

MINUTE ITEM

6/22/67

41. BOUNDARY AGREEMENT BETWEEN STATE AND SIMON ZIMMELMAN AND HELEN L. ZIMMELMAN, SHORE OF SANTA MONICA BAY, VICINITY OF LAS TUNAS BEACH, MALIBU, LOS ANGELES COUNTY - W.O. 6354, B.L.A. 83.

After consideration of Calendar Item 36 attached, and upon motion duly made and carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE A BOUNDARY AGREEMENT WITH SIMON AND HELEN ZIMMELMAN, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, FIXING THE BOUNDARY OF STATE TIDE AND SUBMERGED LANDS ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF LAS TUNAS BEACH, LOS ANGELES COUNTY.

Attachment

Calendar Item 36 (4 pages)

36.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND SIMON ZIMMELMAN AND HELEN L. ZIMMELMAN, ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF LAS TUNAS BEACH, MALIBU, LOS ANGELES COUNTY - W.O. 6354, B.L.A. 83.

A request has been received from Simon Zimmelman and Helen Zimmelman for the establishment of the boundary along the shore of Santa Monica Bay dividing the privately owned uplands and State-owned tide and submerged lands.

Shoreline conditions have been determined to be artificially affected by man-made structures, and the mean high tide line of 1960 is the last known position of the natural mean high tide line fronting the Zimmelman property, and is acceptable to Simon and Helen Zimmelman.

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

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE A BOUNDARY AGREEMENT WITH SIMON AND HELEN ZIMMELMAN, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, FIXING THE BOUNDARY OF STATE TIDE AND SUEMERGED LANDS ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF LAS TUNAS BEACH, LOS ANGELES COUNTY.

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  
SIMON AND HELEN L. ZIMMELMAN, husband and wife (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 agree-  
ment 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, Malibu, 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 existed in its last  
natural state has been affected and controlled by artificial processes and  
there is, or may be, some uncertainty as to the last natural location thereof;  
and

EXHIBIT "A" (CONTD.)

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:

Beginning at the point of intersection of the centerline of the Pacific Coast Highway, as shown on State Highway Map indexed "Deed Map P 2 3618-1, L.A. 60B", with the northeasterly prolongation of the northwesterly boundary line of Parcel 53, as shown on Licensed Surveyor's Map filed in Book 26 Page 43 of Record of Surveys, Office of County Recorder of Los Angeles County, thence along said northeasterly prolongation of said northwesterly boundary line and along said northwesterly boundary line of said Parcel 53, S.  $14^{\circ} 34' 30''$  W. 123 feet to the True Point of Beginning of this boundary line; thence, at right angles to said northwesterly boundary line, S.  $75^{\circ} 25' 30''$  E. 60 feet to the point of intersection with the southeasterly boundary of Parcel 54, as shown on said Licensed Surveyor's Map filed in Book 26, Page 44, of Record of Surveys, Office of County Recorder of Los Angeles County, said point of intersection being the terminus of this boundary line; said terminus also bears S.  $14^{\circ} 34' 30''$  W. 123 feet from the intersection of said centerline of the Pacific Coast Highway with the northeasterly prolongation of the southeasterly boundary of said Parcel 54.

EXHIBIT "A" (CONTD.)

IN WITNESS WHEREOF, the parties have executed this agreement the day  
and year hereafter written:

_____	_____
Date	SIMON ZIMMELMAN
_____	_____
Date	HELEN L. ZIMMELMAN

(ACKNOWLEDGMENT)

STATE OF CALIFORNIA, acting by and through  
STATE LANDS COMMISSION

_____	By _____
Date	F. J. HORTIG Executive Officer

(ACKNOWLEDGMENT)