

MINUTE ITEM

34. APPROVAL OF MAP DELINEATING THE BOUNDARY OF STATE TIDE LAND, VICINITY OF BENICIA ARSENAL, SOLANO COUNTY, CALIFORNIA; AND APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE UNITED STATES, THE CITY OF BENICIA, AND THE STATE OF CALIFORNIA - W.O. 5208, B.L.A. 56.

After consideration of Calendar Item 41 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED:

1. TO APPROVE AND HAVE RECORDED SHEET 1 OF 1 OF MAP ENTITLED "BOUNDARY OF MEAN HIGH TIDE LINE ALONG THE SHORE OF SUISUN BAY, VICINITY OF BENICIA ARSENAL, SOLANO COUNTY, CALIF." DATED JUNE 1964.
2. TO EXECUTE A BOUNDARY AGREEMENT WITH THE UNITED STATES AND THE CITY OF BENICIA FIXING THE BOUNDARY OF STATE TIDE LANDS AT THE MEAN HIGH TIDE LINE OF 1896 ALONG THE SHORE OF SUISUN BAY, SOLANO COUNTY, CALIFORNIA, AS DELINEATED ON THE ABOVE-MENTIONED MAP AND AS DESCRIBED IN THE AGREEMENT, COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF.

Attachment

Calendar Item 41 (5 pages)

CALENDAR ITEM

41.

APPROVAL OF MAP DELINEATING THE BOUNDARY OF STATE TIDE LAND, VICINITY OF BENICIA ARSENAL, SOLANO COUNTY, CALIFORNIA; AND APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE UNITED STATES, THE CITY OF BENICIA, AND THE STATE OF CALIFORNIA - W.O. 5208.

The United States is in the process of disposing of the military reservation known as the Benicia Arsenal along the shore of Suisun Bay. The City of Benicia proposes to acquire the deactivated military reservation from the United States.

Before this transfer of property can take place, the waterward boundary must be established. The waterfront area has been subjected to artificial influence for many years. It has been agreed that the line of Mean High Tide in its last known natural state in 1896 was fixed by construction of levees and other works along the shore of Suisun Bay, and correctly represents the permanent boundary.

A map of these boundaries has been prepared by the State Lands Division and is acceptable to the United States and to the City of Benicia.

A Boundary Agreement (copy of which is attached as Exhibit "A") is also acceptable to both the United States and the City of Benicia. The office of the Attorney General previously approved boundary agreements in this form, and Staff Counsel has determined this agreement is legally sufficient.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED:

1. TO APPROVE AND HAVE RECORDED SHEET 1 OF 1 OF MAP ENTITLED "BOUNDARY OF MEAN HIGH TIDE LINE ALONG THE SHORE OF SUISUN BAY, VICINITY OF BENICIA ARSENAL, SOLANO COUNTY, CALIF." DATED JUNE 1964.
2. TO EXECUTE A BOUNDARY AGREEMENT WITH THE UNITED STATES AND THE CITY OF BENICIA FIXING THE BOUNDARY OF STATE TIDE LANDS AT THE MEAN HIGH TIDE LINE OF 1896 ALONG THE SHORE OF SUISUN BAY, SOLANO COUNTY, CALIFORNIA, AS DELINEATED ON THE ABOVE-MENTIONED MAP AND AS DESCRIBED IN THE AGREEMENT, COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF.

Attachment
Exhibit "A"

EXHIBIT "A"

BOUNDARY AGREEMENT

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

THE UNITED STATES, acting by and through the GENERAL SERVICES
ADMINISTRATION (as Party of the Second Part hereinafter referred
to as "United States") and

THE CITY OF BENICIA (as Party of the Third Part hereinafter
referred to as "City")

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 United States appears of record as owner of the
Military Reservation bordering on Carquinez Strait and Suisun Bay in the
vicinity of Benicia, Solano County, California; and

WHEREAS, the State by virtue of its sovereignty is the owner of
certain tide and submerged lands in Carquinez Strait and Suisun Bay, Solano
County, California; and

WHEREAS, the ordinary high water mark as 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 United States is in the process of disposing of the Military Reservation known as the Benicia Arsenal; and

WHEREAS, the City of Benicia proposes to acquire the deactivated Military Reservation from the United States; and

WHEREAS, the common boundary between the State and the United States is the ordinary high water mark; and

WHEREAS, the State, the United States and the City consider it expedient and necessary and in the best interests of the State and the public to describe and fix permanently the boundary between a portion of the lands belonging to the State and the United States and forever set at rest any and all questions relating to the location of said boundary line;

NOW, THEREFORE, in order to locate, describe and permanently establish the true and correct boundary line between the State and the United States, it is agreed that said boundary line is and shall be located and established as follows:

Beginning at a point on the Mean High Tide Line of 1896 which bears S. 03° 03' 56" W., 172.03 feet from Highway Station 79+21.53, having California Coordinates Zone 2, X = 1,963,238.09 and Y = 138,817.81, located on the centerline of State Highway IV, X-CC., SOL.-75, 74-MTZ., BEN. near the northerly end of the new Martinez Bridge (said point of beginning being on the State Highway Right of Way Line); thence along the Mean High Tide Line of 1896, N. 56° E. 370 feet, N. 12° E. 150 feet, N. 7° W. 760 feet, N. 21° E. 3050 feet, N. 35° E. 950 feet, N. 17° E. 300 feet and N. 33° E. 1248.76 feet to a point on the northerly line of the Benicia Arsenal.

The bearings and distances shown in the above description are based upon the California Coordinates System, Zone 2.

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

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EXHIBIT "A" (CONTD.)

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

GENERAL SERVICES ADMINISTRATION

By _____

Date of Signature

STATE OF CALIFORNIA)
COUNTY OF _____) ss

On _____, 19____, before me, the undersigned, a Notary Public in and for said State, with principal office in _____ County, personally appeared _____ known to me to be the _____ of the General Services Administration that executed the within Instrument, known to me to be the person whose name is subscribed to the within Instrument and acknowledged that he executed the within Instrument pursuant to the authority of said General Services Administration.

WITNESS my hand and official seal.

Name (Typed or Printed)
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

CITY OF BENICIA

Date of Signature By _____ Mayor

Date of Signature By _____ City Clerk

STATE OF CALIFORNIA)
COUNTY OF _____) ss

EXHIBIT "A" (CONTD.)

On _____, 19____, before me, the undersigned, a Notary Public in and for said State, with principal office in _____ County, personally appeared _____ and _____ known to me to be the Mayor and City Clerk, respectively, of the CITY OF BENICIA that executed the within Instrument, and also known to me to be the persons who executed it on behalf of the city therein named, and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Name (Typed or Printed)
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

STATE OF CALIFORNIA
acting by and through
STATE LANDS COMMISSION

Date of Signature

By _____
F. J. HORTIG
Executive Officer

STATE OF CALIFORNIA
COUNTY OF _____ } ss

On _____, 19____, before me, the undersigned, a Notary Public in and for said State, with principal office in _____ County, personally appeared F. J. HORTIG, known to me to be the Executive Officer of the STATE LANDS COMMISSION, STATE OF CALIFORNIA, the Commission that executed the within Instrument, known to me to be the person who executed the within Instrument, on behalf of the Commission therein named, and acknowledged to me that such Commission executed the within Instrument pursuant to a resolution of its Commissioners.

WITNESS my hand and official seal.

Name (Typed or Printed)
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

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