

MINUTE ITEM

2/27/69

43. BOUNDARY LINE AGREEMENT BETWEEN RIVER DEVELOPMENT COMPANY AND THE STATE OF CALIFORNIA TO ESTABLISH LINE OF ORDINARY LOW WATER MARK ALONG RIGHT BANK OF A PORTION OF SACRAMENTO RIVER IN TEHAMA COUNTY - W.O. H-0235, B.L.A. 107.

After consideration of Calendar Item 33 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

IT IS HEREBY RESOLVED THAT THE ORDINARY LOW WATER MARK ON THE RIGHT BANK OF THE SACRAMENTO RIVER, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" WHICH IS ATTACHED HERETO AND MADE A PART HEREOF, BE ESTABLISHED BY AGREEMENT WITH RIVER DEVELOPMENT COMPANY, A LIMITED PARTNERSHIP, PURSUANT TO THE PROVISIONS OF SECTION 6357 OF THE PUBLIC RESOURCES CODE, AND THAT SUCH AGREEMENT IS HEREBY APPROVED AND AUTHORIZED; AND THE EXECUTIVE OFFICER OF THE COMMISSION IS HEREBY AUTHORIZED TO TAKE ALL NECESSARY ACTION TO COMPLETE THE SAID AGREEMENT AND TO EXECUTE THE SAME ON BEHALF OF THE STATE LANDS COMMISSION

Attachment:

Calendar Item 33 (4 pages)

33.

RIVER DEVELOPMENT COMPANY
BOUNDARY LINE AGREEMENT 107

River Development Company, a Limited Partnership, has requested that the line of the ordinary low water mark along the right bank of a portion of the Sacramento River in Tehama County be established by agreement with the State Lands Commission.

A vicinity map showing the general area of the proposed agreement is attached hereto, marked Exhibit "A".

The description of the proposed line of agreement is attached hereto, marked Exhibit "B".

The bed of the river below the ordinary low water mark adjacent to the proposed line is navigable, and has been navigable since the admission of California to the Union, is owned by the State in its sovereign capacity, and the fee title thereto is under the jurisdiction of the State Lands Commission pursuant to Section 6301 of the Public Resources Code.

The ordinary low water mark constitutes the boundary between the State's land in the bed of the river and the adjoining upland of River Development Company. Authority for the State Lands Commission to establish the ordinary low water mark by agreement is contained in Section 6357 of the Public Resources Code.

The proposed agreement, except in two places, conforms substantially to the present river bank. A bar near the center of the line and islands at the lower end of the line are below the agreed line and therefore will remain the property of the State as part of the river bed. River Development Company has informed the State Lands Division that it intends to lease some of this State land from the State Lands Commission.

Evidence of the location of the present river bed is based upon an aerial photograph taken in 1967. The photograph is deemed to depict substantially the present river bed except that flows at the time of the photograph were considerably in excess of historical low river flows.

Investigation by the State Lands Division has failed to establish conclusively whether the location of the present river bed has been brought about by natural, artificial, or avulsive conditions. However, the Division is of the opinion that the presently existing right bank is substantially in its natural location. The line to be agreed upon appears to constitute a satisfactory settlement of the boundary, the location of which has not heretofore been established.

Under the proposed agreement, River Development Company is to file a record of survey of the agreed-upon line, and the State is to receive a title guarantee. Escrow and title guarantee fees are to be without cost to the State.

CALENDAR ITEM 33. (CONTD.)

The State Lands Division recommends approval and authorization of the proposed agreement by resolution of the State Lands Commission, as follows:

IT IS HEREBY RESOLVED THAT THE ORDINARY LOW WATER MARK ON THE RIGHT BANK OF THE SACRAMENTO RIVER, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" WHICH IS ATTACHED HERETO AND MADE A PART HEREOF, BE ESTABLISHED BY AGREEMENT WITH RIVER DEVELOPMENT COMPANY, A LIMITED PARTNERSHIP, PURSUANT TO THE PROVISIONS OF SECTION 6357 OF THE PUBLIC RESOURCES CODE, AND THAT SUCH AGREEMENT IS HEREBY APPROVED AND AUTHORIZED; AND THE EXECUTIVE OFFICER OF THE COMMISSION IS HEREBY AUTHORIZED TO TAKE ALL NECESSARY ACTION TO COMPLETE THE SAID AGREEMENT AND TO EXECUTE THE SAME ON BEHALF OF THE STATE LANDS COMMISSION.

Attachment: Exhibit "B"

EXHIBIT "B"

That portion of Sections 9, 10, 15, 16, 22, 23, 27, and 28 Township 29 North, Range 3 West, Mount Diablo Meridian, and portion of the San Buenaventura Rancho or Reading Grant, in Tehama County, State of California lying westerly of the following described line:

Beginning at a point in the West line of Section 18 distant thereon North $00^{\circ} 18' 06''$ East 2,465.43 feet from the southwest corner of Section 18, Township 29 North, Range 3 West, Mount Diablo Meridian; thence South $87^{\circ} 26' 45''$ East 1,006.04 feet to the beginning of a tangent curve concave northerly having a radius of 1,850.00 feet; thence easterly along said curve 661.90 feet; thence tangent to said curve North $72^{\circ} 03' 17''$ East 375.00 feet to the beginning of a tangent curve concave to the North having a radius of 1,450.00 feet; thence easterly along said curve 325.66 feet; thence tangent to said curve North $59^{\circ} 11' 12''$ East 359.86 feet to the beginning of a tangent curve concave to the southeast having a radius of 1,600.00 feet; thence northeasterly along said curve 270.23 feet; thence tangent to said curve North $68^{\circ} 51' 48''$ East 439.20 feet to the beginning of a tangent curve concave to the northwest having a radius of 1,200.00 feet; thence northeasterly along said curve 177.29 feet; thence tangent to said curve North $60^{\circ} 23' 55''$ East 1,243.26 feet to the beginning of a tangent curve concave to the southeast having a radius of 1,450.00 feet; thence northeasterly along said curve 228.54 feet, thence tangent to said curve North $69^{\circ} 25' 44''$ East 355.10 feet to the beginning of a tangent curve concave to the northwest having a radius of 350.00 feet; thence northeasterly along said curve 158.07 feet to the beginning of a reverse curve concave to the southeast having a radius of 600.00 feet; thence northeasterly along said curve 437.53 feet; thence tangent to said curve North $85^{\circ} 19' 59''$ East 80.58 feet; thence North $23^{\circ} 37' 46''$ East 174.04 feet; thence North $59^{\circ} 16' 31''$ East 1,233.09 feet; thence North $30^{\circ} 33' 35''$ East 1,582.75 feet to a point on a non-tangent curve concave to the southeast having a radius of 880.00 feet, a radial line to said point bears South $70^{\circ} 12' 04''$ West; thence northerly and northeasterly along said curve 1,690.57 feet to the beginning of a compound curve concave to the South having a radius of 1,480.00 feet; thence easterly along said curve 691.39 feet; thence tangent to said curve South $62^{\circ} 57' 44''$ East 1,956.16 feet; thence South $76^{\circ} 17' 35''$ East 633.03 feet; thence North $72^{\circ} 16' 03''$ East 902.90 feet; thence North $28^{\circ} 04' 21''$ East 1,105.00 feet to Cottonwood Creek; thence along said Creek South $84^{\circ} 45' 10''$ East 984.12 feet; thence South $51^{\circ} 42' 35''$ East 484.15 feet; thence North $81^{\circ} 38' 03''$ East 343.66 feet; thence South $62^{\circ} 45' 53''$ East 382.39 feet; thence North $57^{\circ} 24' 42''$ East 937.62 feet to the "TRUE POINT OF BEGINNING;" thence South $08^{\circ} 28' 16''$ West 950.37 feet; thence South $03^{\circ} 28' 06''$ East 661.21 feet; thence South $15^{\circ} 56' 43''$ East 728.01 feet to a 2" iron pipe and tag marked L.S. 2602; thence South $44^{\circ} 32' 56''$ East 2,694.16 feet to a 2" iron pipe and tag marked L.S. 2606; thence South $40^{\circ} 56' 09''$ East 2,223.78 feet; thence South $35^{\circ} 09' 59''$ East 460.02 feet to a 2" iron pipe and tag marked L.S. 2602; thence South $29^{\circ} 56' 15''$ East 2,029.84 feet to a 2" iron pipe and tag marked L.S. 2602; thence South $16^{\circ} 55' 10''$ East 1,769.60 feet; thence South $13^{\circ} 15' 11''$ West 1,020.00 feet to

a 2" iron pipe and tag marked L.S. 2602; thence South $22^{\circ} 11' 34''$ West 1,154.71 feet; thence South $12^{\circ} 45' 04''$ West 1,676.34 feet to a 2" iron pipe and tag marked L.S. 2602; thence South $48^{\circ} 15' 07''$ West 623.26 feet; thence South $71^{\circ} 33' 54''$ West 1,375.59 feet; thence North $85^{\circ} 19' 05''$ West 1,163.88 feet to a 2" iron pipe and tag marked L.S. 2602; thence North $75^{\circ} 37' 48''$ West 624.54 feet; thence North $86^{\circ} 19' 56''$ West 781.60 feet; thence South $85^{\circ} 00' 31''$ West 459.74 feet to a 2" iron pipe and tag marked L.S. 2602; thence North $42^{\circ} 14' 34''$ West 249.90 feet; thence North $58^{\circ} 19' 49''$ West 180.94 feet; thence South $79^{\circ} 46' 54''$ West 236.76 feet; thence South $40^{\circ} 58' 50''$ West 262.28 feet; thence North $63^{\circ} 56' 27''$ West 405.19 feet; thence North $82^{\circ} 45' 54''$ West 452.60 feet; thence South $61^{\circ} 12' 48''$ West 207.66 feet to a 2" iron pipe and tag marked L.S. 2602; thence South $21^{\circ} 18' 55''$ West 503.48 feet; thence South $33^{\circ} 32' 56''$ West 901.11 feet; thence South $12^{\circ} 55' 24''$ West 1,323.52 feet; thence South $03^{\circ} 47' 16''$ West 726.59 feet; thence South $12^{\circ} 20' 36''$ West to the South line of said Section 28.