

MINUTE ITEM

25. APPROVAL OF MAP DELINEATING THE BOUNDARY OF STATE TIDE AND SUBMERGED LAND, VICINITY OF BENICIA ARSENAL, SOLANO COUNTY, CALIFORNIA; AND APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE UNITED STATES, THE CITY OF BENICIA, AND THE STATE OF CALIFORNIA - W.O. 4884, B.L.A. 49, GEO.-SOLANO 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 TIDE AND SUBMERGED LANDS ALONG THE SHORE OF CARQUINEZ STRAIT, VICINITY OF BENICIA ARSENAL, SOLANO COUNTY, CALIF.", DATED NOVEMBER 1963.
2. TO EXECUTE A BOUNDARY AGREEMENT WITH THE UNITED STATES AND THE CITY OF BENICIA FIXING THE BOUNDARY OF STATE TIDE AND SUBMERGED LANDS ALONG THE MEAN HIGH TIDE LINE OF 1856 AND THE MEAN LOW TIDE LINE OF 1856 ALONG THE SHORE OF CARQUINEZ STRAIT, SOLANO COUNTY, CALIFORNIA, AS DELINEATED ON THE ABOVE-MENTIONED MAP AND AS DESCRIBED IN THE AGREEMENT, COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF.

Attachments

- Exhibit "A" (5 pages)
- Calendar Item 9 (6 pages)

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

THE UNITED STATES, acting by and through the GENERAL SERVICES  
ADMINISTRATION (as Party of the Second Part hereinafter referred  
to as "United States") and

THE CITY OF BENICIA (as Party of the Third Part hereinafter  
referred to as "City")

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 United States appears of record as owner of the  
Military Reservation bordering on Carquinez Strait and Suisun Bay in the  
vicinity of Benicia, Solano County, California; and

WHEREAS, the State by virtue of its sovereignty is the owner of  
certain tide and submerged lands in Carquinez Strait and Suisun Bay, Solano  
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 has been affected  
by artificial and natural processes or a combination of both; and

EXHIBIT "A" (CONTD.)

WHEREAS, the United States is in the process of disposing of the Military Reservation known as the Benicia Arsenal; and

WHEREAS, the City of Benicia proposes to acquire the deactivated Military Reservation from the United States; and

WHEREAS, the common boundary between the State and the United States is partly the ordinary high water mark and partly the ordinary low water mark, said ordinary low water mark being the waterward boundary of Tideland Survey No. 1; and

WHEREAS, the State, the United States and the City consider it expedient and necessary and in the best interests of the State and the public to describe and fix permanently the boundary between a portion of the lands belonging to the State and the United States 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 the true and correct boundary line between the State and the United States, it is agreed that said boundary line is and shall be located and established as follows:

Beginning at a point on the Mean High Tide Line of 1856 which bears S.  $03^{\circ} 58' 50''$  W., 172.00 feet from Highway Station 79+21.53, having California Coordinates Zone 3,  $X = 1,531,315.62$ ,  $Y = 567,622.81$ , located on the centerline of State Highway IV, X-CC., SOL.-75, 74-MTZ., BEN. near the northerly end of the new Martinez Bridge (said point of beginning being also on the State Highway Right of Way Line); thence along said Mean High Tide Line of 1856, S.  $48^{\circ} 51' 22''$  W., 257.19 feet, S.  $75^{\circ} 52' 05''$  W., 290.80 feet, S.  $23^{\circ} 08' 45''$  W., 142.47 feet,

EXHIBIT "A" (CONTD.)

S. 21° 34' 17" E., 462.39 feet, S. 85° 58' 18" W., 142.35 feet,  
S. 35° 13' 03" W., 104.04 feet, N. 82° 27' 38" W., 205.78 feet,  
S. 43° 41' 17" W., 92.66 feet, N. 40° 38' 56" W., 130.48 feet,  
S. 69° 52' 35" W., 139.52 feet, S. 37° 08' 48" W., 82.80 feet,  
S. 76° 10' 17" W., 200.82 feet, S. 68° 38' 44" W., 142.30 feet,  
N. 51° 58' 22" W., 198.04 feet and S. 62° 33' 37" W., 117.18 feet  
to a point on the easterly boundary of Tideland Survey No. 1; thence  
along said easterly boundary S. 99° 15' 12" W., 151.13 feet to a  
point on the Mean Low Tide Line of 1856; thence along said Line of  
Mean Low Tide, N. 57° 12' 57" W., 68.63 feet, N. 65° 33' 22" W.,  
48.33 feet, N. 87° 12' 26" W., 82.10 feet, W., 108.00 feet,  
S. 85° 38' 45" W., 197.57 feet, S. 82° 12' 32" W., 693.40 feet,  
S. 78° 28' 35" W., 210.24 feet, S. 72° 30' 15" W., 96.46 feet,  
S. 65° 38' 49" W., 101.28 feet and S. 52° 15' 11" W., 145.02 feet  
to a point on the westerly boundary line of Tideland Survey No. 1;  
thence along said westerly boundary W. 01° 10' 12" E., 65 feet  
more or less to a point on the Mean High Tide Line of 1856, thence  
Southwesterly along said Line of Mean High Tide to an intersection  
with the westerly boundary of the Benicia Arsenal.

The bearings and distances shown in the above description are based  
upon the California Coordinate System, Zone 3.

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 agreement on the dates hereafter written:

GENERAL SERVICES ADMINISTRATION

By \_\_\_\_\_

\_\_\_\_\_  
Date of Signature

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

ss

On \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, with principal office in \_\_\_\_\_ County, personally appeared \_\_\_\_\_ known to me to be the \_\_\_\_\_ of the General Services Administration that executed the within Instrument, known to me to be the person whose name is subscribed to the within Instrument and acknowledged that he executed the within Instrument pursuant to the authority of said General Services Administration.

WITNESS my hand and official seal.

\_\_\_\_\_

\_\_\_\_\_  
Name (Typed or Printed)  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

CITY OF BENICIA

\_\_\_\_\_  
By \_\_\_\_\_ Mayor

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
By \_\_\_\_\_ City Clerk

\_\_\_\_\_  
Date of Signature

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )

ss



CALENDAR ITEM

9.

APPROVAL OF MAP DELINEATING THE BOUNDARY OF STATE TIDE AND SUBMERGED LAND, VICINITY OF BENICIA ARSENAL, SOLANO COUNTY, CALIFORNIA; AND APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE UNITED STATES, THE CITY OF BENICIA, AND THE STATE OF CALIFORNIA - W.O. 4884.

The United States is in the process of disposing of the military reservation known as the Benicia Arsenal along the shore of Carquinez Strait. The City of Benicia proposes to acquire the deactivated military reservation from the United States.

Before this transfer of property can take place, the waterward boundary must be established. The waterfront area has been subjected to artificial influence for many years. It has been agreed that surveys of the Mean High Tide Line of 1856 and the Mean Low Tide Line of 1856 correctly represent the two segments of the permanent boundary. (The Mean Low Tide Line of 1856 is the waterward boundary of Tideland Survey No. 1 previously conveyed by the State.)

A map of these boundaries has been prepared by the State Lands Division and is acceptable to the United States and to the City of Benicia.

A Boundary Agreement (copy of which is attached as Exhibit "A") is also acceptable to both the United States and the City of Benicia. The office of the Attorney General previously approved boundary agreements in this form, and Staff Counsel 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 TIDE AND SUBMERGED LANDS ALONG THE SHORE OF CARQUINEZ STRAIT, VICINITY OF BENICIA ARSENAL, SOLANO COUNTY, CALIF.", DATED NOVEMBER 1963.
2. TO EXECUTE A BOUNDARY AGREEMENT WITH THE UNITED STATES AND THE CITY OF BENICIA FIXING THE BOUNDARY OF STATE TIDE AND SUBMERGED LANDS ALONG THE MEAN HIGH TIDE LINE OF 1856 AND THE MEAN LOW TIDE LINE OF 1856 ALONG THE SHORE OF CARQUINEZ STRAIT, SOLANO COUNTY, CALIFORNIA, AS DELINEATED ON THE ABOVE-MENTIONED MAP AND AS DESCRIBED IN THE AGREEMENT, COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

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COMMISSION (as Party of the First Part hereinafter referred to  
as "the State") and

THE UNITED STATES, acting by and through the GENERAL SERVICES  
ADMINISTRATION (as Party of the Second Part hereinafter referred  
to as "United States") and

THE CITY OF BENICIA (as Party of the Third Part hereinafter  
referred to as "City")

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 United States appears of record as owner of the  
Military Reservation bordering on Carquinez Strait and Suisun Bay in the  
vicinity of Benicia, Solano County, California; and

WHEREAS, the State by virtue of its sovereignty is the owner of  
certain tide and submerged lands in Carquinez Strait and Suisun Bay, Solano  
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 has been affected  
by artificial and natural processes or a combination of both; and

EXHIBIT "A" (CONTD.)

WHEREAS, the United States is in the process of disposing of the Military Reservation known as the Benicia Arsenal; and

WHEREAS, the City of Benicia proposes to acquire the deactivated Military Reservation from the United States; and

WHEREAS, the common boundary between the State and the United States is partly the ordinary high water mark and partly the ordinary low water mark, said ordinary low water mark being the waterward boundary of Tideland Survey No. 1; and

WHEREAS, the State, the United States and the City consider it expedient and necessary and in the best interests of the State and the public to describe and fix permanently the boundary between a portion of the lands belonging to the State and the United States 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 the true and correct boundary line between the State and the United States, it is agreed that said boundary line is and shall be located and established as follows:

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S. 35° 13' 03" W., 104.04 feet, N. 82° 27' 38" W., 205.78 feet,  
S. 43° 41' 17" W., 92.66 feet, N. 40° 38' 56" W., 130.48 feet,  
S. 69° 52' 36" W., 139.52 feet, S. 37° 08' 48" W., 82.80 feet,  
S. 76° 10' 17" W., 200.82 feet, S. 68° 38' 44" W., 142.80 feet,  
N. 51° 58' 22" W., 198.04 feet and S. 62° 33' 37" W., 117.18 feet.

to a point on the easterly boundary of Tideland Survey No. 1; thence  
along said easterly boundary S. 09° 15' 12" W., 151.13 feet to a  
point on the Mean Low Tide Line of 1856; thence along said Line of  
Mean Low Tide, N. 57° 12' 57" W., 68.63 feet, N. 65° 33' 22" W.,  
48.33 feet, N. 87° 12' 26" W., 82.10 feet. W., 108.00 feet,  
S. 85° 38' 45" W., 197.57 feet, S. 82° 12' 32" W., 693.40 feet,  
S. 78° 28' 35" W., 210.24 feet, S. 72° 30' 15" W., 96.46 feet,  
S. 65° 38' 49" W., 104.28 feet and S. 52° 15' 11" W., 196.02 feet  
to a point on the westerly boundary line of Tideland Survey No. 1;  
thence along said westerly boundary N. 01° 00' 12" E., 65 feet  
more or less to a point on the Mean High Tide Line of 1856, thence  
Southwesterly along said Line of Mean High Tide to an intersection  
with the westerly boundary of the Benicia Arsenal.

The bearings and distances shown in the above description are based  
upon the California Coordinate System, Zone 3.

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 agreement on the dates hereafter written:

GENERAL SERVICES ADMINISTRATION

By \_\_\_\_\_

\_\_\_\_\_  
Date of Signature

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ ) ss

On \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, with principal office in \_\_\_\_\_ County, personally appeared \_\_\_\_\_ known to me to be the \_\_\_\_\_ of the General Services Administration that executed the within Instrument, known to me to be the person whose name is subscribed to the within Instrument and acknowledged that he executed the within Instrument pursuant to the authority of said General Services Administration.

WITNESS my hand and official seal.

\_\_\_\_\_  
\_\_\_\_\_  
Name (Typed or Printed)  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

CITY OF BENICIA

\_\_\_\_\_  
Date of Signature

By \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date of Signature

By \_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ ) ss

EXHIBIT "A" (CONTD.)

On \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, with principal office in \_\_\_\_\_ County, personally appeared \_\_\_\_\_ and \_\_\_\_\_

known to me to be the Mayor and City Clerk, respectively, of the CITY OF BENICIA that executed the within Instrument, and also known to me to be the persons who executed it on behalf of the city 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 THE STATE OF CALIFORNIA

STATE OF CALIFORNIA  
acting by and through  
STATE LANDS COMMISSION

By \_\_\_\_\_  
F. J. HORTIG  
Executive Officer

\_\_\_\_\_  
Date of Signature

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

} ss

On \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, with principal office in \_\_\_\_\_ County, personally appeared F. J. HORTIG, known to me to be the Executive Officer of the STATE LANDS COMMISSION, STATE OF CALIFORNIA, the Commission that executed the within Instrument, known to me to be the person who executed the within Instrument, on behalf of the Commission therein named, and acknowledged to me that such Commission executed the within Instrument pursuant to a resolution of its Commissioners.

WITNESS my hand and official seal.

\_\_\_\_\_  
\_\_\_\_\_  
Name (Typed or Printed)  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA.