

MINUTE ITEM

12/4/72  
RCH

21. BOUNDARY LINE AGREEMENT BETWEEN THE STATE OF CALIFORNIA, CITY OF PETALUMA, WALTER F. KIECKHEFER, JR., ET UX., JOHN W. CAVANAGH AND TITLE INSURANCE AND TRUST COMPANY, UPLAND OWNERS ADJACENT TO PORTIONS OF SOVEREIGN LANDS IN THE BED OF THE PETALUMA RIVER IN THE CITY OF PETALUMA, SONOMA COUNTY - N 0397, BLA 133.

After consideration of Calendar Item 19 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE EXECUTION OF THE BOUNDARY AGREEMENT DESCRIBED AS BLA 133. THE AGREEMENT, BEING BETWEEN THE STATE OF CALIFORNIA, THE CITY OF PETALUMA, AND OTHER PARTIES AS SET FORTH THEREIN, IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF; AND
2. AUTHORIZES THE EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE ABOVE AGREEMENT INCLUDING, BUT NOT LIMITED TO, APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.

Attachment:

Calendar Item 19 (1 page)

CALENDAR ITEM

11/72  
RCH  
N 0397

19.

BOUNDARY LINE AGREEMENT BETWEEN THE STATE OF CALIFORNIA,  
CITY OF PETALUMA, WALTER F. KIECKHEFER, JR., ET UX, JOHN W. CAVANAGH AND  
TITLE INSURANCE AND TRUST COMPANY, UPLAND OWNERS ADJACENT TO PORTIONS OF  
SOVEREIGN LANDS IN THE BED OF THE PETALUMA RIVER,  
IN THE CITY OF PETALUMA, SONOMA COUNTY

The proposed boundary agreement covers 381 feet of shoreline along the left bank of the Petaluma River in the City of Petaluma, Sonoma County. Due to past artificial influences such as dredging, filling, and levee construction, the present-day ordinary high water mark cannot be accepted as the boundary between public and private ownership along the affected reach of the Petaluma River. The last natural position of the ordinary high water mark is uncertain because of conflicting placements of the line by different surveyors over the past 100 years. The proposed agreement on file in the office of the State Lands Commission substitutes a fixed position for the ordinary high water mark and will dispel the uncertainty as to the public/private boundary which presently exists in the area.

As part of this agreement the State agrees to waive whatever right, title, and interest it may have in Baylis Street. In addition, the City of Petaluma agrees to convey to the State of California a substitute access route from Weller Street to the Petaluma River.

(This agreement will resolve long-standing conflicting boundary issues, and also establish record title relative to public access.)

The proposed boundary agreement has been reviewed and approved by the office of the Attorney General.

EXHIBITS: A. Site Map.  
B. Boundary Line Agreement Map.  
C. Boundary Line Agreement.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE EXECUTION OF THE BOUNDARY AGREEMENT DESCRIBED AS B.L.A. 133. THE AGREEMENT, BEING BETWEEN THE STATE OF CALIFORNIA, THE CITY OF PETALUMA, AND OTHER PARTIES AS SET FORTH THEREIN, IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF; AND
2. AUTHORIZE THE EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE ABOVE AGREEMENT INCLUDING, BUT NOT LIMITED TO, APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.