

16. DISAPPROVAL OF SURVEY, MAP AND PROPOSED AGREEMENT ALONG THE RIGHT BANK OF A SEGMENT OF THE COLORADO RIVER NEAR BLYTHE - W 20139.

After consideration of Calendar Item 15 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT THE OWNERS OF THE ADJOINING UPLAND PROPERTY ALONG THE COLORADO RIVER BETWEEN RIVER POINTS 13.00 AND 13.17 AS DEFINED IN THE "INTERSTATE COMPACT DEFINING THE BOUNDARY BETWEEN THE STATES OF ARIZONA AND CALIFORNIA," (CHAPTER 859, STATUTES OF 1963; ARIZONA LAWS 1963, CHAPTER 77; PUBLIC LAW 89-531 (80 STAT. 340), AUGUST 11, 1966), HAVE FAILED TO DELIVER TO THE STATE LANDS COMMISSION A PROPOSED AGREEMENT OR AGREEMENTS EXECUTED BY 85 PERCENT, BY LINEAL FEET OF WATERFRONT, OF THE OWNERS OF RECORD OF THE UPLAND PARCELS ADJOINING THE WEST BANK OF THE COLORADO RIVER BETWEEN SUCH RIVER POINTS.
2. DISAPPROVES THE SURVEY, MAP, AND PROPOSED AGREEMENT OR AGREEMENTS BY REASON OF THE FAILURE OF THE OWNERS OF THE ADJOINING UPLAND PROPERTY TO DELIVER SUCH PROPOSED AGREEMENT OR AGREEMENTS.
3. DELIVERS TO THE OWNERS OF RECORD OF THE UPLAND PARCELS ADJOINING THE WEST BANK OF THE COLORADO RIVER BETWEEN THE SPECIFIED RIVER POINTS THE SPECIFICATION OF REASON FOR SUCH DISAPPROVAL, OF THE SURVEY, MAP, AND AGREEMENT OR AGREEMENTS REQUIRED BY THE ACT.
4. FINDS THAT A RESOLUTION OF THE BOUNDARY IS IN THE BEST INTEREST OF THE STATE AND INDICATES A WILLINGNESS TO RECONSIDER ITS DISAPPROVAL FOLLOWING RECEIPT AND REVIEW OF THE DOCUMENTS AS REQUIRED BY THE STATUTE.

Attachment:

Calendar Item 15 (2 pages)

CALENDAR ITEM

15.

3/73  
CDR  
W 20139

DISAPPROVAL OF SURVEY, MAP AND PROPOSED AGREEMENT  
ALONG THE RIGHT BANK OF A SEGMENT  
OF THE COLORADO RIVER NEAR BLYTHE

Chapter 447 of the Statutes of 1971 provided the authority for locating and fixing the ownership boundary along a segment of the right bank of the Colorado River near Blythe, and specified the procedure for accomplishing this task. The first step was the selection of a surveyor or engineer to prepare the survey and map without cost to the State. Mr. W. S. Gookin of Scottsdale, Arizona, was selected to perform this work, and the Commission reaffirmed this choice at the March 30, 1972, meeting.

The statute then provided that within six months after the designation of the surveyor or engineer, the survey, map and proposed agreement or agreements executed by 85 percent, by lineal feet of waterfront, of the owners of record of the upland parcels adjoining the west bank of the Colorado River between specified points on the river were to be delivered to the Commission. On October 2, 1972, slightly more than six months from the designation of Mr. Gookin, maps of the survey were received in the office of the State Lands Division. No proposed agreements accompanied the maps, however, nor have any been received to date.

The statute further provided that within six months of the receipt of such survey and proposed agreement or agreements, the State Lands Commission shall "either disapprove the survey, map, and proposed agreement or agreements, specifying in particular the reasons for such disapproval, or it shall approve the survey, map, and proposed agreement or agreements and find and certify whether or not 85 percent, by lineal feet of waterfront, of the owners of record of the upland parcels adjoining the west bank of the Colorado River, between such river points, have entered into such agreement or agreements with the State Lands Commission, which is hereby authorized to execute such agreement or agreements by and on behalf of the state."

Section 4 of the statute provides that the State is bound by conclusive presumptions as to the location of the boundary if the Commission does not disapprove the survey, map, and agreement or agreements required by the act within six months from receipt of same.

Recent discussions with a representative of the upland owners discloses that they are still desirous of finalizing the boundary, but certain aspects of the agreements have taken more time than anticipated. Accordingly, they have asked for the opportunity to continue working towards a resolution of the problem, and request that the Commission express a willingness to reconsider the matter following its receipt and review of the documents required by the statute. Such a proposal appears to be in the best interests of all parties concerned.

CALENDAR ITEM NO. 15. (CONTD)

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE OWNERS OF THE ADJOINING UPLAND PROPERTY ALONG THE COLORADO RIVER BETWEEN RIVER POINTS 13.00 AND 13.17 AS DEFINED IN THE "INTERSTATE COMPACT DEFINING THE BOUNDARY BETWEEN THE STATES OF ARIZONA AND CALIFORNIA," (CHAPTER 859, STATUTES OF 1963; ARIZONA LAWS 1963, CHAPTER 77; PUBLIC LAW 89-531 (80 STAT. 340), AUGUST 11, 1966), HAVE FAILED TO DELIVER TO THE STATE LANDS COMMISSION A PROPOSED AGREEMENT OR AGREEMENTS EXECUTED BY 85 PERCENT, BY LINEAL FEET OF WATERFRONT, OF THE OWNERS OF RECORD OF THE UPLAND PARCELS ADJOINING THE WEST BANK OF THE COLORADO RIVER BETWEEN SUCH RIVER POINTS.
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4. FIND THAT A RESOLUTION OF THE BOUNDARY IS IN THE BEST INTEREST OF THE STATE AND INDICATE A WILLINGNESS TO RECONSIDER ITS DISAPPROVAL FOLLOWING RECEIPT AND REVIEW OF THE DOCUMENTS AS REQUIRED BY THE STATUTE.