

MINUTE ITEM

35. REQUEST FOR TRANSFER OF JURISDICTION OVER TIDE AND SUBMERGED LANDS OF THE PACIFIC OCEAN ADJACENT TO POINT LOBOS STATE PARK, MONTEREY COUNTY - DEPARTMENT OF NATURAL RESOURCES, DIVISION OF BEACHES AND PARKS - W.O. 3510, J.T.O. 11.

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

PURSUANT TO SECTION 13110 OF THE GOVERNMENT CODE, THE EXECUTIVE OFFICER IS AUTHORIZED TO REQUEST THE WRITTEN APPROVAL OF THE DIRECTOR OF FINANCE AND SUBSEQUENTLY EXECUTE AN AGREEMENT TRANSFERRING TO THE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF BEACHES AND PARKS, CONTROL AND POSSESSION OVER THE FOLLOWING-DESCRIBED AREA:

ALL THAT CERTAIN TIDE AND SUBMERGED LAND HELD BY THE STATE OF CALIFORNIA BY VIRTUE OF ITS SOVEREIGNTY, WHETHER FILLED OR UNFILLED, SITUATE IN MONTEREY COUNTY, STATE OF CALIFORNIA, BEING PORTIONS OF PROTRACTED SECTIONS 21, 22, 23, 26, 27 AND 28, TOWNSHIP 16 SOUTH, RANGE 1 WEST, M.D.B. & M., AS SAID SECTIONS HAVE BEEN SURVEYED UNDER SPECIAL INSTRUCTIONS DATED SEPTEMBER 6, 1939 AND APPROVED BY THE DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, AND ACCEPTED APRIL 2, 1943, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT UNITED STATES COAST AND GEODETIC SURVEY TRIANGULATION STATION "WHALERS KNOLL 2-1932" AS SAID STATION IS DESCRIBED IN LIST 359 OF "DESCRIPTIONS OF TRIANGULATION STATIONS" AT PAGES 3 AND 24, AND HAVING GRID COORDINATES OF  $X = 1,134,697.18'$  AND  $Y = 445,435.26'$  AS REFERENCED TO THE CALIFORNIA COORDINATE SYSTEM ZONE IV; THENCE ON GRID BEARING AND DISTANCE NORTH  $66^{\circ} 15' 53''$  WEST  $4499.74$  FEET TO A POINT HAVING GRID COORDINATES  $X = 1,130,578.05'$  AND  $Y = 447,246.46'$  AND THE TRUE POINT OF BEGINNING; THENCE FROM SAID TRUE POINT OF BEGINNING ON GRID BEARINGS AND DISTANCES SOUTH  $24^{\circ} 38' 54''$  WEST  $4551.14$  FEET TO A POINT HAVING GRID COORDINATES  $X = 1,128,680.00$  AND  $Y = 443,110.00'$ ; THENCE SOUTH  $63^{\circ} 28' 17''$  EAST  $7,007.84$  FEET TO A POINT HAVING GRID COORDINATES  $X = 1,134,950.00'$  AND  $Y = 439,980.00'$ ; THENCE EASTERLY IN A DIRECT LINE  $1650$  FEET MORE OR LESS TO THE POINT OF INTERSECTION OF THE SOUTHERLY BOUNDARY OF POINT LOBOS RESERVE STATE PARK WITH THE LINE OF MEAN HIGH TIDE OF THE PACIFIC OCEAN, SAID BOUNDARY BEING COURSE NUMBER 16 OF THE LANDS CONVEYED TO THE STATE OF CALIFORNIA BY NATHANIEL A. OWINGS AND MARGARET W. OWINGS BY DEED RECORDED DECEMBER 10, 1958 IN BOOK 1919, OFFICIAL RECORDS OF SAID COUNTY, AT PAGE 361, SAID COURSE BEING DESCRIBED IN SAID DEED AS "SOUTH  $48^{\circ} 00'$  WEST, 26 FEET MORE OR LESS TO THE SHORELINE OF THE PACIFIC OCEAN"; THENCE NORTHERLY, WESTERLY AND EASTERLY ALONG THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY BOUNDARY OF POINT LOBOS RESERVE STATE PARK, SAID BOUNDARY BEING THE EASTERLY LINE OF TRACT NO. 3 OF THE LANDS CONVEYED TO THE STATE OF CALIFORNIA BY FLORENCE McCRAE ALLAN, GUARDIAN OF ALEXANDER M. ALLAN, A MINOR, BY DEED RECORDED FEBRUARY 8, 1933 IN BOOK 357, OFFICIAL RECORDS OF SAID COUNTY, AT

PAGE 204, SAID EASTERLY LINE BEING DESCRIBED IN SAID DEED AS "A LINE DRAWN NORTH 21° 37' 15" WEST THROUGH STATION 519" OF THE U. S. PATENT SURVEY OF RANCHO SAN JOSE Y SUR CHIQUITO; THENCE NORTHWESTERLY IN A DIRECT LINE 1200 FEET MORE OR LESS TO A POINT HAVING GRID COORDINATES X = 1,137,210.00, Y = 447,600.00; THENCE ON GRID BEARING AND DISTANCE, SOUTH 86° 56' 55" WEST 6641.37 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 775 ± ACRES OF TIDE AND SUBMERGED LAND.

THE AGREEMENT IS TO PROVIDE THAT:

1. IF AT ANY TIME NATURAL RESOURCES SHOULD ABANDON ANY OF THE UPLAND PROPERTY ADJACENT TO THE ABOVE-DESCRIBED SUBMERGED LANDS, THEN, AND IN THAT EVENT, JURISDICTION AND POSSESSION OVER THAT PORTION OF THE TIDE AND SUBMERGED LANDS IMMEDIATELY ADJACENT TO THE ABANDONED UPLAND PROPERTY SHALL REVERT TO STATE LANDS.
2. NATURAL RESOURCES SHALL HAVE NO CONTROL OVER AND SHALL NOT BE POSSESSED OF THE MINERALS CONTAINED IN THE TIDE AND SUBMERGED LANDS ABOVE DESCRIBED.
3. THIS TRANSFER OF CONTROL AND POSSESSION IS MADE WITHOUT PAYMENT OF CONSIDERATION THEREFOR.
4. THE PROPERTY HEREIN TRANSFERRED SHALL BE USED FOR STATE PARK PURPOSES AND FOR NO OTHER PURPOSES.

Attachment

Calendar Item 25 (2 pages)

CALENDAR ITEM

25.

REQUEST FOR TRANSFER OF JURISDICTION OVER TIDE AND SUBMERGED LANDS OF THE PACIFIC OCEAN ADJACENT TO POINT LOBOS STATE PARK, MONTEREY COUNTY - DEPARTMENT OF NATURAL RESOURCES, DIVISION OF BEACHES AND PARKS - W.O. 5510.

A request has been received from the Department of Natural Resources, Division of Beaches and Parks, for the transfer of control and possession of approximately 775 acres of sovereign tide and submerged lands of the Pacific Ocean adjacent to the Point Lobos Reserve State Park in Monterey County for the purpose of adequate protection and preservation of marine life in that area.

The shore line of the park adjacent to the 775-acre parcel of tide and submerged lands is very irregular, rocky and precipitous, and is not safely usable as either a swimming or boating site.

The transfer of control and possession of the tide and submerged lands, pursuant to Section 13110 of the Government Code, would provide for the reversion of jurisdiction to the State Lands Commission upon any abandonment of the adjoining upland property by the Department of Natural Resources. The Commission would also retain control and possession of any minerals contained in the tide and submerged lands.

IT IS RECOMMENDED THAT, PURSUANT TO SECTION 13110 OF THE GOVERNMENT CODE, THE EXECUTIVE OFFICER BE AUTHORIZED TO REQUEST THE WRITTEN APPROVAL OF THE DIRECTOR OF FINANCE AND SUBSEQUENTLY EXECUTE AN AGREEMENT TRANSFERRING TO THE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF BEACHES AND PARKS, CONTROL AND POSSESSION OVER THE FOLLOWING-DESCRIBED AREA:

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