

MINUTE ITEM

34. APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND VALERIE SILACCI ALONG WATERWARD BOUNDARY OF PORTION OF TIDELAND SURVEY NO. 22 ALONG THE LEFT BANK OF THE PETALUMA RIVER, SONOMA COUNTY - W.O. 5358, B.L.A. 59.

After consideration of Calendar Item 21 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE AN AGREEMENT WITH VALERIE SILACCI, FIXING THE ORDINARY LOW WATER MARK AS THE COMMON BOUNDARY ALONG THE PETALUMA RIVER, SONOMA COUNTY, AS DESCRIBED IN THE BOUNDARY AGREEMENT, W.O. 5358, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN STATE SUBMERGED LAND AND SUBJECT PRIVATE LANDS ALONG THE TIDAL WATERWAY.

Attachment

Calendar Item 21(4 pages)

CALENDAR ITEM

21.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND VALERIE SILACCI ALONG WATERWARD BOUNDARY OF PORTION OF TIDELAND SURVEY NO. 22 ALONG THE LEFT BANK OF THE PETALUMA RIVER, SONOMA COUNTY - W.O. 5358.

Levees along the bank of the Petaluma River created an artificial condition which fixed the location of the low water mark boundary line. The toe of the levee closely agrees with the position of the low water line of 1860, and is acceptable as the location of a permanent boundary between the State and the lands of Valerie Silacci.

Record of Survey Map, filed in Book 100, page 55 of Records of Surveys, County of Sonoma, shows this waterward boundary, which is agreeable to all parties as a permanent boundary. It is proposed to enter into an agreement with Valerie Silacci to fix the common property boundary along a portion of the waterward line of tideland Survey No. 22.

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

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE AN AGREEMENT WITH VALERIE SILACCI, FIXING THE ORDINARY LOW WATER MARK AS THE COMMON BOUNDARY ALONG THE PETALUMA RIVER, SONOMA COUNTY, AS DESCRIBED IN THE BOUNDARY AGREEMENT, W.O. 5358, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN STATE SUBMERGED LAND AND SUBJECT PRIVATE LANDS ALONG THE TIDAL WATERWAY.

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 VALERIE R. SILACCI (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, whenever it is deemed expedient or necessary; and

WHEREAS, the Second Party appears of record as owner of certain tidelands along the Petaluma River, Sonoma County, California, being a portion of Tide Land Survey No. 22; and

WHEREAS, the State of California by virtue of its sovereignty is the owner of certain submerged lands in the Petaluma River, Sonoma 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

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

EXHIBIT "A" (CONTD.)

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 a point which bears N. 46° 09' W. 3.28 feet from a ½" Iron Pipe and tag and S. 37° 16' 42" W. 1154.32 feet from a ½" Iron Pipe and tag on the westerly edge of Lakeville Highway, both reference points being shown on Record of Survey Map filed in Book 100 of Maps at Page 55, recorded 21 Jan. 1965, Sonoma County records, thence S. 37° 16' 42" W. 347.31 feet to a 1½" Iron Pipe and tag having California Coordinates N 617,998.33 and E 1,414,114.43, Zone 3, which point bears N. 58° 36' 19" E. 10,316.99 feet from U.S.C.& G.S. Triangulation Station "San Antonio 3 R.M. No. 4", thence S. 37° 16' 42" W. 39.00 feet to a point on the toe of the dike, said point being the True Point of Beginning of this boundary line, thence from said True Point of Beginning along the following courses: N. 33° 20' W. 310.84 feet, N. 3° 10' E. 18.00 feet, N. 50° 26' W. 119.00 feet, N. 34° 37' W. 294.00 feet, N. 28° 46' W. 382.00 feet, N. 30° 21' W. 447.00 feet and N. 43° 47' W. 94.10 feet to the end of this boundary line; being the same line delineated on said Record of Survey Map entitled, "Boundary Agreement Line Riverward Toe of Dike".

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

EXHIBIT "A" (CONTD.)

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

Date of Signature Valerie R. Silacci

STATE OF CALIFORNIA
COUNTY OF _____ } ss

On this _____ date of _____ in the year _____, before
me _____,
a Notary Public in and for said County and State, personally appeared

_____ known to me to be the person whose name is _____ subscribed to the
within instrument, and acknowledged to me that she executed the same.

Name (Typed or Printed)
NOTARY PUBLIC IN AND FOR SAID COUNTY AND
STATE

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 this _____ day of _____ in the year _____, before
me, _____,
a Notary Public in and for said County and State, personally appeared
F. J. HORTIG, known to me to be the Executive Officer of the STATE LANDS
COMMISSION, and known to me to be the person who executed the within
Instrument on behalf of said agency, and acknowledged to me that such
agency executed the same.

Name (Typed or Printed)
NOTARY PUBLIC IN AND FOR SAID COUNTY AND
STATE