

MINUTE ITEM

6/22/67

42. BOUNDARY LINE AGREEMENT ALONG SHORE OF PACIFIC OCEAN WITH THE CITY OF SEAL BEACH AND THE DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES IN THE CITY OF SEAL BEACH, ORANGE COUNTY - W.O. 6566, B.L.A. 30.

After consideration of Calendar Item 43 attached, and upon motion duly made and carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE A BOUNDARY LINE AGREEMENT BETWEEN THE CITY OF SEAL BEACH AND THE DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES AND THE STATE OF CALIFORNIA, COPY OF WHICH IS ATTACHED AS EXHIBIT "B" AND HEREBY MADE A PART HEREOF, FIXING THE BOUNDARY OF THE STATE TIDE AND SUBMERGED LANDS ALONG THE PACIFIC OCEAN AND SEAL BEACH, ORANGE COUNTY.

Attachment

Calendar Item 43 (7 pages)

43.

AUTHORIZATION FOR THE EXECUTIVE OFFICER TO EXECUTE A BOUNDARY LINE AGREEMENT ALONG THE SHORE OF THE PACIFIC OCEAN WITH THE CITY OF SEAL BEACH AND THE DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES IN THE CITY OF SEAL BEACH, ORANGE COUNTY - W.O. 6566.

The City of Seal Beach has requested a determination of the boundary with the State along the Pacific Ocean in the City of Seal Beach, and the Department of Water and Power of the City of Los Angeles has concurred.

The major portion of this area was surveyed by the State Lands Division, and was approved by the State Lands Commission on November 10, 1960; the remaining portion is defined by a bulkhead line.

The aforesaid lines are a compromise of the respective claims in order to avoid complex and costly litigation and to expedite the leasing of State-owned land.

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

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A BOUNDARY LINE AGREEMENT BETWEEN THE CITY OF SEAL BEACH AND THE DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES AND THE STATE OF CALIFORNIA, COPY OF WHICH IS ATTACHED AS EXHIBIT "B" AND HEREBY MADE A PART HEREOF, FIXING THE BOUNDARY OF THE STATE TIDE AND SUBMERGED LANDS ALONG THE PACIFIC OCEAN AND SEAL BEACH, ORANGE COUNTY.

Attachment: Exhibit "B"

EXHIBIT "B"

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"), the CITY OF SEAL BEACH, a municipal corporation (as Party of the Second Part, hereinafter referred to as "the City"), and DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES, on behalf of the CITY OF LOS ANGELES, a municipal corporation (hereinafter referred to as "Department of Water and Power").

W I T N E S S E T H:

WHEREAS, the State by virtue of its sovereignty is the owner of tide and submerged lands along the ocean front of the City of Seal Beach, California;

WHEREAS, the City and Department of Water and Power are the owners of the uplands abutting the aforementioned ocean front;

WHEREAS, the line of ordinary high tide of the Pacific Ocean is the seaward boundary of the lands owned by the City and Department of Water and Power, and is the landward boundary of the lands of the State;

WHEREAS, the line of mean high tide of the Pacific Ocean, as the same may have existed in its last natural state, has been affected and controlled by artificial processes, and there is substantial doubt and uncertainty as to the last natural location thereof and, consequently, the true boundary between the lands of the State, and the City and Department of Water and Power is uncertain and in doubt;

WHEREAS, the State Lands Commission, pursuant to Section 6357 of the Public Resources Code:

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"...may establish the ordinary highwater mark...of tide and submerged lands of this State, by agreement, arbitration, or action to quiet title, whenever it is deemed expedient or necessary.";

WHEREAS, the State, the City and Department of Water and Power consider it expedient and necessary, and in the best interests of the State, the City, Department of Water and Power and the public, to determine, describe and fix permanently the boundary between the lands belonging to the respective parties hereto, and forever set at rest any and all questions relating to the location of the hereinafter described boundary;

NOW, THEREFORE, in order to locate, describe and permanently establish the true and correct boundary between the lands of the State, and the City and Department of Water and Power, it is agreed as follows that:

1. Said boundary line is and shall be located and established as follows:

Beginning at the southeast corner of Tract No. 1 in the City of Seal Beach, County of Orange, State of California, said corner being the intersection of the northeast line of Electric Avenue with the southern line of Seal Way as shown upon the map of said Tract No. 1, recorded in Book 9 of Miscellaneous Maps at Page 1, Orange County Records; thence continuing westerly along the southern line of Seal Way as shown upon said map to the western boundary of Tract No. 1; thence northwesterly from said point in a direct line 3,584.36 feet more or less to an intersection with the southwesterly prolongation of the centerline of Third Street in the City of Seal Beach as said street is shown upon the map of Tract No. 2, recorded in Book 9 of Miscellaneous Maps, records of

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said county, at a point located 255.5 feet southwesterly from the southwest line of Ocean Blvd.; thence continuing northwesterly along a prolongation of the foregoing course 590.18 feet more or less to the intersection with southwesterly prolongation of the southeasterly line of First Street (60 feet wide) as shown upon the map of Bay City, recorded in Book 3 of Miscellaneous Maps at page 19; thence northeasterly along said line of First Street to a point distant 273.93 feet southwesterly from the southwest line of Ocean Blvd.; thence N. 58° 54' W., 55.32 feet; thence N. 22° 51' W., 366.64 feet; thence N. 24° 31' E., 78.78 feet more or less to a point on the southwest line of Ocean Blvd.; as shown upon said map of Bay City, distant 362.19 feet measured along said line of Ocean Blvd., from the intersection with the southwesterly prolongation of the southeasterly line of First Street.

Bearings used in this description have the same basis as those shown upon the above-mentioned map of Bay City.

The above-described line is shown on the attached map incorporated herein by reference.

2. It is the intent of the parties hereto that the aforescribed boundary line shall be permanent and fixed and not subject to change by reason of erosion or accretion.

3. This agreement shall be effective when signed by all the parties hereto and shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

4. It is expressly understood by all parties hereto that the provisions set forth in this agreement have been determined for purposes of compromising and settling the boundary of the lands of the parties hereto.

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The boundary line shall not constitute any admission, nor is it to be construed as any expression on the part of any party executing this agreement, except as between the parties hereto.

IN WITNESS WHEREOF, each party hereto has caused this agreement to be executed.

STATE OF CALIFORNIA
acting by and through
STATE LANDS COMMISSION

_____, 1967
Date of Signature

By _____
F. J. HORTIG
Executive Officer

STATE OF CALIFORNIA)
) ss:
COUNTY OF _____)

On _____, 1967, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.

Notary Public in and for the County
of Los Angeles, State of California

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DEPARTMENT OF WATER AND POWER OF THE
CITY OF LOS ANGELES, on behalf of the
CITY OF LOS ANGELES, a municipal corporation.

By: City of Los Angeles Board of
Water and Power Commissioners

_____, 1967
Date of Signature

President

Attested by:

_____, 1967
Date of Signature

Secretary of Said Board

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

On _____, 1967, before me, the undersigned, a Notary Public in and for the County of Los Angeles, State of California, personally appeared _____ known to me to be the President and Secretary of the City of Los Angeles Board of Water and Power Commissioners and known to me to be the persons who executed the within instrument on behalf of said City of Los Angeles, and acknowledged to me that said municipal corporation executed the within instrument pursuant to its Charter and applicable State law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.

Notary Public in and for the County
of Los Angeles, State of California