

MINUTE ITEM

26. APPROVAL OF MAP DELINEATING THE BOUNDARY OF STATE SUBMERGED LAND, VICINITY OF MARTINEZ, CONTRA COSTA COUNTY; AND APPROVAL OF BOUNDARY AGREEMENT BETWEEN TIDEWATER OIL COMPANY AND STATE OF CALIFORNIA ALONG CARQUINEZ STRAIT, MARTINEZ, CONTRA COSTA COUNTY - W.O. 3945, GEO.-CONTRA COSTA CO.

After consideration of Calendar Item 9 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED:

1. TO APPROVE AND HAVE RECORDED SHEET 1 OF 1 OF MAP ENTITLED "BOUNDARY OF STATE SUBMERGED LANDS, VICINITY OF MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA", DATED MARCH 1960, WHICH IS ON FILE IN THE STATE LANDS DIVISION;
2. TO EXECUTE AN AGREEMENT WITH THE UPLAND OWNER, TIDEWATER OIL COMPANY, FIXING THE COMMON BOUNDARY LINE BETWEEN POINTS "J" AND "M" ALONG CARQUINEZ STRAIT AS DESCRIBED IN THE AGREEMENT, COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN THE STATE SUBMERGED LANDS AND THE SUBJECT PRIVATE LANDS ALONG CARQUINEZ STRAIT, MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA.

Attachment

Calendar Item 9 (3 pages)

CALENDAR ITEM

9

APPROVAL OF MAP DELINEATING THE BOUNDARY OF STATE SUBMERGED LAND, VICINITY OF MARTINEZ, CONTRA COSTA COUNTY; AND APPROVAL OF BOUNDARY AGREEMENT BETWEEN TIDEWATER OIL COMPANY AND STATE OF CALIFORNIA ALONG CARQUINEZ STRAIT, MARTINEZ, CONTRA COSTA COUNTY - W.O. 3945.

As a result of artificial forces, the mean low tide line as it existed originally in nature has been obliterated along Carquinez Strait in the vicinity of Martinez, Contra Costa County. An investigation was conducted by the staff of the State Lands Division to determine the boundary of State submerged lands in this vicinity.

Tidewater Oil Company, one of the upland owners along Carquinez Strait, is the successor in interest to part of Tideland Survey No. 3 and all of Tideland Survey No. 18, which were originally patented on October 4, 1870, and on March 11, 1873, respectively. Since 1856 there has been steady accretion in this area, both natural and artificial. A map has been prepared by the State Lands Division delineating a boundary line which as nearly as possible represents the last known natural location of the ordinary low tide line as the boundary between the State and Tidewater Oil Company. Tidewater Oil Company has reported acceptance of the location of this boundary line.

It is now proposed to enter into an agreement with the upland owner, Tidewater Oil Company, to fix the line between Points "J" and "M" (see Exhibit "B") as the common property boundary.

A boundary agreement (copy of which is attached as Exhibit "A") is acceptable to the Tidewater Oil Company. The office of the Attorney General has 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:

1. TO APPROVE AND HAVE RECORDED SHEET 1 OF 1 OF MAP ENTITLED "BOUNDARY OF STATE SUBMERGED LANDS, VICINITY OF MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA", DATED MARCH 1960, WHICH IS ON FILE IN THE STATE LANDS DIVISION;
2. TO EXECUTE AN AGREEMENT WITH THE UPLAND OWNER, TIDEWATER OIL COMPANY, FIXING THE COMMON BOUNDARY LINE BETWEEN POINTS "J" AND "M" ALONG CARQUINEZ STRAIT AS DESCRIBED IN THE AGREEMENT, COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN THE STATE SUBMERGED LANDS AND THE SUBJECT PRIVATE LANDS ALONG CARQUINEZ STRAIT, MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA.

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

TIDEWATER OIL COMPANY (as Party of the Second Part hereinafter referred to as "Second 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 Second Party appears of record as owner of certain lands along Carquinez Strait in the vicinity of Martinez, Contra Costa County, California; and

WHEREAS, the State of California by virtue of its sovereignty is the owner of certain submerged lands in Carquinez Strait, in the vicinity of Martinez, Contra Costa County, California; and

WHEREAS, the ordinary low 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 and the Second Party consider it expedient and necessary and in the best interests of the State and the public to describe and fix permanently the boundary of the lands belonging to the State and Second Party, and forever set at rest any and all questions relating to the location of said boundary line;

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

That the ordinary low water mark along Carquinez Strait and the true and correct boundary line between the State and Second Part is and shall be located and established as follows:

Commencing at Station 1, as shown on map entitled "City of Martinez Water Front Area", dated June 1954, having California Coordinates X = 1,526,246.95 and Y = 557,665.04, thence along the following courses. (California Coordinate System Zone III as are all bearings and distances in this description) N. 01° 40' 35" E. 1269.51 feet, S. 86° 22' 10" E. 496.03 feet, N. 89° 28' 50" E. 575.86 feet, N. 86° 34' 19" E. 175.59 feet, N. 83° 05' 20" E. 723.76 feet, N. 74° 47' 52" E. 1415.51 feet, N. 65° 48' 30" E. 904.14 feet, N. 59° 51' 48" E. 630.68 feet, and N. 54° 35' 29" E. 726.77 feet to the True Point of Beginning, which is designated as Point "J" on map entitled "Boundary of State Submerged

EXHIBIT "A" (CONTD.)

Lands, Vicinity of Martinez, Contra Costa County, California"; thence along the boundary line N. 51° 47' 35" E. 1381.38 feet, N. 36° 23' 56" E. 1351.95 feet, and N. 36° 23' 56" E. 411.19 feet to Point "M" which is the end of the boundary line between State submerged lands and Tidewater Oil Company and which bears S. 80° 29' 02.6" W. 832.68 feet from U.S.C. & G.S. Triangulation Station "Suisun Pt. 2 1886".

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year hereafter written.

TIDEWATER OIL COMPANY

Date of Signature

By _____
J. McDonald, Tidewater Western Division
General Manager and Vice-President

Date of Signature

By _____
H. N. Halvorson, Assistant Secretary

STATE OF CALIFORNIA)
) ss
COUNTY OF _____)

On _____, 1962, before me, the undersigned, a Notary Public in and for said County and State personally appeared J. McDonald and H. N. Halvorson known to me to be the General Manager and Vice-President and the Assistant Secretary of TIDEWATER OIL COMPANY, the 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

STATE OF CALIFORNIA, acting by and through
the STATE LANDS COMMISSION
By _____
F. J. HORTIG
Executive Officer