

MINUTE ITEM

14. APPROVAL OF A MAP DELINEATING A FIXED BOUNDARY BETWEEN STATE LANDS AND LANDS OWNED BY T. JACK FOSTER ALONG THE WESTERLY SIDE OF BELMONT SLOUGH, SAN MATEO COUNTY - W.O. 3738, GEO.-SAN MATEO CO.

After consideration of Calendar Item 6 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO APPROVE THE MAP ENTITLED "PLAT OF LANDS EAST OF LEVEE AND WEST OF BELMONT SLOUGH IN SECTION 25, T. 4 S., R. 4 W., M.D.B.& M., SAN MATEO COUNTY, CALIFORNIA", PREPARED BY WILSEY, HAM & BLAIR, ENGINEERS.

FURTHER, THE EXECUTIVE OFFICER IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH T. JACK FOSTER FIXING THE BOUNDARY LINE DESCRIBED IN THE PROPOSED AGREEMENT ATTACHED AND HEREBY MADE A PART HEREOF, AS THE BOUNDARY LINE BETWEEN CERTAIN STATE AND UPLAND PROPERTY IN SAN MATEO COUNTY.

Attachment
Calendar Item 6 (3 pages)

CALENDAR ITEM

6.

APPROVAL OF A MAP DELINEATING A FIXED BOUNDARY BETWEEN STATE LANDS AND LANDS OWNED BY T. JACK FOSTER ALONG THE WESTERLY SIDE OF BELMONT SLOUGH, SAN MATEO COUNTY - W.O. 3738.

Since the natural condition of the westerly bank of Belmont Slough was destroyed years ago by a levee, the only basis for fixing the boundary between State and private lands in the subject area is by agreement as authorized by Section 6357 of the Public Resources Code. T. Jack Foster has inspected the map showing the position of the proposed boundary line and has indicated his approval, by letter, of both the map and the draft of a proposed agreement fixing the boundary line. The office of the Attorney General has approved the agreement as to form.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO APPROVE THE MAP ENTITLED "PLAT OF LANDS EAST OF LEVEE AND WEST OF BELMONT SLOUGH IN SECTION 25, T. 4 S., R. 4 W., M.D.B.& M., SAN MATEO COUNTY, CALIFORNIA", PREPARED BY WILSEY, HAM & BLAIR, ENGINEERS.

IT IS FURTHER RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH T. JACK FOSTER FIXING THE BOUNDARY LINE DESCRIBED IN THE PROPOSED AGREEMENT ATTACHED AND HEREBY MADE A PART HEREOF, AS THE BOUNDARY LINE BETWEEN CERTAIN STATE AND UPLAND PROPERTY IN SAN MATEO COUNTY.

Attachment
Exhibit "A"

EXHIBIT "A"AGREEMENT

(ARBITRATING ORDINARY HIGH WATER MARK)

THIS AGREEMENT, made this _____ day of _____, 19____, by and between the STATE OF CALIFORNIA, and T. JACK FOSTER,

WITNESSETH:

WHEREAS, the State, acting through the State Lands Commission is authorized by Section 6357 of the Public Resources Code to establish by arbitration the ordinary high water mark of the swamp, overflowed, marsh, tide, or submerged lands of this State, whenever it is deemed expedient or necessary, and

WHEREAS, T. Jack Foster appears of record as the owner of certain lands fronting on the tide and submerged lands on Belmont Slough, San Mateo County, California, and

WHEREAS, the State of California, by virtue of its sovereignty is the owner of the tide and submerged lands in Belmont Slough, San Mateo County, California, and

WHEREAS, the natural boundary between the upland and the tide and submerged lands has been obliterated as a result of levee construction and dredging in the area, and

WHEREAS, the State Lands Commission and T. Jack Foster consider it expedient and necessary and in the best interests of the public to permanently fix and describe the boundary between the lands belonging to T. Jack Foster and tide and submerged lands in Belmont Slough, and forever set at rest any and all questions relating to the location of said boundary line,

NOW, THEREFORE, in order to describe and establish a common boundary along the westerly shore of Belmont Slough, the parties hereto mutually agree, for and on behalf of themselves and their successors in interest, to accept the following as the true boundary line of the ordinary high water mark:

BEGINNING at a point on the southerly line of Section 25, T. 4 S., R. 4 W., M.D.B. & M., distant S. 88° 57' 12" E. 2124.54 feet from a concrete monument marking the southwest corner of said Section 25; thence from said Point of Beginning, and leaving said southerly line, N. 32° 38' 30" E. 1605.69 feet; thence N. 62° 28' 00" E. 661.61 feet; thence N. 46° 50' 58" E. 270.60 feet; thence N. 25° 25' 07" W. 386.88 feet and N. 4° 10' 57" E. 415.99 feet to the northwesterly corner of TLL No. 149.

Above described line shown as line BCDEFG on "Plat of Lands East of Levee and West of Belmont Slough in Section 25, T. 4 S., R. 4 W., M.D.B. & M., San Mateo County, California" prepared by Wilsey, Ham and Blair, Engineers, and made a part of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

IN APPROVAL WHEREOF, I,

EDMUND G. BROWN

Governor of the State of California have set my hand and caused the Seal of the State of California to be hereunto affixed pursuant to Section 6107 of the Public Resources Code of the State of California. Given under my hand at the City of Sacramento, this, the _____ day of _____ in the year of our Lord one thousand nine hundred and _____.

Governor of State

Attest:

Secretary of State

STATE OF CALIFORNIA, through
STATE LANDS COMMISSION

By _____
Executive Officer

By _____

T. JACK FOSTER

By _____
President

By _____
Secretary