

MINUTE ITEM

4/27/67

6. APPLICATION FOR AMENDMENT OF RIGHT-OF-WAY AGREEMENT P.R.C. 3446. COVERING SOVEREIGN LAND IN KLAMATH RIVER, DEL NORTE COUNTY; STATE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS - W.O. 6531.

After consideration of Calendar Item 14 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE AN AGREEMENT WITH THE DIVISION OF HIGHWAYS THAT WILL EMBODY THE FOLLOWING:

- (1) AGREE TO THE TENTATIVE RESERVATION OF SOVEREIGN LAND IN SECTION 10, T. 13 N., R. 1 E., H.B.M., PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, AS NECESSARY FOR CONSTRUCTION AND PROTECTION OF AND SOURCE OF MATERIAL FOR STATE HIGHWAY ROAD 01-DN-101-P.M. 6.94; AND
- (2) EXECUTE AND CERTIFY TO A TENTATIVE MAP THAT WILL EFFECTUATE THE FOREGOING AND SUPERSEDE TWO MAPS PREVIOUSLY APPROVED.

THAT EXECUTION OF THE RESERVATION AGREEMENT AND APPROVAL OF THE MAP SHALL BE WITH THE DISTINCT UNDERSTANDING THAT (A) NO CERTIFICATION TO ANY LEGAL DESCRIPTION OF SOVEREIGN LANDS IS INTENDED; AND (B) THE COMMISSION DISCLAIMS ANY LIABILITY THAT MAY ACCRUE BY STATE ENTERING UPON, OCCUPYING OR USING ANY LAND THAT MAY IN FACT BE PRIVATELY OWNED.

Attachment

Calendar Item 14 (1 page)

14.

APPLICATION FOR AMENDMENT OF RIGHT-OF-WAY AGREEMENT P.R.C. 3446.9, COVERING SOVEREIGN LAND IN KLAMATH RIVER, DEL NORTE COUNTY; STATE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS - W.O. 6531.

On March 1, 1966, 9.324 acres of sovereign land in the natural bed of Klamath River near Klamath, Del Norte County, were transferred to the jurisdiction of the Division of Highways, by Agreement P.R.C. 3446.9, for construction of State Highway Route 01-DN-101. On August 8, 1966, the agreement was amended by the transfer of an additional 0.886 acre. The land is located in Section 10, T. 13 N., R. 1 E., H.B.M. (see Exhibit "A").

The Division of Highways now requests further amendment of the agreement to add two additional parcels, on which a fill will be placed.

The subject land is within the area of a proposed exchange with the County of Del Norte that involves relocation of the Town of Klamath. The exchange, as well as the transfer herein covered, cannot be effectuated on a firm or permanent basis until boundary lines of State sovereignty in the area have been established. This will require an indefinite period of time.

In order to cooperate with the Division of Highways in construction of the road project, which is scheduled for advertising on May 1, 1967, it appears desirable to execute a revised agreement for Division of Highways occupancy and use of sovereign land in the area as necessary for highway construction, with a proviso that such agreement shall disclaim any liability that may accrue if any of the land is later determined to be privately owned.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE AN AGREEMENT WITH THE DIVISION OF HIGHWAYS THAT WILL EMBODY THE FOLLOWING:

- (1) AGREE TO THE TENTATIVE RESERVATION OF SOVEREIGN LAND IN SECTION 10 T. 13 N., R. 1 E., H.B.M., PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, AS NECESSARY FOR CONSTRUCTION AND PROTECTION OF AND SOURCE OF MATERIAL FOR STATE HIGHWAY ROAD 01-DN-101-P.M. 6.94; AND
- (2) EXECUTE AND CERTIFY TO A TENTATIVE MAP THAT WILL EFFECTUATE THE FOREGOING AND SUPERSEDE TWO MAPS PREVIOUSLY APPROVED.

THAT EXECUTION OF THE RESERVATION AGREEMENT AND APPROVAL OF THE MAP SHALL BE WITH THE DISTINCT UNDERSTANDING THAT (A) NO CERTIFICATION TO ANY LEGAL DESCRIPTION OF SOVEREIGN LANDS IS INTENDED; AND (B) THE COMMISSION DISCLAIMS ANY LIABILITY THAT MAY ACCRUE BY STATE ENTERING UPON, OCCUPYING OR USING ANY LAND THAT MAY IN FACT BE PRIVATELY OWNED.