

19. AUTHORIZATION FOR EXECUTION OF BOUNDARY AGREEMENT WITH DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, SAN MATEO COUNTY - W 6987, BLA 128.

After consideration of Calendar Item 9 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE EXECUTION OF A BOUNDARY AGREEMENT BETWEEN THE COMMISSION AND THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, SAID AGREEMENT BEING ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART THEREOF.
2. AUTHORIZES THE EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION AND OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE BOUNDARY AGREEMENT, INCLUDING BUT NOT LIMITED TO ANY LEGAL PROCEEDINGS CONCERNING SAID AGREEMENT.

Attachment:

Calendar Item 9 (2 pages)

PROPOSED BOUNDARY AGREEMENT WITH DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS,
SAN MATEO COUNTY.

Pursuant to legislative direction, Freeway Route No. 87 has been deleted from the State Highway system. The proposed route No. 87 was to run down the westerly side of San Francisco Bay from San Francisco to San Jose, partly out in the open water area of the Bay and partly along what is now the present bayshore. With the deletion of this plan, the Division of Highways is left with a number of surplus parcels of property that it is endeavoring to sell or to transfer to the jurisdiction of other governmental agencies.

The proposed transaction affects an approximate 4½-acre parcel of dry land immediately northerly of the approach to the San Mateo Bridge. That is one of the aforementioned areas which Highways is endeavoring to transfer. Originally the affected surplus parcel included lands located beneath the present waters of San Francisco Bay. The State Lands Division has refused to recognize any title in State Highways by virtue of deeds State Highways received from private parties to lands presently covered by water.

The Division of Highways has requested the State Lands Division to determine whether it has any sovereign interest by virtue of tide and submerged lands being included within the affected parcel.

In order to respond to the request of State Highways, the State Lands Division required Highways to make a physical survey of the present ordinary high water mark along the bayward edge of the surplus parcel. It also required the Division of Highways to supply the State Lands Division with a complete chain of title to the subject land. In addition, the State Lands Division has independently reviewed the historic maps showing the affected area. Based upon that review, the State Lands Division has determined that the affected parcel is located within one or more of the perimeter descriptions set forth in the following swamp and overflowed lands surveys which formed the basis for patents of the State to private parties issued in the years indicated:

San Francisco County Swamp and Overflowed Lands Survey
No. 10, Patent issued in 1856;

San Mateo County Swamp and Overflowed Lands Survey No. 69,
Patent issued in 1899 and San Mateo County Swamp and Over-
flowed Lands Survey No. 80, Patent issued in 1886.

All of the affected area was confirmed as swamp and overflowed lands in a patent by the United States to the State of California issued in 1919. A review of the affected area discloses that no part thereof was traversed by any sovereign lands.

CALENDAR ITEM 9. (CONTD.)

The proposed boundary agreement confirms that the subject 4½-acre parcel is composed of swamp and overflowed lands patented to the State of California by the Federal Government, and that no sovereign lands are contained within said area. It also provides that the bayward boundary of said parcel is permanent and fixed and not subject to change by reason of erosion and accretion. Highways has agreed to convey the area bayward of the ordinary high water mark to the Commission as a part of the agreement. The agreement specifically provides that it is not a waiver of the jurisdiction of any other State or local agency having any jurisdiction, such as the San Francisco Bay Conservation and Development Commission.

This transaction has been reviewed and approved by the Attorney General.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE EXECUTION OF A BOUNDARY AGREEMENT BETWEEN THE COMMISSION AND THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, SAID AGREEMENT BEING ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART THEREOF.
2. AUTHORIZE THE EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION AND OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE BOUNDARY AGREEMENT, INCLUDING BUT NOT LIMITED TO ANY LEGAL PROCEEDINGS CONCERNING SAID AGREEMENT.