

MINUTE ITEM

8/26/65

34. APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA, THE CITY OF LOS ANGELES, AND FRITZ BURNS, ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF PLAYA DEL REY BEACH, LOS ANGELES COUNTY - W.O. 5662, B.L.A. 65, GEO.- L.A. CO.

After consideration of Calendar Item 29 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE A BOUNDARY AGREEMENT BETWEEN THE CITY OF LOS ANGELES, FRITZ BURNS, AND THE STATE OF CALIFORNIA, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, FIXING THE BOUNDARY OF GRANTED STATE TIDE AND SUBMERGED LANDS ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF PLAYA DEL REY BEACH.

Attachment

Calendar Item 29 (5 pages)

29.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA, THE CITY OF LOS ANGELES, AND FRITZ BURNS, ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF PLAYA DEL REY BEACH, LOS ANGELES COUNTY - W.O. 5662.

A request has been received from the City of Los Angeles and from the adjoining property owner, Fritz Burns, for the establishment of a boundary along the shore of Santa Monica Bay to divide the privately owned uplands and the granted tide and submerged lands.

Chapter 1513 of the Statutes of 1945 granted the Playa Del Rey area to the City of Los Angeles. The City and the upland owner, Fritz Burns, will be the principal parties concerned, with the State entering into the agreement as an interested third party.

Shoreline conditions have been determined to have been artificially affected by jetties and groins since the early 1900's.

As a result of several quiet title actions, the City of Los Angeles, on March 25, 1937, passed Ordinance No. 77,854, Section 1 of which says that "the following described line is hereby fixed as, and declared to be, the mean high tide line in the area described hereby, to wit:"

The boundary line described in the boundary agreement, Exhibit "A" attached, is the same line described in Los Angeles City Ordinance No. 77,854, and is acceptable to both the City of Los Angeles and Fritz Burns.

The office of the Attorney General previously approved boundary agreements in this form, and Staff Counsel has determined this agreement to be legally sufficient.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE A BOUNDARY AGREEMENT BETWEEN THE CITY OF LOS ANGELES, FRITZ BURNS, AND THE STATE OF CALIFORNIA, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, FIXING THE BOUNDARY OF GRANTED STATE TIDE AND SUBMERGED LANDS ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF PLAYA DEL REY BEACH.

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
CITY OF LOS ANGELES (as Party of the Second Part hereinafter
referred to as "City"), and
FRITZ BURNS (as Party 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, when-
ever it is deemed expedient or necessary; and

WHEREAS, the Third Party appears of record as owner of certain
uplands along the shore of Santa Monica Bay in the vicinity of Playa Del
Rey Beach; and

WHEREAS, the State of California, by virtue of its sovereignty,
and City, by grant pursuant to Chapter 1513 of the Statutes of 1945, are
the owners of the tide and submerged lands in Santa Monica 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

EXHIBIT "A" (CONTD.)

WHEREAS, the City of Los Angeles passed Ordinance No. 77,854 on 25 March 1937, which "fixed the mean high tide line in Playa Del Rey District"; and

WHEREAS, a study of the history of the Playa Del Rey shoreline shows that the mean high tide line described in Los Angeles City Ordinance No. 77,854 is the last known position of the natural mean high tide line prior to artificial influences; and

WHEREAS, the State Lands Commission, City 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 City 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 City and Third Party, it is agreed that said boundary line is and shall be located and established as follows:

Commencing at the intersection of the northeasterly line of Block E, a portion of Playa Del Rey Townsite, as per map recorded in Book 7, page 130 of Maps, in the office of the County Recorder of Los Angeles County, with the southwesterly prolongation of the southeasterly line of Block B of said Portion of Playa Del Rey Townsite; thence southwesterly along said southwesterly prolongation of the southeasterly line of said Block B 125 feet to the Ordinary High Water Mark, which is the True Point of Beginning; thence, from said True Point

EXHIBIT "A" (CONTD.)

of Beginning, at right angles from said southwesterly prolongation of the southeasterly line of said Block B, northwesterly along said Ordinary High Water Mark, which is parallel with and distant 125 feet from the northeasterly line of said Block E, to the intersection with the southwesterly prolongation of the northwesterly line of said Block B, which point of intersection is the end of this boundary line.

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:

CITY OF LOS ANGELES

Date of Signature

By _____
Mayor

Date of Signature

By _____
City Clerk

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 _____ and _____ known to me to be the _____ and _____ of the city that executed the within Instrument and acknowledged to me that such city executed the same.

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

EXHIBIT "A" (CONTD.)

Date of Signature

Fritz Burns

STATE OF CALIFORNIA)
COUNTY OF _____) ss

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 he 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 LOS ANGELES) 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