MINUTE ITEM 2/23/67

35. APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA, THE CITY OF LOS ANGELES, AND PACIFIC OCEAN PARK, INC., ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF OCEAN PARK PIER, LOS ANGELES COUNTY - W.O. 6303, B.L.A. 80.

After consideration of Calendar Item 38 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE A BOUNDARY AGREEMENT WITH THE CITY OF LOS ANGELES, PACIFIC OCEAN PARK, INC., AND THE STATE OF CALIFORNIA, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, FIXING THE BOUNDARY OF GRANTED STATE TIDE AND SUBMERGED LANDS ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF OCEAN PARK PIER, LOS ANGELES COUNTY.

Attachment
Calendar Item 38 (5 pages)

Rescinded by Minute Item 40 of 12/7/71 meeting of Los Angeles
E. Dennis

A 60
S 25

58.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA, THE CITY OF LOS ANGELES, AND PACIFIC OCEAN PARK, INC., ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF OCEAN PARK PIER, LOS ANGELES COUNTY - W.O. 6303.

A request has been received from the City of Los Angeles and adjoining property owner, Pacific Ocean Park, Inc., for the establishment of the boundary along the shore of Santa Monica Bay dividing the privately owned uplands and granted tide and submerged lands.

Chapter 77 of the Statutes of 1917 as amended by Chapter 1513 of the Statutes of 1945 granted a certain area in the vicinity of Ocean Park Pier to the City of Los Angeles. The City of Los Angeles and the upland owner, Pacific Ocean Park, Inc., will be the principal parties concerned, with the State entering into the agreement as an interested third party.

Shoreline conditions have been determined to be artificially affected by man-made structures, and the mean high tide line of 1921 is the last known position of the natural mean high tide line.

The boundary line described in Boundary Agreement, Exhibit "A", is the same line described in City of Santa Monica Ordinance No. 188 passed in 1921, and this line is acceptable to both the City of Los Angeles and Pacific Ocean Park, Inc.

The office of the Attorney General has approved this proposed boundary agreement.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE A BOUNDARY AGREEMENT WITH THE CITY OF LOS ANGELES, PACIFIC OCEAN PARK, INC., AND THE STATE OF CALIFORNIA, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, FIXING THE BOUNDARY OF GRANTED STATE TIDE AND SUBMERGED LANDS ALONG THE SHORE OF SANTA MONICA BAY IN THE VICINITY OF OCEAN PARK PIER, LOS ANGELES COUNTY.

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 CITY OF LOS ANGELES (as Party of the Second Part hereinafter referred to as "City"), and PACIFIC OCEAN PARK, INC. (as Party of the Third Part hereinafter referred to as "Third 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 Third Party appears of record as owner of certain uplands along the shore of Santa Monica Bay in the vicinity of Ocean Park Pier, being a portion of Crescent Bay Tract in the City of Los Angeles; and

WHEREAS, the State of California, by virtue of its sovereignty, and City, by grant pursuant to Chapter 77 of the Statutes of 1917 as amended by Chapter 1513 of the Statutes of 1945, are the owners of the tide and submerged lands in Santa Monica Bay; and

WHEREAS, the ordinary high 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, a study of the history of the shoreline in the cities of Los Angeles and Santa Monica, in the vicinity of Ocean Park Pier, shows that the mean high tide line of 1921 is the last known position of the natural mean high tide line prior to artificial influences; and

WHEREAS, the State Lands Commission, City and Third Party consider it expedient and necessary and in the best interests of the State and the public to describe and fix permanently the Ordinary High Water Mark as the boundary between the lands belonging to the State and City and Third Party and forever set at rest any and all questions relating to the location of said Ordinary High Water Mark.

NOW, THEREFORE, in order to locate, describe and permanently establish the Ordinary High Water Mark as the true and correct boundary line between the State and City and Third Party, it is agreed that said boundary line is and shall be located and established as follows:

Beginning at the intersection of the Southwesterly prolongation of the centerline of Marine Street; said centerline being the boundary line between the cities of Santa Monica and Los Angeles, as established by Ordinance No. 129,838 of the city of Los Angeles and by Resolution No. 2999 of the city of Santa Monica, with the mean high tide line of the Pacific Ocean as established in 1921 by Ordinance No. 188 of the city of Santa Monica, and recorded in Book 431 Page 90, Official Records of Los Angeles County; thence from said point of beginning South 39° 29' 30" East along said mean high tide line of 1921 and its Southeasterly prolongation to a point in the Southwesterly prolongation of the Southeasterly line of Lot 176 of the Crescent Bay Tract, as per map recorded in Book 2 page 13 and 14 of Maps, in the

office of the county recorder of said county. Said mean high tide line is shown on a map marked Exhibit "B" attached hereto and made a part hereof.

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

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates hereafter written:

CITY OF LOS ANGELES

_____
Date of Signature

By _____
Mayor

_____
Date of Signature

By _____
City Clerk

STATE OF CALIFORNIA)
COUNTY OF _____) ss

On this _____ day of _____ in the year _____,
before me, _____,
a Notary Public in and for said County and State, personally appeared
_____ and _____
known to me to be the _____ and _____
of the city that executed the within Instrument and acknowledged to me that such city executed the same.

_____

_____
Name (Typed or Printed)
NOTARY PUBLIC IN AND FOR SAID
COUNTY AND STATE

EXHIBIT "A" (CONTD.)

PACIFIC OCEAN PARK, INC.

By _____
President

_____
Date of Signature

By _____
Secretary

_____
Date of Signature

STATE OF CALIFORNIA)
COUNTY OF _____) ss

On _____, 196__, 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 President and Secretary, respectively, of the corporation that executed the within Instrument, known to me to be the persons whose names are subscribed to the within Instrument and acknowledged that they executed the within Instrument pursuant to the authority of said corporation.

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 this _____ day of _____ in the year _____, before me, _____, a Notary Public in and for said County and State, personally appeared F. J. Hortig, known to me to be the Executive Officer of the State Lands Commission, and known to me to be the person who executed the within Instrument on behalf of said agency, and acknowledged to me that such agency executed the same.

_____

_____
Name (Typed or Printed)
NOTARY PUBLIC IN AND FOR SAID
COUNTY AND STATE