

MINUTE ITEM

11/21/74
RCH

40. BOUNDARY LINE AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND ROY I. HARROW AND OTHERS; MALIBU BEACH, LOS ANGELES COUNTY - W 20708, BLA 146.

After consideration of Calendar Item 40 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 STATE OF CALIFORNIA, ROY I. HARROW, AND OTHER PARTIES AS SET FORTH THEREIN, WHICH 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 40 (1 page)

BOUNDARY LINE AGREEMENT BETWEEN THE
STATE OF CALIFORNIA AND ROY I. HARROW AND OTHERS;
MALIBU BEACH, LOS ANGELES COUNTY

The proposed boundary agreement covers 56 feet of shoreline along the Pacific Ocean in the City of Malibu, Los Angeles County. Due to artificial influences, the present-day ordinary high water mark cannot be accepted as the boundary between public and private ownership along this portion of the Pacific Ocean. The last natural position of the ordinary high water mark, which constitutes said boundary, is uncertain because of fluctuation of the line over the past 70 years, and the failure of affected parties to agree when conditions last existed in a natural condition. The proposed agreement on file in the office of the State Lands Commission establishes the boundary between public and private ownership along the affected shoreline and will dispel any further uncertainty as to said boundary's location. It is the opinion of the staff of the State Lands Division, after a study of historic conditions and various locations of the ordinary high water mark, that the line to be agreed upon is a reasonable approximation of the last natural ordinary high water mark.

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

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE EXECUTION OF A BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA, ROY I. HARROW, AND OTHER PARTIES AS SET FORTH THEREIN, WHICH 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.