

MINUTE ITEM

8/26/65

33. APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA, HAROLD M. FIELD AND DOREEN FIELD, AND ALLEN J. KLEIN AND CAROLE S. KLEIN, ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF BIG ROCK BEACH, MALIBU, LOS ANGELES COUNTY - W.O. 5194, B.L.A. 53, GEO.-L.A. CO.

After consideration of Calendar Item 30 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE AN AGREEMENT WITH HAROLD M. FIELD AND DOREEN FIELD, AND ALLEN J. KLEIN AND CAROLE S. KLEIN, FIXING THE ORDINARY HIGH WATER MARK AS THE COMMON BOUNDARY ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF BIG ROCK BEACH, LOS ANGELES COUNTY, AS DESCRIBED IN BOUNDARY AGREEMENT, W.O. 5194, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN STATE TIDE AND SUBMERGED LAND AND SUBJECT PRIVATE LANDS.

Attachment

Calendar Item 30 (6 pages)

30.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA, HAROLD M. FIELD AND DOREEN FIELD, AND ALLEN J. KLEIN AND CAROLE S. KLEIN, ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF BIG ROCK BEACH, MALIBU, LOS ANGELES COUNTY - W.O. 5194.

A request has been received from Harold M. Field and Doreen Field, and Allen J. Klein and Carole S. Klein, for the establishment of the Ordinary High Water Mark along the shore of Santa Monica Bay fronting their property in the vicinity of Big Rock Beach, Malibu, Los Angeles County.

The shoreline fronting the Field and Klein property is extremely rocky, with clusters of large rocks offshore. Due to this rocky condition and the protection offered by the offshore rocks, there is little difference between the Mean High Tide Line of 1928 and the Mean High Tide Line of 1964.

In addition to the natural protection afforded by the abundance of offshore rock clusters, Mr. Field and Mr. Klein propose to construct a groin approximately 46 feet long, to the mean high tide line, to further preserve their beach.

This construction makes it possible for the State to enter into a boundary line agreement with Harold and Doreen Field, and Allen J. and Carole S. Klein, fixing the boundary along the Mean High Tide Line of January 1964.

The effectiveness of said agreement is subject to the provisions of Paragraph 2 of the said agreement.

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 HAROLD M. FIELD AND DOREEN FIELD, AND ALLEN J. KLEIN AND CAROLE S. KLEIN, FIXING THE ORDINARY HIGH WATER MARK AS THE COMMON BOUNDARY ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF BIG ROCK BEACH, LOS ANGELES COUNTY, AS DESCRIBED IN BOUNDARY AGREEMENT, W.O. 5194, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN STATE TIDE AND SUBMERGED LAND AND SUBJECT PRIVATE LANDS.

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

HAROLD M. FIELD AND DOREEN FIELD, husband and wife (as Parties of the Second Part hereinafter referred to as "Second Party") and

ALLEN J. KLEIN AND CAROLE S. KLEIN, husband and wife (as Parties of the Third Part hereinafter referred to as "Third 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, Second Party and Third Party appear of record as owners of certain uplands in the vicinity of Big Rock Beach, Malibu, Los Angeles County, California; and

WHEREAS, the State of California by virtue of its sovereignty is the owner of the tide and submerged lands in the vicinity of Big Rock Beach, Los Angeles County, California; and

WHEREAS, the Mean High Tide Line is fluctuating naturally, although imperceptibly because of the protection afforded by numerous offshore rock clusters, and is not presently affected by artificial processes; and

EXHIBIT "A" (CONTD.)

WHEREAS, Second Party and Third Party propose to construct a groin which will insure future preservation of the beach in front of the condominium; and

WHEREAS, the State Lands Commission and Second Party and Third 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 mark as the boundary between the lands belonging to the State and Second Party and Third 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 and Third Party, it is agreed that said boundary line is and shall be located and established as follows:

1. Commencing at the northeast corner of Lot 28 of Tract No. 24026 in the County of Los Angeles, State of California, recorded in Map Book 625, pages 73 to 75, inc., records of said county; thence South $16^{\circ} 58' 49''$ East along the easterly line of said lot and its southerly prolongation a distance of 120.20 feet to the true point of beginning; thence along the ordinary high water mark the following courses: South $53^{\circ} 40' 40''$ West 40.40 feet, South $69^{\circ} 36' 20''$ West 38.19 feet, and North $85^{\circ} 30' 00''$ West 39.51 feet to a point on the southerly prolongation of the westerly line of Lot 26 of said Tract No. 24026, said point being distant South $07^{\circ} 40' 09''$ East 134.00 feet from the northwesterly corner of said Lot 26 and also being the end of said boundary line.

EXHIBIT "A" (CONTD.)

2. Second Party agrees, in conjunction with the construction of their condominium, to construct a 46-foot groin to the mean high tide line. In the event that this groin is not constructed within one year from the date of this agreement, this agreement will be of no force and effect.

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:

Date of Signature

Harold M. Field

Date of Signature

Doreen Field

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 _____,

known to me to be the persons whose names are subscribed to the within Instrument, and acknowledged to me that they executed the same.

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

EXHIBIT "A" (CONTD.)

Date of Signature

Allen J. Klein

Date of Signature

Carole S. Klein

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

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

known to me to be the persons whose names are subscribed to the within
Instrument, and acknowledged to me that they executed the same.

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

EXHIBIT "A" (CONT'D.)

STATE OF CALIFORNIA
acting by and through
STATE LANDS COMMISSION

Date of Signature

By _____
F. J. HORTIG
Executive Officer

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On this _____ day of _____ in the year _____, before
me, _____
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