

MINUTE ITEM

4/1/69

35. EXCHANGE OF LANDS IN EUREKA SLOUGH AND BOUNDARY LINE AGREEMENT WITH COUNTY OF HUMBOLDT IN HUMBOLDT COUNTY - S.W.O. 8370.

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

AFTER DUE CONSIDERATION OF CALENDAR ITEM 39 OF THIS REGULAR MEETING OF THE STATE LANDS COMMISSION, HELD ON APRIL 1, 1969, AND UPON MOTION DULY MADE AND SECONDED, THE COMMISSION UNANIMOUSLY HEREBY RESOLVES THAT THE STATE LANDS COMMISSION ENTER INTO THE PROPOSED EXCHANGE AND BOUNDARY LINE AGREEMENT, AND THE EXECUTIVE OFFICER IS AUTHORIZED AND DIRECTED TO EXECUTE, ACKNOWLEDGE, AND DELIVER SUCH CONVEYANCES, CERTIFICATES OF ACCEPTANCE, ESCROW INSTRUCTIONS, AND ALL OTHER DOCUMENTS AND TO DO SUCH ACTS AS MAY BE REASONABLY REQUIRED TO CARRY OUT THE EXCHANGE AND ESTABLISH THE BOUNDARY AS PROVIDED IN SAID AGREEMENT.

Attachment

Calendar Item 39 (8 pages)

39.

## EUREKA SLOUGH

The County of Humboldt is in the process of enlarging its airport near Eureka. Runway construction has required the filling of several arms of Eureka and Fay Sloughs. The northerly reach was filled some years ago. The lower reach was filled last year under interim permit (P.R.C. 3963.9), which was conditioned upon completion of an exchange within one year from May 23, 1968. The County has constructed a new channel upon Parcel A that is suitable for navigation and connects the sloughs cut off by the filling.

The State claims title to the sloughs (which are tidal and navigable, and which bound and traverse the airport parcel). However, the State's title is clouded in part by reason of the State's issuance in 1891 of a Patent (SL 3000) containing a description that did not except the slough beds. Based on investigation to date, the State's claim to the sloughs is uncertain and subject to dispute, and the area of the State's claim must be estimated.

As part of the exchange, the State will receive Parcels A and C (Exhibits "A" and "C") in fee, subject to access easements and an avigation easement over Parcel A, and with title insurance provided by the County. The Division has appraised the value at \$8,174.00.

In return, the State would relinquish its uncertain claim to the remainder of the sloughs within the airport parcel (Exhibit "E"). Parcel B (Exhibit "B") is the portion of Eureka Slough that recently has been filled. The remainder will be given by quitclaim deed after the County Record of Survey.

The appraised value of the land upon which the State is giving up its claim is \$8,576.00, based on estimates of acreage. Some portions of the land passing to the State are now claimed by the State and some portions of the land passing to the County are not being claimed by the State.

By reason of the cloud on the State's interest in the land it is giving up and the probable costs of clearing the title and the uncertainties of litigation, the Division is of the opinion that the value of the interest in the land being received by the State is at least of equal value to the uncertain claim being given up by the State.

Parcel A will be received by the State for the new channel. Parcel C consists of a 100-foot strip along the northeasterly boundary of the airport parcel. Parcel C will be available for any future connecting navigation channel to replace the portion of Fay Slough within the airport parcel that has been blocked for some years by a dam.

It is also the opinion of the Division that the exchange is in the best interests of the State and is for the improvement of navigation, aid in reclamation, or for flood-control protection, in that development of the uplands will be permitted thereby.

CALENDAR ITEM 39. (CONTD.)

Further, the proposed agreement provides for the establishment of a permanent and fixed boundary (ordinary high water mark) along the right bank of Eureka Slough as it bounds the airport parcel. Neither the exact boundary nor the last natural bed of said slough are now known, and are the subject of dispute. The County claims to the center of the Slough. The establishment of the proposed boundary line is expedient and necessary and in the best interests of the State.

Authority for the exchange is contained in Section 6307 of the Public Resources Code, and authority for the establishment of the boundary is contained in Section 6357 of the Public Resources Code.

An escrow will be opened by the County to provide for exchange and recording of quitclaim deeds. (Parcels A and C from County to State, and Parcel B from State to County). The State will receive title insurance in the sum of \$8,500.00 on Parcels A and C, with title exceptions subject to approval of the State.

Final location of the Eureka Slough boundary line (Exhibit "D") and quitclaim from State to County of the remainder of the sloughs in airport parcel (Exhibit "E") must await a record of survey to be made by the County within six months, without cost to the State.

The substance of the agreement is as follows:

- (a) The parties agree to the permanent establishment of the Eureka Slough boundary line. A survey will be made within six months.
- (b) The State is to receive Parcels A and C from the County. The County is reserving easements across the parcels.
- (c) The State is to quitclaim Parcel B to County.
- (d) The exchange of Parcels A, B and C will be made in escrow, with the State to receive title insurance.
- (e) After the survey by County, the County is to receive from the State all right, title and interest of the State in the airport parcel, and County will quitclaim the land outside the boundary line to State.

It is therefore recommended that the Commission approve and adopt the following:

AFTER DUE CONSIDERATION OF CALENDAR ITEM 39 OF THIS REGULAR MEETING OF THE STATE LANDS COMMISSION, HELD ON APRIL 1, 1969, AND UPON MOTION DULY MADE AND SECONDED, THE COMMISSION UNANIMOUSLY HEREBY RESOLVES THAT THE STATE LANDS COMMISSION ENTER INTO THE PROPOSED EXCHANGE AND BOUNDARY LINE AGREEMENT. AND THE EXECUTIVE OFFICER IS AUTHORIZED AND DIRECTED TO EXECUTE, ACKNOWLEDGE, AND DELIVER SUCH CONVEYANCES, CERTIFICATES OF ACCEPTANCE, ESCROW INSTRUCTIONS, AND ALL OTHER DOCUMENTS AND TO DO SUCH ACTS AS MAY BE REASONABLY REQUIRED TO CARRY OUT THE EXCHANGE AND ESTABLISH THE BOUNDARY AS PROVIDED IN SAID AGREEMENT.

Attachments: Exhibits "A" through "E"

EXHIBIT "A"PARCEL A  
COUNTY TO LANDS DIVISION

That certain real property situated in the County of Humboldt, State of California, described as follows:

All that portion of the east half of Section 19, T. 5 N., R. 1 E., H.B.& M., which lies within the following described boundaries:

Beginning at a point which bears N. 50° 57' 49" W., 2910.39 feet, from the southeast corner of said Section 19, said point being located N. 22° 40' 50" E., 60.00 feet, from Engineer's Station "L" 2+20 of the survey made by the County of Humboldt for the realignment of a portion of Jarnigan Slough;

Thence, S. 67° 19' 10" E., 570.67 feet;

Thence, along a curve to the left with a radius of 155 feet, through an angle of 158° 45', a distance of 429.46 feet;

Thence, N. 46° 04' 10" W., 440.00 feet, to a point on the south bank of said slough, that bears N. 40° 55' 20" W., 2875.69 feet, from the southeast corner of Section 19;

Thence, N. 03° 08' 39" E., 433.37 feet;

Thence, N. 43° 55' 50" E., 100.00 feet, to the northeast property line of Murray Field Airport;

Thence, S. 46° 04' 10" E., along said property line, 460.00 feet to an angle point thereon on the southeasterly bank of said slough;

Thence, S. 28° 47' 45" E., continuing along said property line, 583.68 feet;

Thence, S. 47° 21' 08" W., leaving said property line, 605.59 feet;

Thence, N. 67° 19' 10" W., 780.67 feet, to a point located S. 22° 40' 50" W., 60.00 feet, from Engineer's Station "L" 1+80;

Thence, N. 41° 06' 55" E., 126.50 feet, to the point of beginning.

RESERVING to the County of Humboldt the right to enter upon the above described property and to maintain thereon its existing foot bridge and flood gates.

ALSO RESERVING to the County of Humboldt access to its land lying southeasterly of the above described property.

EXHIBIT "B"PARCEL B  
LANDS DIVISION TO THE COUNTY

That certain real property situated in the County of Humboldt, State of California, described as follows:

All that portion of the east half of Section 19, T. 5 N., R. 1 E., H.B.& M., which lies within the following described boundaries:

Beginning at a point which bears N. 50° 57' 49" W., 2910.39 feet, from the southeast corner of said Section 19, said point being located N. 22° 40' 50" E., 60.00 feet, from Engineer's Station "L" 2+20 of the survey made by the County of Humboldt for the realignment of a portion of Jarnigan Slough;

Thence, N. 67° 19' 10" W., 150.00 feet;

Thence, N. 38° 00' 31" E., 154.88 feet;

Thence, N. 9° 27' 43" E., 243.31 feet;

Thence, N. 16° 30' 16" E., 140.80 feet;

Thence, N. 29° 25' 08" E., 83.71 feet, to a point on the north bank of said slough that is S. 43° 55' 50" W., 60.00 feet, from Engineer's Station "L" 22+41.87 P.O.T.;

Thence, N. 66° 28' 37" E., 362.80 feet;

Thence, S. 03° 08' 39" W., 433.37 feet, to a point on the south bank of said slough that bears N. 40° 55' 20" W., 2875.69 feet from said southeast corner of Section 19;

Thence, S. 70° 01' 01" W., 234.09 feet;

Thence, S. 22° 28' 46" W., 156.92 feet;

Thence, S. 35° 32' 16" W., 86.02 feet;

Thence, S. 46° 18' 36" W., 64.96 feet, to the point of beginning.

EXHIBIT "C"

## PARCEL C

That certain real property situated in the County of Humboldt, State of California, described as follows:

All that portion of Section 19, T. 5 N., R. 1 E., H.B.M., being a strip of land 100 feet in width, the northeasterly line of said strip being described as follows:

COMMENCING at a point on the south bank of Eureka Slough (sometimes referred to as Jarnigan Slough) from which the southeast corner of said Section 19 bears S. 40° 55' 20" E. 2,875.69 feet; thence from said point of commencement N. 03° 08' 39" E. 433.37 feet; thence N. 43° 55' 50" E. 100.00 feet to the TRUE POINT OF BEGINNING of the herein described line, said point being on the northeasterly property line of Murray Field Airport as said line is described in the deed to the County of Humboldt, recorded March 11, 1960, in Volume 578, page 143 of Official Records of said County, from which an angle point of the above-mentioned Murray Field Airport property on the southeasterly bank of said Eureka Slough bears S. 46° 04' 10" E. 460.00 feet; thence from said true point of beginning northwesterly along said northeasterly property line N. 46° 04' 10" W. 3,000.00 feet to the most northerly corner of said property and the end of the herein described line.

EXHIBIT "D"

EUREKA SLOUGH BOUNDARY LINE

That certain line along the right bank of Eureka Slough in Humboldt County, California, as depicted on the attached sketch and more particularly delineated on that certain photo contour map on file with the State Lands Division, prepared by Humboldt County for the State Lands Division, using as a base that certain air photo contour map prepared for the Division of Highways aerial service contract No. 63-01TC-1, dated February 3, 1964, comprising Sheets 25 and 31 of 37, and depicting Murray Field - Humboldt County Airport.

EXHIBIT "E"

("AIRPORT PARCEL")

DESCRIPTION OF HUMBOLDT COUNTY AIRPORT  
KNOWN AS MURRAY FIELD

That portion of Section 19 in T. 5 N., R. 1 E., and of Section 24 in T. 5 N., R. 1 W., H.B.& M., described as follows:

Beginning at a point in the S.E. 1/4 of the S.E. 1/4 of said Section 19, from which point the southeast corner thereof bears S. 63° 18' 15" E., 1,190.58 feet;

Thence, from said point of beginning, N. 20° 39' 15" E., 699.82 feet, along the westerly line of a private road;

Thence, leaving said road, N. 28° 47' 45" W., 1,333.68 feet to the point of intersection of the southeasterly bank of Eureka Slough with the southeasterly prolongation of the course described as "S. 46° 04' 10" E., 3,165 feet" in the deed to the County of Humboldt recorded March 11, 1960 in Volume 578, Page 143 of Official Records of said County;

Thence, N. 46° 04' 10" W., along said course (prolonged), a distance of 3,460 feet, more or less, to the northwest terminus thereof at a point in Lot 1 of said Section 19 which bears N. 63° 52' 15" E., 2,421.36 feet from the concrete monument marking the northeast corner of Lot 38 of East Highway Subdivision, as said monument is shown on the map thereof in the Office of the Recorder of Humboldt County in Book 12 of Maps, Page 86, said point being southeasterly, 50 feet, measured at a right angle, from the southeasterly line (prolonged northeasterly) of the right of way of State Highway 101 as granted to the State of California by the County of Humboldt by deed recorded February 25, 1954 in Volume 282, Page 132 of Official Records;

Thence, S. 55° 52' 30" W., 1,348.39 feet, parallel to and distant 50 feet southeasterly from said southeasterly right of way line, to a point S. 31° 57' 01" E., 218.45 feet from Engineer's Station "H-1" 61+80 P.O.C. of the California Department of Public Works Survey from Eureka Slough to Gannon Slough (State Highway I-Hum-1-H);

Thence, S. 62° 34' 29" W., 564.20 feet, parallel to and distant southeasterly 50 feet from said southeasterly right of way line, to the course described in said deed from County to State as "S. 06° 10' 20" E., 251.39 feet";

Thence, S. 06° 10' 20" E., along said course, a distance of 197.74 feet, to the southerly line of the right of way conveyed to the Eureka and Freshwater Railway Company by deed dated July 11, 1902 and recorded in Book 81 of Deeds, Page 586, Humboldt County Records;

Thence, northwesterly along said southerly right of way line, 80 feet, more or less, to a point which bears S. 77° 59' 01" E., 518.86 feet, from the above-named monument at the northeast corner of Lot 38 of East Highway Subdivision;



EXHIBIT "E" (CONTD.)

Thence, S. 06° 10' 20" E., 73.03 feet, to a point S. 70° 41' 03" E., 546.08 feet from said monument;

Thence, S. 61° 24' 52" E., 333.45 feet;

Thence, S. 10° 36' 07" W., 137 feet, more or less, to the north bank of Eureka Slough;

Thence, easterly by southeasterly, along said bank of Eureka Slough, 1900 feet, more or less, to a point 1248 feet North and 932 feet West of the northeast corner of the S.E. 1/4 of the S.W. 1/4 of said Section 9;

Thence, S. 61° 58' E., 60 feet, more or less, to the southeasterly bank of Fay Slough;

Thence, southwesterly and westerly, along said bank of Fay Slough, a distance of 500 feet, more or less, to the north bank of Eureka Slough;

Thence, easterly, along the north bank of Eureka Slough, a distance of 800 feet, more or less, to the west line of the land patented to George E. Bates by the State of California as recorded March 14, 1901 in Book 15 of Patents, Page 631 in the office of the Recorder of Humboldt County (said west line being described therein as drawn, S. 10-3/4° E., 61.07 chains (4030.62 feet) from a point on the north line of Section 19, T. 5 N., R. 1 E., H.B. & M., 17.59 chains (1160.94 feet) West from the north quarter corner of said section);

Thence, S. 10-3/4° E., 60 feet, more or less, on said west line to the centerline of the Eureka Slough at a point on said west line S. 10-3/4° E., 3150 feet, more or less, from the northerly terminus of said west line;

Thence, easterly, along the centerline of said slough, a distance of 900 feet, more or less, to the point of intersection thereof with the southerly line of the old railroad right of way described in Parcel 4 in the deed from the Pacific Lumber Company to the County of Humboldt, recorded June 13, 1962 in Volume 690, Page 619 of Humboldt County Official Records, as bearing N. 61° 58' W., 1035 feet;

Thence, S. 61° 58' E., 150 feet, more or less, along said southerly line to a point thereon which bears S. 35-1/2° W., 66.49 feet from a 1-1/2" water pipe, marked "D-4" on cap, set on the east bank of the Eureka Slough 1880.41 feet North and 2249.37 feet West from the southeast corner of said Section 19;

Thence, S. 35-1/2° W., 43.51 feet;

Thence, S. 21-1/2° W., 92 feet;

Thence, East, 200 feet, more or less, to the southerly line of the old railroad right of way described as Parcel 4 in the above-named deed;

Thence, continuing on said southerly line in a southeasterly direction, on a curve to the right, a distance of 500 feet, more or less, to a point S. 51° 10' W., 33 feet from another point located 900 feet East and 83 feet North of the northeast corner of the S.E. 1/4 of the S.W. 1/4 of said Section 19;

Thence, continuing southeasterly, a distance of 1100 feet, more or less, to a point S. 20° 39' 15" W. from the point of beginning;

Thence, N. 20° 39' 15" E., 38.50 feet, to the point of beginning.

Also access thereto from State Highway 101 via the frontage road adjoining the course described hereinabove as "S. 06° 10' 20" E., 197.74 feet."

Excepting Parcels A and C, and all land lying waterward of the Eureka Slough Boundary Line, as described in and established by the within agreement.