

MINUTE ITEM

21. APPROVAL OF A MAP DELINEATING THE BOUNDARY LINE BETWEEN STATE LANDS AND LANDS OWNED BY PACIFIC GAS & ELECTRIC COMPANY ALONG THE SACRAMENTO RIVER IN THE VICINITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA - W.O. 3948, GEO.-CONTRA COSTA 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 THE NORTH PROPERTY LINE OF PACIFIC GAS AND ELECTRIC ALONG THE SACRAMENTO RIVER, VICINITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA", DATED APRIL 1961.

FURTHER, THE EXECUTIVE OFFICER IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH PACIFIC GAS & ELECTRIC CO., FIXING THE BOUNDARY LINE DESCRIBED IN THE PROPOSED AGREEMENT, COPY OF WHICH IS ATTACHED AND HEREBY MADE A PART HEREOF, AS THE BOUNDARY LINE BETWEEN CERTAIN STATE AND UPLAND PROPERTY IN CONTRA COSTA COUNTY.

Attachment
Calendar Item 6 (3 pages)

CALENDAR ITEM

6.

APPROVAL OF A MAP DELINEATING THE BOUNDARY LINE BETWEEN STATE LANDS AND LANDS OWNED BY PACIFIC GAS & ELECTRIC COMPANY ALONG THE SACRAMENTO RIVER IN THE VICINITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA - W.O. 3948.

As a result of dredging, fill and bulkhead construction along the Sacramento River, the natural condition of the river bank has been destroyed, and the only basis now available 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. Pacific Gas and Electric Co. has inspected a map prepared by the State Lands Division, dated April 1961, showing the position of the proposed boundary line, and has indicated 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 subject agreement as to form.

IT IS RECOMMENDED THAT EXECUTIVE OFFICER BE AUTHORIZED TO APPROVE THE MAP ENTITLED "PLAT OF THE NORTH PROPERTY LINE OF PACIFIC GAS AND ELECTRIC ALONG THE SACRAMENTO RIVER, VICINITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA", DATED APRIL 1961.

IT IS FURTHER RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH PACIFIC GAS & ELECTRIC CO., FIXING THE BOUNDARY LINE DESCRIBED IN THE PROPOSED AGREEMENT, COPY OF WHICH IS ATTACHED AND HEREBY MADE A PART HEREOF, AS THE BOUNDARY LINE BETWEEN CERTAIN STATE AND UPLAND PROPERTY IN CONTRA COSTA COUNTY.

Attachment
Exhibit "A"

EXHIBIT "A"

AGREEMENT

(ARBITRATING AND STIPULATING ORDINARY HIGH WATER MARK
AND INTEREST IN REAL PROPERTY)

THIS AGREEMENT, made this _____ day of _____, 19____, by and between the STATE OF CALIFORNIA, and PACIFIC GAS AND ELECTRIC COMPANY,

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, the State, acting through the State Lands Commission, pursuant to Section 6301 of the Public Resources Code, is authorized by virtue of its sovereignty and its inherent powers over tide and submerged lands to stipulate and agree with private persons and corporations as to the boundary line between such lands and privately-owned lands; and

WHEREAS, Pacific Gas and Electric Company appears of record as the owner of certain lands fronting on the tide and submerged lands along the Sacramento River in the vicinity of Pittsburg, Contra Costa County, California, and

WHEREAS, the State of California, by virtue of its sovereignty is the owner of the tide and submerged lands in the Sacramento River in the vicinity of Pittsburg, Contra Costa County, California, and

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

WHEREAS, the State Lands Commission and Pacific Gas and Electric Company 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 Pacific Gas and Electric Company and tide and submerged lands in the Sacramento River, 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 southerly shore of the Sacramento River, 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 northeasterly prolongation of the northwesterly line of the 39.59-acre parcel of land described in the deed executed by C. A. Hooper & Co. to Pacific Gas and Electric Company, dated October 23, 1952, and recorded in Book 2015 of Official Records at page 530, records of Contra Costa County, from which the concrete monument

EXHIBIT "A" (CONTD.)

marking the most southerly corner of said 39.59-acre parcel of land bears S. $11^{\circ} 27\frac{1}{2}'$ W. 1923.39 feet distant (S. $12^{\circ} 20' 31''$ W. 1922.82 feet - Lambert); said point of beginning has California coordinates of X = 1,595,837.08 and Y = 563,614.33 and bears N. $71^{\circ} 40' 50''$ E. 5584.31 feet - Lambert - from State Lands Commission Triangulation Station "West Pitt 1953"; and running thence from said point of beginning N. $82^{\circ} 42'$ E. 1686.98 feet (N. $87^{\circ} 35' 00''$ E. 1686.48 ft. - Lambert); thence N. $69^{\circ} 45\frac{1}{2}'$ E. 1114.1 ft. (N. $70^{\circ} 38' 27''$ E. 1113.75 feet - Lambert); thence N. $71^{\circ} 24'$ E. 527.2 ft. (N. $72^{\circ} 16' 57''$ E. 527.03 ft. - Lambert); thence S. $89^{\circ} 45\frac{1}{2}'$ E. 1101.2 ft. (S. $88^{\circ} 52' 32''$ E. 1100.85 ft. - Lambert); and thence S. $73^{\circ} 15'$ E. 664.0 ft. (S. $72^{\circ} 22' 01''$ E. 663.78 ft. - Lambert); to the easterly end of said boundary, which is a point on the northeasterly prolongation of the northwesterly line of Montezuma Avenue, as the same is shown on the map entitled "Westside Addition No. 3 of the City of Pittsburg", filed for record in Book 21 of Maps at page 574, records of Contra Costa County (for the purpose of this description the bearing of the northwesterly line of said Montezuma Avenue is taken as N. $16^{\circ} 40'$ E.) from which a concrete monument marking the most northerly corner of said Westside Addition No. 3 (said monument being in the northeasterly side of Cody Street, as shown on said map, distant thereon 96.05 feet northwesterly from the northwesterly line of said Montezuma Avenue) bears S. $22^{\circ} 36' 30''$ W. 927.84 feet distant (S. $23^{\circ} 20' 30''$ W. 927.57 feet - Lambert) and which point of ending bears N. $1^{\circ} 43' 11''$ E. 447.87 feet - Lambert - from U.S.C. & G.S. Triangulation Station "Pittsburg 1932" and has coordinates of X = 1,600,808.10 and Y = 563,992.36 based on the California Coordinate System, Zone 3, as are all coordinates, and all bearings and distances in this description which are designated Lambert. Said common boundary is delineated and designated "North Property Line of P.G. & E." and said Sacramento River is shown upon that certain map prepared by the State Lands Commission entitled "Plat of the North Property Line of P.G. & E. along the Sacramento River, Vicinity of Pittsburg, Contra Costa County."

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

STATE OF CALIFORNIA, through
STATE LANDS COMMISSION

By _____
Executive Officer

PACIFIC GAS AND ELECTRIC COMPANY

By _____
Vice President and Assistant
General Manager

By _____
Secretary