

MINUTE ITEM

7/20/65

24. APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA, THE MOSS LANDING HARBOR DISTRICT, MARY E. SANDHOLDT, AND LUCILE FERGUSON, ALONG THE SHORE OF THE OLD SALINAS RIVER AND MONTEREY BAY, VICINITY OF MOSS LANDING, MONTEREY COUNTY, CALIFORNIA - W.O. 5621, B.L.A. 67.

After consideration of Calendar Item 25 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE THE BOUNDARY AGREEMENT, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, BETWEEN THE STATE, MOSS LANDING HARBOR DISTRICT, MARY E. SANDHOLDT, AND LUCILE FERGUSON, ALONG THE ORDINARY HIGH WATER MARK OF THE OLD SALINAS RIVER AND MONTEREY BAY.

Attachment

Calendar Item 25 (8 pages)

25.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA, THE MOSS LANDING HARBOR DISTRICT, MARY E. SANDHOLDT, AND LUCILE FERGUSON, ALONG THE SHORE OF THE OLD SALINAS RIVER AND MONTEREY BAY, VICINITY OF MOSS LANDING, MONTEREY COUNTY, CALIFORNIA - W.O. 5621.

A request has been received from the Moss Landing Harbor District and adjoining property owners Sandholdt and Ferguson, for establishment of the boundary along the Old Salinas River and Monterey Bay dividing the privately owner land from granted and ungranted tide and submerged lands.

Chapter 1190 of the Statutes of 1947 granted certain tide and submerged lands in Elkhorn Slough, in Salinas River, and in Monterey Bay to the Moss Landing Harbor District. However, the boundaries of the Moss Landing Harbor District do not go into the Pacific Ocean but follow the shoreline. For this reason, there is doubt as to the jurisdiction of the Moss Landing Harbor District in Monterey Bay. A portion of the boundary line in the proposed boundary line agreement is along the sandspit on the bay side. Litigation is pending in Monterey Superior Court to decide the extent of the Moss Landing Harbor District Grant. Meanwhile, in order to settle the location of the boundary line, the proposed agreement would be subject to the condition: "This agreement shall in no way prejudice or constitute an admission, waiver nor estoppel in pending or future determination of title, jurisdiction and ownership of tide and submerged lands in Monterey Bay, Pacific Ocean, now in litigation in the cases of State of California vs. Moss Landing Harbor District, Monterey Superior Court Case No. 58511 and State of California vs. Wilbur C. Sandholdt, Mary Elizabeth Sandholdt, et al., Monterey Superior Court Case No. 58510."

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE THE BOUNDARY AGREEMENT, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, BETWEEN THE STATE, MOSS LANDING HARBOR DISTRICT, MARY E. SANDHOLDT, AND LUCILE FERGUSON, ALONG THE ORDINARY HIGH WATER MARK OF THE OLD SALINAS RIVER AND MONTEREY BAY.

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 MOSS LANDING HARBOR DISTRICT (as Party of the Second Part hereinafter referred to as "District"), and MARY E. SANDHOLDT, Administratrix of the estate of Wilbur C. Sandholdt, deceased, (as Party of the Third Part hereinafter referred to as "Third Party"), and MARY E. SANDHOLDT, widow of Wilbur C. Sandholdt (as Party of the Fourth Part, hereinafter referred to as "Fourth Party"), and LUCILE FERGUSON, who acquired title as Lucile Sandholdt (as Party of the Fifth Part hereinafter referred to as "Fifth 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 Third and Fourth and Fifth Parties appear of record as owners of certain uplands between the old Salinas River and Monterey Bay; and

WHEREAS, the State of California, by virtue of its sovereignty, and the Moss Landing Harbor District, a public corporation, by grant pursuant

EXHIBIT "A" (CONTD.)

to Chapter 1190 of the Statutes of 1947, are the owners of the tide and submerged lands of the old Salinas River and Monterey Bay; 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

WHEREAS, the State Lands Commission, District, Third, Fourth and Fifth Parties 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 Mark as the boundary between the lands belonging to the State and District and Third, Fourth and Fifth Parties 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 District and Third, Fourth and Fifth Parties, it is agreed that said boundary line is and shall be located and established as follows:

The Ordinary High Water Mark bordering that certain real property situate in Monterey City lands, Tract 3, as patented, in the County of Monterey, State of California, particularly described as follows:

Commencing at a point on the left bank of the old channel of the Salinas River on the boundary common to that certain 13-acre tract of land designated "Exhibit 'A', Tract No. 1 - Entrance Channel" and that certain 11-acre tract of land designated "Exhibit 'B', Tract No. 2 - Disposal Area North of and Adjacent to the Proposed Entrance Channel" in that certain AGREEMENT titled "Grant of Easements and Franchises" between Moss Landing Harbor District (a public corporation harbor district in Monterey County) and Wilbur C. Sandholdt

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et al., dated October 23, 1945 and recorded in Volume 874 of Official Records at page 46, records of said county, from which point a stake marked "B-6" standing at the northeasterly corner of that certain tract designated "Parcel 6" in Deed from William Sandholdt to Minnie Sandholdt dated December 23, 1926 and recorded in Volume 96 of Official Records at page 447, records of said county, bears the following two courses and distances: N. 53° 44' 20" E., along said common boundary 18.5 feet and thence, leaving said common boundary, S. 18° 29' 10" E., 1,220.99 feet distant, and running thence from said place of commencement along said common boundary to and along the northwesterly boundary of said 13-acre tract of land S. 53° 44' 20" W., 600.0 feet to intersection with the ordinary high water line of the Bay of Monterey, which point of intersection is the True Point of Beginning of this Boundary Line; thence along the Ordinary High Water Mark of Monterey Bay the following courses:  
N. 6° 00' 33" W., 1,200.44 feet, N. 12° 53' 43" W., 1,864.16 feet, N. 27° 37' 22" W., 1,665.33 feet; thence leaving said Ordinary High Water Mark of the Bay of Monterey, and running along the Ordinary High Water Mark of the Old Salinas River, N. 59° 42' 25" E., 449.4 feet, S. 30° 17' 35" E., 580.12 feet, S. 42° 19' 51" E., 827.7 feet, S. 31° 53' 05" E., 550.02 feet, S. 8° 14' 50" W., 800.9 feet, S. 1° 26' 08" W., 606.5 feet, S. 14° 24' 04" E., 905.34 feet, S. 28° 51' 25" E., 205.96 feet, and S. 13° 01' 25" E., 330.8 feet to the end of said boundary line.

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Bearings and distances in above description are based upon California Coordinate System, Zone IV.

This agreement shall in no way prejudice or constitute an admission, waiver nor estoppel in pending or future determination of title, jurisdiction and ownership of tide and submerged lands in Monterey Bay, Pacific Ocean, now in litigation in the cases of State of California vs. Moss Landing Harbor District, Monterey Superior Court Case No. 58511 and State of California vs. Wilbur C. Sandholdt, Mary Elizabeth Sandholdt, et al., Monterey Superior Court Case No. 58510.

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.

MOSS LANDING HARBOR DISTRICT,  
a public corporation

\_\_\_\_\_  
Date of Signature

By

\_\_\_\_\_  
J. Ward McClellan  
President

\_\_\_\_\_  
Date of Signature

By

\_\_\_\_\_  
Robert R. Blohm, Secretary

EXHIBIT "A" (CONTD.)

State of California )  
                          ) ss  
County of Monterey )

On \_\_\_\_\_, 19 \_\_, before me, the undersigned, a Notary Public in and for said County and State personally appeared \_\_\_\_\_ known to me to be the President and the Secretary of MOSS LANDING HARBOR DISTRICT, the public corporation described in and that executed the within instrument, and also known to me to be the persons who executed it on behalf of the corporation 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 said  
County and State.

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Mary Elizabeth Sandholdt  
Administratrix

State of California )  
                          ) ss  
County of Monterey )

On \_\_\_\_\_, 19 \_\_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MARY ELIZABETH SANDHOLDT, Administratrix, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS my hand and official seal.

\_\_\_\_\_  
NAME (TYPED OR PRINTED),  
Notary Public in and for said  
County and State.

EXHIBIT "A" (CONTD.)

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Mary Elizabeth Sandholdt, a widow

State of California )

) SS

County of Monterey )

On \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MARY ELIZABETH SANDHOLDT, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS my hand and official seal.

\_\_\_\_\_  
NAME (TYPED OR PRINTED)

Notary Public in and for said  
County and State.

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Lucile Ferguson

State of California )

) SS

County of Monterey )

On \_\_\_\_\_, 1965, before me, the undersigned, 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.

WITNESS my hand and official seal.

\_\_\_\_\_  
NAME (TYPED OR PRINTED)

Notary Public in and for said  
County and State.

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 )  
                                  ) ss  
County of Monterey )

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 Instru-  
ment 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.