MINUTE ITEM

41. APPROVAL OF BOUNDARY AGREEMENT BETWEEN UPLAND OWNERS AND STATE OF CALIFORNIA ALONG THE RIGHT BANK OF NOVATO CREEK IN MARIN COUNTY, CALIFORNIA - W.O. 4135, GEO.-MARIN CO. B.L.A. #21

After consideration of Calendar Item 28 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED (1) TO APPROVE THE BOUNDARY LINE ALONG THE RIGHT BANK OF NOVATO CREEK AS SHOWN ON SHEETS 1 THROUGH 4 OF MAPS, AND (2) TO ENTER INTO AN AGREEMENT WITH THE UPLAND OWNERS, JACK HUNT WEST, JR., EVELYN R. WEST, JACK HUNT WEST AND LERONA W. WEST, FIXING THE BOUNDARY LINE ALONG THE RIGHT BANK OF NOVATO CREEK DESCRIBED IN THE AGREEMENT, COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY LINE BETWEEN CERTAIN STATE TIDE AND SUBMERGED LANDS AND UPLAND PROPERTY IN MARIN COUNTY.

Attachment
Calendar Item 28 (5 pages)

A 7
S 13

CALENDAR ITEM

28.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN UPLAND OWNERS AND STATE OF CALIFORNIA ALONG THE RIGHT BANK OF NOVATO CREEK IN MARIN COUNTY, CALIFORNIA - W.O. 4135.

As a result of proposed dredging along Novato Creek, the existing condition of the waterway will be destroyed. To fix the common boundary between upland owners and the State, it is proposed to enter into an agreement with the upland owners, Jack Hunt West, Jr., Evelyn R. West, Jack Hunt West and Lerona W. West, accepting a boundary position of the right bank of Novato Creek, prepared from aerial photography and referenced to monuments of record. The upland owners employed a surveying firm to prepare the necessary maps, which have been reviewed by the staff and from which a boundary description has been prepared. The upland owners are in accord with the conditions of the boundary agreement. The office of the Attorney General has previously approved agreements in this form, and Staff Counsel has determined this agreement to be legally sufficient.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED (1) TO APPROVE THE BOUNDARY LINE ALONG THE RIGHT BANK OF NOVATO CREEK AS SHOWN ON SHEETS 1 THROUGH 4 OF MAPS, AND (2) TO ENTER INTO AN AGREEMENT WITH THE UPLAND OWNERS, JACK HUNT WEST, JR., EVELYN R. WEST, JACK HUNT WEST AND LERONA W. WEST, FIXING THE BOUNDARY LINE ALONG THE RIGHT BANK OF NOVATO CREEK DESCRIBED IN THE AGREEMENT, COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY LINE BETWEEN CERTAIN STATE TIDE AND SUBMERGED LANDS AND UPLAND PROPERTY IN MARIN COUNTY.

Attachment
Exhibit "A"

W.O. 4135

EXHIBIT "A"

BOUNDARY AGREEMENT

THIS BOUNDARY AGREEMENT, made and entered into this _____ day of _____, 19__, by and between

THE STATE OF CALIFORNIA
(as Party of the First Part hereinafter referred to as "the State")

and

JACK HUNT WEST, JR., AND EVELYN REMMELE WEST, HUSBAND AND WIFE, AND JACK HUNT WEST AND LERONA WALKER WEST, HUSBAND AND WIFE,
(hereinafter referred to as "Parties of the Second Part")

W I T N E S S E T H:

WHEREAS, the State, acting through the State Lands Commission, pursuant to Section 6301 of the Public Resources Code, has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the State and is authorized to exclusively administer and control all such lands; and

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 any of the swamp, overflowed, marsh, tide, or submerged lands of the State, whenever it is deemed expedient or necessary; and

WHEREAS, the State by virtue of its sovereignty is the owner of the submerged lands and the unsold tidelands in Novato Creek, Marin County, California; and

WHEREAS, the parties of the second part appear of record as the owners of certain lands, hereinafter referred to as "said property", fronting on the tide and submerged lands along the right bank of Novato Creek, Marin County, California; and

WHEREAS, the ordinary high-water mark or the ordinary low-water mark, as each may have existed in its last natural state, have been affected by artificial and natural processes or a combination of both; and

WHEREAS, the parties hereto consider it expedient and necessary and in the best interest of the State and the public to permanently fix and describe the boundary of the lands belonging to the State and the parties of the second part, and forever set at rest any and all questions relating to the location of said boundary line,

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EXHIBIT "A" (CONTD.)

NOW, THEREFORE, in order to describe and establish a common boundary, the parties hereto mutually agree on behalf of themselves and their successors in interest:

1. That in lieu of the ordinary high-water mark or ordinary low-water mark along the right bank of Novato Creek, County of Marin, State of California, the boundary line is and shall be established as follows:

COMMENCING AT THE NORTHEAST CORNER OF THE LAND DESCRIBED IN DEED TO CLARENCE LEVERONI, ET AL., RECORDED MAY 7, 1953 IN VOLUME 804 AT PAGE 238 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LEVERONI PROPERTY, NORTH 70° 19' 58" EAST 401.65 FEET; THENCE NORTH 61° 17' 58" EAST 82.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT HAVING CALIFORNIA COORDINATES SYSTEM ZONE 3 COORDINATES OF X = 1,416,604.19 AND Y = 582,003.13, RUNNING THENCE FROM SAID TRUE POINT OF BEGINNING ALONG THE FOLLOWING COURSES AND DISTANCES: SOUTH 75° 42' 02" EAST 130.00 FEET, NORTH 82° 07' 43" EAST 244.22 FEET, NORTH 71° 35' 00" EAST 160.00 FEET AND NORTH 45° 10' 58" EAST 127.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 306.30 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38° 57' 28" A DISTANCE OF 208.27 FEET; THENCE TANGENT TO SAID CURVE NORTH 6° 13' 30" EAST 80.86 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 406.30 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9° 12' 38" A DISTANCE OF 65.31 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 300.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39° 10' 36" A DISTANCE OF 205.13 FEET; THENCE TANGENT TO SAID CURVE NORTH 42° 09' 44" WEST 564.70 FEET; THENCE NORTH 35° 45' 00" WEST 160.00 FEET, NORTH 24° 30' 00" WEST 292.00 FEET, NORTH 17° 00' 00" WEST 155.00 FEET, NORTH 9° 45' 00" WEST 112.00 FEET, NORTH 2° 40' 00" WEST 160.00 FEET, AND NORTH 5° 55' 00" EAST 190.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 318.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 66° 20' 00" A DISTANCE OF 368.16 FEET; THENCE TANGENT TO SAID CURVE, NORTH 72° 15' 00" EAST 150.00 FEET; THENCE SOUTH 82° 50' 00" EAST 149.00 FEET, SOUTH 73° 45' 00" EAST 525.00 FEET, SOUTH 79° 50' 00" EAST 272.53 FEET, AND SOUTH 84° 26' 44" EAST, 89.32 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 750.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30° 13' 11" A DISTANCE OF 395.58 FEET; THENCE TANGENT TO SAID CURVE NORTH 65° 20' 05" EAST 185.01 FEET; THENCE NORTH 27° 43' 46" EAST 692.18 FEET, NORTH 36° 35' 00" EAST 295.00 FEET, NORTH 45° 50' 00" EAST 175.00 FEET, NORTH 54° 10' 40" EAST 230.97 FEET, NORTH 61° 30' 00" EAST 208.00 FEET, NORTH 67° 10' 00" EAST 175.00 FEET; NORTH 70° 05' 00" EAST 233.00 FEET, NORTH 80° 40' 00" EAST 147.00 FEET, SOUTH 44° 35' 00" EAST 49.00 FEET, SOUTH 26° 40' 00" EAST 50.00 FEET, SOUTH 67° 50' 00" EAST 162.00 FEET, SOUTH 47° 00' 00" EAST 86.00 FEET, SOUTH 33° 40' 00" EAST 332.00 FEET, SOUTH 8° 45' 00" WEST 380.00 FEET, SOUTH 0° 30' 00" EAST 320.00 FEET, SOUTH 12° 10' 00" EAST 98.00 FEET, SOUTH 77° 00' 00"

EXHIBIT "A" (CONTD.)

WEST 16.05 FEET, AND SOUTH 18° 47' 17" EAST 495.46 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 693.39 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22° 17' 38" A DISTANCE OF 269.80 FEET; THENCE TANGENT TO SAID CURVE, SOUTH 41° 04' 55" EAST 107.07 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 2225.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43° 21' 41" A DISTANCE OF 1683.87 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 1300.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11° 41' 59" A DISTANCE OF 265.46 FEET; THENCE SOUTH 20° 19' 02" EAST 113.49 FEET, SOUTH 77° 15' 00" EAST 41.96 FEET, SOUTH 84° 32' 00" EAST 78.00 EAST, NORTH 78° 00' 00" EAST 85.00 FEET, NORTH 43° 35' 00" EAST 228.00 FEET, NORTH 55° 49' 31" EAST 88.76 FEET, NORTH 60° 40' 00" EAST 393.00 FEET, NORTH 53° 10' 00" EAST 605.00 FEET, NORTH 44° 25' 00" EAST 130.00 FEET, NORTH 36° 23' 19" EAST 712.77 FEET, NORTH 1° 13' 10" EAST 660.00 FEET, NORTH 48° 20' 10" EAST 877.28 FEET, SOUTH 1° 13' 10" WEST 475.00 FEET, NORTH 50° 00' 00" EAST 68.00 FEET, NORTH 56° 00' 00" EAST 75.00 FEET, NORTH 59° 00' 00" EAST 612.00 FEET, NORTH 67° 09' 00" EAST 391.90 FEET, NORTH 67° 45' 00" EAST 1122.00 FEET AND NORTH 74° 38' 27" EAST 556.41 FEET MORE OR LESS TO THE NORTHERLY TERMINUS OF THE COMMON BOUNDARY LINE OF THE LAND DESCRIBED IN THAT CERTAIN DECREE QUIETING TITLE IN ACTION ENTITLED"THE PEOPLE OF THE STATE OF CALIFORNIA VS. CALIFORNIA PACKING CORPORATION, ET AL., DATED DECEMBER 26, 1945 AND RECORDED DECEMBER 26, 1945 IN VOLUME 499 AT PAGE 341 OF SAID OFFICIAL RECORDS, SAID NORTHERLY TERMINUS HAVING CALIFORNIA COORDINATE SYSTEM, ZONE 3, COORDINATES OF X = 1,427,575.00 AND Y = 586,115.25. (BEARINGS IN THIS DESCRIPTION ARE GRID BEARINGS BASED UPON THE CALIFORNIA COORDINATE SYSTEM, ZONE 3)."

2. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

EXHIBIT "A" (CONTD).

IN WITNESS WHEREOF, the parties hereto have executed this the day and year first above written.

JACK HUNT WEST, JR.

By_____

EVELYN REMMELE WEST

By_____

JACK HUNT WEST

By_____

LERONA WALKER WEST

By_____

STATE OF CALIFORNIA, through
STATE LANDS COMMISSION

By_____
F. J. HORTIG
Executive Officer

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