

MINUTE ITEM

28. APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION AS SPECIAL ADMINISTRATOR WITH GENERAL POWERS OF THE ESTATE OF SAM ARVANITIS, DECEASED, ALONG WATERWARD BOUNDARY OF PORTION OF TIDELAND LOCATION NO. 141, VICINITY OF SURFSIDE, ORANGE COUNTY, CALIFORNIA - W.O. 5171, B.L.A. 51, GEO.-ORANGE CO.

After consideration of Calendar Item 35 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE AN AGREEMENT WITH BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION AS SPECIAL ADMINISTRATOR WITH GENERAL POWERS OF THE ESTATE OF SAM ARVANITIS, DECEASED, FIXING THE ORDINARY LOW WATER MARK AS THE COMMON BOUNDARY ALONG A TIDAL WATERWAY IN THE VICINITY OF SURFSIDE, ORANGE COUNTY, AS DESCRIBED IN THE BOUNDARY AGREEMENT, W.O. 5171, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN STATE SUBMERGED LAND AND SUBJECT PRIVATE LANDS ALONG THIS TIDAL WATERWAY.

Attachments

Exhibit "A" (3 pages)

Calendar Item 35 (4 pages)

EXHIBIT "A"

THIS BOUNDARY AGREEMENT, made and entered into by and between
STATE OF CALIFORNIA, acting by and through the STATE LANDS
COMMISSION (as Party of the First Part hereinafter referred
to as "the State") and
BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION, AS SPECIAL
ADMINISTRATOR WITH GENERAL POWERS OF THE ESTATE OF SAM ARVANITIS,
DECEASED (as Party of the Second Part hereinafter referred to as
"Second Party")

W I T N E S S E T H

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

WHEREAS, the Second Party appears of record as owner of certain
tidelands in the vicinity of Surfside, Orange County, California, being a
portion of Tide Land Location No. 141; and

WHEREAS, the State of California by virtue of its sovereignty is
the owner of certain submerged lands in the vicinity of Surfside, Orange
County, California; and

WHEREAS, the ordinary low water mark as it may have existed in
its last natural state has been affected by artificial and natural processes
or a combination of both; and

EXHIBIT "A" (CONTD.)

WHEREAS, the State Lands Commission and the Second Party consider it expedient and necessary and in the best interests of the State and the public to describe and fix permanently the ordinary low water mark as the boundary between the lands belonging to the State and Second Party and forever set at rest any and all questions relating to the location of said ordinary low water mark.

NOW, THEREFORE, in order to locate, describe and permanently establish the ordinary low water mark as the true and correct boundary line between the State and Second Party, it is agreed that said boundary line is and shall be located and established as follows:

Commencing at the most Westerly corner of the land described in the Quitclaim Deed to Sam Arvanitis and George Arvanitis, recorded January 20, 1953, in Book 2439, page 488, Official Records, in the Office of the Orange County recorder, being also a point in the Southwesterly line of Tide Land Location No. 141, recorded in Book 1, page 194 of Patents of said Orange County as shown on Record of Survey Map recorded July 17, 1963, in Book 65, page 28 of Maps, Records of Orange County, and also having California Coordinates, Zone 6, N572,059.30 and E1,444,106.82; thence N. 46° 32' 00" E. 208.25 feet to a point on the northeasterly line of Tideland Location No. 141; thence S. 44° 15' 00" E. 77.58 feet and S. 73° 45' 00" E. 110.76 feet to a point on the northerly line of TTL 141 which point is the True Point of Beginning of this Boundary Line and which is shown on Record of Survey Map filed in Book 53, page 28 of Maps, Records of Orange County; thence, from said True Point of Beginning, S. 73° 45' 00" E. 495.76 feet to the end of this boundary line.

EXHIBIT "A" (CONT.)

This agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates hereafter written:

BANK OF AMERICA NATIONAL TRUST
& SAVINGS ASSOCIATION, AS SPECIAL
ADMINISTRATOR WITH GENERAL POWERS
OF THE ESTATE OF SAM ARVANITIS,
DECEASED

By _____
Trust Officer

By _____
Assistant Trust Officer

(Acknowledgment)

STATE OF CALIFORNIA
Acting by and through
STATE LANDS COMMISSION

By _____
F. J. HORTIG
Executive Officer

(Acknowledgment)

CALENDAR ITEM

35.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION AS SPECIAL ADMINISTRATOR WITH GENERAL POWERS OF THE ESTATE OF SAM ARVANITIS, DECEASED, ALONG WATERWARD BOUNDARY OF PORTION OF TIDELAND LOCATION NO. 141, VICINITY OF SURFSIDE, ORANGE COUNTY, CALIFORNIA - W.O. 5171.

A tidal waterway in the vicinity of Surfside, Orange County, has been subjected to artificial influences in the interests of navigation. Tideland Location No. 141 lies within this area of influence, but its present waterward boundary is still reasonably representative of the mean low water line of the original Tideland Survey. Record of Survey Map, filed in Book 53, page 28 of Records of Surveys, County of Orange, shows this waterward boundary, which is agreeable to all parties as a permanent boundary. It is proposed to enter into an agreement with Bank of America National Trust & Savings Association to fix the common property boundary along a portion of the waterward line of Tide Land Lot No. 141 as it is shown on said Record of Survey map (Exhibit "B").

The office of the Attorney General previously approved boundary agreements in the subject form; Staff Counsel has determined that the agreement is legally sufficient.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE AN AGREEMENT WITH BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION AS SPECIAL ADMINISTRATOR WITH GENERAL POWERS OF THE ESTATE OF SAM ARVANITIS, DECEASED, FIXING THE ORDINARY LOW WATER MARK AS THE COMMON BOUNDARY ALONG A TIDAL WATERWAY IN THE VICINITY OF SURFSIDE, ORANGE COUNTY, AS DESCRIBED IN THE BOUNDARY AGREEMENT, W.O. 5171, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN STATE SUBMERGED LAND AND SUBJECT PRIVATE LANDS ALONG THIS TIDAL WATERWAY.

Attachment
Exhibit "A"

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W I T N E S S E T H

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

WHEREAS, the Second Party appears of record as owner of certain tidelands in the vicinity of Surfside, Orange County, California, being a portion of Tide Land Location No. 141; and

WHEREAS, the State of California by virtue of its sovereignty is the owner of certain submerged lands in the vicinity of Surfside, Orange County, California; and

WHEREAS, the ordinary low water mark as it may have existed in its last natural state has been affected by artificial and natural processes or a combination of both; and

EXHIBIT "A" (CONTD.)

WHEREAS, the State Lands Commission and the Second Party consider it expedient and necessary and in the best interests of the State and the public to describe and fix permanently the ordinary low water mark as the boundary between the lands belonging to the State and Second Party and forever set at rest any and all questions relating to the location of said ordinary low water mark.

NOW, THEREFORE, in order to locate, describe and permanently establish the ordinary low water mark as the true and correct boundary line between the State and Second Party, it is agreed that said boundary line is and shall be located and established as follows:

Commencing at the most Westerly corner of the land described in the Quitclaim Deed to Sam Arvanitis and George Arvanitis, recorded January 20, 1953, in Book 2439, page 488, Official Records, in the Office of the Orange County recorder, being also a point in the Southwesterly line of Tide Land Location No. 141, recorded in Book 1, page 194 of Patents of said Orange County as shown on Record of Survey Map recorded July 17, 1963, in Book 65, page 28 of Maps, Records of Orange County, and also having California Coordinates, Zone 6, N572,059.30 and E1,444,106.82; thence N. 46° 32' 00" E. 208.25 feet to a point on the northeasterly line of Tideland Location No. 141; thence S. 44° 15' 00" E. 77.58 feet and S. 73° 45' 00" E. 110.76 feet to a point on the northerly line of TTL 141 which point is the True Point of Beginning of this Boundary Line and which is shown on Record of Survey Map filed in Book 53, page 28 of Maps, Records of Orange County; thence, from said True Point of Beginning, S. 73° 45' 00" E. 495.76 feet to the end of this boundary line.

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DECEASED

By _____
Trust Officer

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Assistant Trust Officer

(Acknowledgment)

STATE OF CALIFORNIA
Acting by and through
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By _____
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Executive Officer

(Acknowledgment)