between the cities of Santa Monica and Los Angeles as established by Ordinance No. 129,838 of

EXHIBIT "A" (CONTD.)

the city of Los Angeles, and by Resolution No. 2999 of the city of Santa Monica. Said mean high tide line is shown on a map marked Exhibit "B" attached hereto and made a part hereof.

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.

CITY OF SANTA MONICA

By _____
Mayor

Date of Signature

By _____
City Clerk

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 _____
and _____
known to me to be the _____ and _____
of the city that executed the within Instrument and acknowledged to me that
such city executed the same.

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

EXHIBIT "A" (CONTD.)

Date of Signature

Irving Kay

STATE OF CALIFORNIA)
COUNTY OF _____) ss

On _____, 196____, before me, the undersigned, 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

Date of Signature

By _____
F. J. Hortig
Executive Officer

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