

42. BOUNDARY LINE AGREEMENT BETWEEN BRUNO AND STELLA GIOVANNONI AND THE STATE OF CALIFORNIA TO ESTABLISH THE ORDINARY HIGH WATER MARK OF OWL ISLAND WITHIN SEVEN MILE SLOUGH, SACRAMENTO COUNTY - N-0252, B.L.A. 114.

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

THE COMMISSION:

- (1) APPROVES THE AGREEMENT ESTABLISHING THE FIXED AND PERMANENT ORDINARY HIGH WATER MARK (NOT A MEANDER) OF OWL ISLAND WITHIN SEVEN MILE SLOUGH, SACRAMENTO COUNTY, CALIFORNIA;
- (2) AUTHORIZES A PERMIT AS PART OF SUCH AGREEMENT, NOT TO EXCEED A TERM OF FIFTEEN YEARS, TO DREDGE WITHOUT CHARGE UP TO 16,000 CUBIC YARDS OF MATERIAL FROM THE BED OF SAID SEVEN MILE SLOUGH ADJACENT TO SAID OWL ISLAND;
- (3) AUTHORIZES THE REMOVAL HERETOFORE OF APPROXIMATELY 6000 CUBIC YARDS WITHOUT CHARGE;
- (4) APPROVES AND AUTHORIZES THE RECORDATION OF THE PLAT OF SAID SURVEY OF SAID BOUNDARY AS DESCRIBED IN EXHIBIT "A"; AND
- (5) AUTHORIZES THE EXECUTIVE OFFICER OR ASSISTANT EXECUTIVE OFFICER OF THE COMMISSION TO COMPLETE AND EXECUTE SAID AGREEMENT AND TO EXECUTE SUCH DOCUMENTS AND DO SUCH OTHER ACTS AS MAY BE REASONABLY NECESSARY OR CONVENIENT TO PROVIDE FOR THE COMPLETION, RECORDING AND EFFECTIVENESS THEREOF.

Attachment

Calendar Item 43 (4 pages)

43.

BOUNDARY LINE AGREEMENT BETWEEN BRUNO AND STELLA GIOVANNONI AND THE STATE OF CALIFORNIA TO ESTABLISH THE ORDINARY HIGH WATER MARK OF OWL ISLAND WITHIN SEVEN MILE SLOUGH, SACRAMENTO COUNTY - N-0252, B.L.A. 114.

- (1) Certain land within Seven Mile Slough, Sacramento County, T. 3 N., R. 3 E., M.D.B. & M., was conveyed by the State into private ownership by Swamp and Overflowed Lands Patent, dated March 9, 1875, and recorded in the Office of the Sacramento County Recorder in Book 2 of Patents at page 605 (State Lands Commission Records, S.&O. Patent, Bk. 6, p. 493).
- (2) The applicants, Bruno Giovannoni and Stella Giovannoni, his wife, as joint tenants, claim the land described in said patent and any accretions thereto, except for mineral interests of record, as successors in interest of the patentee.
- (3) The land described in said patent was surveyed by Swamp and Overflowed Lands Survey No. 1062, records of the Commission, and was shown therein to consist of an island within Seven Mile Slough, containing 9.22 acres.
- (4) The patent description contained no tie by which the land described therein can be exactly located.
- (5) The patented land has been determined to be generally located at what is now commonly referred to as "Owl Island".
- (6) The mean high tide line of Owl Island was surveyed by the State Lands Division in 1969.
- (7) The configuration of the lands, as described in the patent and in said 1969 survey of the mean high tide line, does not exactly coincide.
- (8) The nature, extent, and causes of any fluctuation in the boundaries of the patented lands, and the last natural location of the bed of Seven Mile Slough at Owl Island, are the subject of substantial uncertainty and dispute.
- (9) The location of the ordinary high water mark (being the boundary between the lands of applicants (Owl Island) and the tide lands and submerged lands of the State in the bed of Seven Mile Slough) is not known and cannot be established without agreement or court judgment.
- (10) It is expedient and necessary and in the best interests of the parties to fix permanently and to establish the ordinary high water mark, as provided by Section 6357 of the Public Resources Code, without the necessity of litigation, the result of which is uncertain.
- (11) The Division and the applicants have arrived at a mutually acceptable boundary line, as set forth in the attached Exhibit "A". Pursuant to the agreement, Owl Island will contain 9.22 acres, which is the same acreage as that of the original patent.

CALENDAR ITEM 43. (CONTD.)

(12) As part of the agreement, the applicants desire a permit, not to exceed fifteen years, to dredge, without cost, up to 16,000 cubic yards of material from the bed of Seven Mile Slough adjoining Owl Island, for reclamation of said island. Such dredging will be beneficial to navigation within said slough.

(13) The Division has executed a survey of the agreed boundaries as described in Exhibit "A", and a plat of such survey will be recorded in the Office of the Sacramento County Recorder.

(14) Applicants will provide suitable title insurance to the State.

(15) The agreement will not affect certain oil, gas, and mineral interests of record. The complexities of these interests should not prevent the settlement of the surface rights contemplated by the proposed agreement with applicants.

(16) The agreement is to be effective upon recordation.

(17) Applicant has heretofore removed approximately 6000 cubic yards of material from Seven Mile Slough from lands the ownership of which at that time had not been established, and there should be no charge for such material.

IT IS RECOMMENDED THAT THE COMMISSION:

- (1) APPROVE THE AGREEMENT ESTABLISHING THE FIXED AND PERMANENT ORDINARY HIGH WATER MARK (NOT A MEANDER) OF OWL ISLAND WITHIN SEVEN MILE SLOUGH, SACRAMENTO COUNTY, CALIFORNIA;
- (2) AUTHORIZE A PERMIT AS PART OF SUCH AGREEMENT, NOT TO EXCEED A TERM OF FIFTEEN YEARS, TO DREDGE WITHOUT CHARGE UP TO 16,000 CUBIC YARDS OF MATERIAL FROM THE BED OF SAID SEVEN MILE SLOUGH ADJACENT TO SAID OWL ISLAND;
- (3) AUTHORIZE THE REMOVAL HERETOFORE OF APPROXIMATELY 6000 CUBIC YARDS WITHOUT CHARGE;
- (4) APPROVE AND AUTHORIZE THE RECORDATION OF THE PLAT OF SAID SURVEY OF SAID BOUNDARY AS DESCRIBED IN EXHIBIT "A"; AND
- (5) AUTHORIZE THE EXECUTIVE OFFICER OR ASSISTANT EXECUTIVE OFFICER OF THE COMMISSION TO COMPLETE AND EXECUTE SAID AGREEMENT AND TO EXECUTE SUCH DOCUMENTS AND DO SUCH OTHER ACTS AS MAY BE REASONABLY NECESSARY OR CONVENIENT TO PROVIDE FOR THE COMPLETION, RECORDING AND EFFECTIVENESS THEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

Description for attachment to:
 Boundary Line Agreement, BLA No. 114
 State of California by and through
 the State Lands Commission and
 Bruno Giovannoni and Stella Giovannoni, his wife

OWL ISLAND

Situated in the County of Sacramento, State of California, being near the approximate boundary of Swamp and Overflowed Land Survey No. 1062 (Owl Island), in Seven Mile Slough, so called) in protracted Fractional Sections 10 and 11, Township Three (3) North, Range Three (3) East, M.D.B. & M., as originally described in the patent from the State of California to E. W. Worsham, dated March 9, 1875, recorded March 19, 1875, in Book 2 of Patents at Page 605, Records of Sacramento County Recorder, and, by recent survey, more certainly described as follows:

COMMENCING at a one and one-half inch iron pipe shown on that certain Record of Survey Map recorded June 7, 1948 in Volume 6 of Surveys, Map 15, in the Sacramento County Recorder's Office, as being South $00^{\circ} 35' 30''$ West 6.0 feet from the most southwesterly corner of Parcel 2 of said map, said point of commencement having coordinates $Y = 176,865.50$ and $X = 2,098,441.52$ from which a three (3) inch O.D. iron pipe having coordinates $Y = 177,936.60$ and $X = 2,098,455.37$ bears North $00^{\circ} 44' 27''$ East 1,071.19 feet; thence from said POINT OF COMMENCEMENT South $05^{\circ} 46' 27''$ West 747.29 feet; thence South $29^{\circ} 46' 39''$ East 2,794.23 feet to a two and one-half inch iron pipe having coordinates $Y = 173,696.72$ and $X = 2,099,754.05$ as shown on said Record of Survey map marking the northwest corner of S.L.S. 658, Volume 3, Surveys, Map 11; thence South $41^{\circ} 46' 14''$ East 4,687.27 feet; thence South $34^{\circ} 46' 57''$ East 7,182.25 feet to an eight-inch by eight-inch concrete monument with California State Lands Commission brass cap marked "JACK 1969" having coordinates $Y = 164,301.93$ and $X = 2,106,973.68$; thence South $77^{\circ} 20' 10''$ East 4,196.27 feet to a ten inch by ten inch concrete monument with California State Lands Commission brass cap marked "BRUNO 1969" having coordinates $Y = 163,381.98$ and $X = 2,111,067.87$; thence South $03^{\circ} 22' 42''$ East 631.19 feet to a point having coordinates $Y = 162,751.89$ and $X = 2,111,105.07$ and the TRUE POINT OF BEGINNING; THENCE from said true point of beginning North $54^{\circ} 57' 39''$ West 192.50 feet to a point having coordinates $Y = 162,862.41$ and $X = 2,110,947.46$; thence North $46^{\circ} 51' 10''$ West 225.28 feet to a point having coordinates $Y = 163,016.47$ and $X = 2,110,783.09$; thence North $39^{\circ} 53' 00''$ West 495.71 feet to a point having coordinates $Y = 163,396.86$ and $X = 2,110,465.23$ from which a concrete monument with California State Lands Commission brass cap stamped "AB" bears

North 79° 59' 40" East 63.00 feet; thence North 58° 32' 19" West 933.98 feet to a point having coordinates Y = 163,884.33 and X = 2,109,668.54 from which a concrete monument with California State Lands Commission brass cap stamped "AC-RM-1" bears South 75° 52' 46" East 258.14 feet; thence North 73° 46' 39" West 700.44 feet to a point having coordinates Y = 164,080.00 and X = 2,108,996.00; thence North 89° 40' 48" West 179.00 feet to a point having coordinates Y = 164,081.00 and X = 2,108,817.00; thence North 00° 00' 00" East 150.00 feet to a point having coordinates Y = 164,231.00 and X = 2,108,817.00; thence North 90° 00' 00" East 204.00 feet to a point having coordinates Y = 164,231.00 and X = 2,109,021.00; thence South 84° 06' 23" East 155.82 feet to a point having coordinates Y = 164,215.00 and X = 2,109,176.00; thence South 67° 29' 41" East 486.66 feet to a point having coordinates Y = 164,028.72 and X = 2,109,625.60; thence South 58° 32' 20" East 307.00 feet to a point having coordinates Y = 163,868.49 and X = 2,109,887.47 from which a concrete monument with California State Lands Commission brass cap stamped "AC-RM-1" bears South 33° 40' 34" East 56.64 feet; thence South 58° 32' 19" East 907.61 feet to a point having coordinates Y = 163,394.79 and X = 2,110,661.65 from which a concrete monument with California State Lands Commission brass cap stamped "AB" bears North 84° 28' 20" West 135.00 feet; thence South 60° 17' 58" East 180.86 feet to a point having coordinates Y = 163,305.18 and X = 2,110,818.76; thence South 51° 38' 18" East 200.44 feet to a point having coordinates Y = 163,180.78 and X = 2,110,975.92; thence South 35° 35' 24" East 217.58 feet to a point having coordinates Y = 163,003.84 and X = 2,111,102.55; thence South 19° 28' 14" East 81.18 feet to a point having coordinates Y = 162,927.30 and X = 2,111,129.61; thence South 01° 44' 14" West 85.76 feet to a point having coordinates Y = 162,841.58 and X = 2,111,127.01 from which a concrete monument with California State Lands Commission brass cap stamped "A-A", four feet northwest of a gravel road bears North 66° 48' 20" West 66.00 feet; thence South 13° 44' 40" West 92.34 feet to said true point of beginning. Containing an area of 9.22 acres, more or less.

Coordinates, bearings and distances in the above described parcel are based on the California Coordinate System, Zone II.