

MINUTE ITEM

11/18/65

34. APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND ROBERT H. AND MELINDA E. CHESNEY ALONG THE LOW WATER MARK ON THE RIGHT BANK OF THE COLORADO RIVER, SAN BERNARDINO COUNTY - W.O. 5878, B.L.A. 69.

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

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE AN AGREEMENT WITH ROBERT H. AND MELINDA E. CHESNEY FIXING THE LOW WATER MARK AS THE COMMON BOUNDARY ALONG THE RIGHT BANK OF THE COLORADO RIVER IN SAN BERNARDINO COUNTY, AS DESCRIBED IN THE BOUNDARY AGREEMENT, W.O. 5878, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN STATE SUBMERGED LAND AND SUBJECT PRIVATE LANDS ALONG THE COLORADO RIVER.

Attachment

Supplemental Calendar Item 9 (5 pages)

11/18/65

9.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN STATE OF CALIFORNIA AND ROBERT H. AND MELINDA E. CHESNEY ALONG THE LOW WATER MARK ON THE RIGHT BANK OF THE COLORADO RIVER, SAN BERNARDINO COUNTY - W.O. 5878.

An application (request) has been received from Robert H. Chesney to establish a boundary along the right bank of the Colorado River in San Bernardino County, between his privately owned uplands and State-owned submerged lands.

In 1951, the Bureau of Reclamation dredged the Needles Channel, which changed the alignment of the Colorado River. A 1949 aerial photograph shows the last known natural position of the Colorado River in this area prior to the dredging. The description in the boundary agreement follows this 1949 bank line. The described boundary line is agreeable to all parties as a permanent boundary.

The office of the Attorney General has previously approved boundary agreements in the subject form.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE AN AGREEMENT WITH ROBERT H. AND MELINDA E. CHESNEY FIXING THE LOW WATER MARK AS THE COMMON BOUNDARY ALONG THE RIGHT BANK OF THE COLORADO RIVER IN SAN BERNARDINO COUNTY, AS DESCRIBED IN THE BOUNDARY AGREEMENT, W.O. 5878, ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY BETWEEN STATE SUBMERGED LAND AND SUBJECT PRIVATE LANDS ALONG THE COLORADO RIVER.

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 ROBERT H. AND MELINDA E. CHESNEY (as Parties 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 uplands fronting on the submerged lands of the Colorado River, San Bernardino County, California; and

WHEREAS, the State of California by virtue of its sovereignty is the owner of certain submerged lands in the Colorado River, San Bernardino County, California; and

WHEREAS, the 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

EXHIBIT "A" (CONTD.)

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 low water mark as the boundary between the lands belonging to the State and Second Party and forever set at rest any and all questions relating to the location of said low water mark.

NOW, THEREFORE, in order to locate, describe and permanently establish the low water mark as the true and correct boundary line between the State and Second Party, it is agreed that said boundary line is and shall be located and established as follows:

Commencing at the section corner common to Sections 28, 29, 32, 33, T. 9 N., R. 23 E., S.B.B.M.; thence east along the section line between the aforementioned Sections 28 and 33, 1115 feet to a point on the 1949 low water mark of the Colorado River, which point is the True Point of Beginning; thence from said True Point of Beginning, N. 50° 45' W. 402 feet, and N. 44° W. 3280 feet to the end of this boundary line, which is also the point of intersection of the aforementioned 1949 low water line with the south line of the NE $\frac{1}{4}$ of Section 29, T. 9 N., R. 23 E., S.B.B.M.

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

EXHIBIT "A" (CONTD.)

STATE OF CALIFORNIA
acting by and through
STATE LANDS COMMISSION

By _____
F. J. HORTIG

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