

MINUTE ITEM

7/2/65

40. APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND BAHIA PROPERTIES CORPORATION, A CALIFORNIA CORPORATION, ALONG THE ORDINARY HIGH WATER MARK ON THE RIGHT BANK OF THE PETALUMA RIVER, MARIN COUNTY - W.O. 5697, B.L.A. 66.

After consideration of Calendar Item 8 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE AN AGREEMENT WITH THE BAHIA PROPERTIES CORPORATION FIXING THE ORDINARY HIGH WATER MARK AS THE COMMON BOUNDARY ALONG THE RIGHT BANK OF THE PETALUMA RIVER, MARIN COUNTY, AS DESCRIBED IN THE BOUNDARY AGREEMENT, W.O. 5697, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN STATE TIDE AND SUBMERGED LAND AND SUBJECT PRIVATE LANDS ALONG THE PETALUMA RIVER.

Attachment:

Calendar Item 8 (5 pages)

8.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND BAHIA PROPERTIES CORPORATION, A CALIFORNIA CORPORATION, ALONG THE ORDINARY HIGH WATER MARK ON THE RIGHT BANK OF THE PETALUMA RIVER, MARIN COUNTY - W.O. 5697.

An application (request) has been received from Bahia Properties Corporation, a California corporation, to establish a boundary along the right bank of Petaluma Creek, Marin County, between its privately owned uplands and State-owned tide and submerged lands.

Levees along the right bank of the Petaluma River created an artificial condition which fixed the position of the Ordinary High Water Mark approximately along the 1887 line of mean high water.

State Lands Division "Map of the Ordinary High Water Mark on the Right Bank of Petaluma Creek", recorded January 25, 1960, and filed in Can "E", serial No. 19165, Marin County Records (Exhibit "B"), shows the Ordinary High Water Mark as described in a Boundary Line Agreement, which is agreeable to all parties as a permanent boundary.

The office of the Attorney General has previously approved boundary agreements in the subject form.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE AN AGREEMENT WITH THE BAHIA PROPERTIES CORPORATION FIXING THE ORDINARY HIGH WATER MARK AS THE COMMON BOUNDARY ALONG THE RIGHT BANK OF THE PETALUMA RIVER, MARIN COUNTY, AS DESCRIBED IN THE BOUNDARY AGREEMENT, W.O. 5697, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN STATE TIDE AND SUBMERGED LAND AND SUBJECT PRIVATE LANDS ALONG THE PETALUMA RIVER.

Attachment: Exhibit 'A'

EXHIBIT "A"

W.O. 5697
Bla 66

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 BAHIA PROPERTIES CORPORATION (as Party of the Second Part here-
inafter 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 cer-
tain uplands fronting ~~on the tide and submerged lands of the Petaluma~~
River, Marin County, California; and

WHEREAS, the State of California by virtue of its sovereignty
is the owner of certain tide and submerged lands in the Petaluma River,
Marin County, California; and

WHEREAS, the ordinary high 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 high water 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 high water mark.

NOW, THEREFORE, in order to locate, describe and permanently establish the ordinary high 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 Station No. 29 as shown on map prepared by the State Lands Commission, filed January 25, 1960, in Can "E", Serial No. 19165, Marin County Records, and entitled "Map of the Ordinary High Water Mark on the right bank of Petaluma Creek", said Station having California Coordinate System Zone 3 Coordinates of X = 1,420,291.00 and Y = 597,189.00, running thence from said Station 29 and along said "High Water Mark", North 11° 39' 33" West 118.04 feet to the true point of beginning; thence from said true point of beginning and along said "High Water Mark" the following courses and distances: North 11° 39' 33" West 74.94 feet, North 6° 43' 59" West 725.00 feet, North 3° 00' 46" West 304.42 feet, North 6° 53' 18" West 300.17 feet, North 3° 08' 53" West 200.30 feet, North 4° 58' 11" West 184.69 feet, North 4° 45' 49" West 313.08 feet, North 7° 11' 43" West 303.39 feet, North 2° 31' 01" East 91.09 feet, North 9° 38' 15" West 107.52 feet, North 37° 15' 59" West 57.80 feet, North 83° 02' 49" West 82.61 feet, North 52° 20' 28" West 116.21 feet, North 41° 59' 14" West 121.08 feet, North 58° 45' 22" West 175.44 feet, North 87° 14' 36" West 270.31 feet, North 39° 34' 36" West 224.45 feet and North 47° 56' 39" West 120.00 feet to the terminus of the herein described line, said terminus having California Coordinate System, Zone 3, Coordinates of X = 1,419,068.00 and Y = 600,456.00. (Bearings in this description are grid bearings based upon the California Coordinate System, Zone 3.)

EXHIBIT "A" (CONTD.)

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:

THE BAHIA PROPERTIES CORPORATION

Date of Signature

By _____
President

Date of Signature

BY _____
Secretary

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 _____ and _____ known to me to be the President and Secretary, respectively, of the corporation that executed the within Instrument, known to me to be the persons whose names are subscribed to the within Instrument and acknowledged that they executed the within Instrument pursuant to the authority of said corporation.

WITNESS my hand and official seal.

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

EXHIBIT "A" (CONTD.)

STATE OF CALIFORNIA
acting by and through
STATE LANDS COMMISSION

By _____
F. J. HORTIG
Executive Officer

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 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