

29. APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF PETALUMA ALONG THE PETALUMA RIVER, SONOMA COUNTY - W.O. 6505, B.L.A. NO. 88.

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 TO EXECUTE A BOUNDARY AGREEMENT BETWEEN THE CITY OF PETALUMA AND THE STATE OF CALIFORNIA, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, FIXING THE BOUNDARY OF STATE TIDE AND SUBMERGED LANDS ALONG THE PETALUMA RIVER.

Attachment

Calendar Item 28 (6 pages)

26.

APPROVAL OF BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF PETALUMA ALONG THE PETALUMA RIVER, SONOMA COUNTY - W.O. 6505.

A request has been received from the City of Petaluma for the establishment of the boundary along the natural Ordinary High Water Mark of the Petaluma River, which formerly flowed through the parcel of land now owned by the City of Petaluma.

A study of this area shows that a man-made cut, referred to as "Cut-off D", diverted the Petaluma River into its present channel many years ago.

The location of the State-owned "loops" was determined and mapped from the 1860 U.S. Topographic Survey.

The 1860 position of the Petaluma River is acceptable to the City of Petaluma.

The Office of the Attorney General has reviewed and approved this proposed boundary agreement.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE A BOUNDARY AGREEMENT BETWEEN THE CITY OF PETALUMA AND THE STATE OF CALIFORNIA, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF, FIXING THE BOUNDARY OF STATE TIDE AND SUBMERGED LANDS ALONG THE PETALUMA 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 CITY OF PETALUMA (as Party of the Second 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, whenever it is deemed expedient or necessary. and

WHEREAS, the City appears of record as owner of certain uplands along the Petaluma River in the vicinity of the City of Petaluma and;

WHEREAS, the State of California, by virtue of its sovereignty, is the owner of the tide and submerged lands in the Petaluma River; 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

WHEREAS, a study of this section of the Petaluma River shows that a man-made cut, referred to as "Cut-off D", diverted the channel of the river; and

WHEREAS, the State Lands Commission and City 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

EXHIBIT "A" (CONTD.)

belonging to the State and City 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, it is agreed that said boundary line is and shall be located and established as follows:

Those segments of the boundary of tide and submerged lands along the natural banks of the Petaluma River being more particularly described as follows:

Commencing at the most easterly corner of the land described in the deed from W. A. Giles to the City of Petaluma, dated June 23, 1908 and recorded March 12, 1909 in Liber 253 of Deeds, page 361, Sonoma County Records; thence along the southeasterly boundary of said parcel of land South 35° 14' West 835.5 feet; thence along the southwesterly boundary of said parcel of Land North 54° 46' West 440.5 feet; thence South 35° 14' West 70 feet, more or less, to the True Point of Beginning of Segment ABCD; thence along the following courses:

(All bearings and distances on described segments are based on California Coordinate System, Zone 3.)

SEGMENT ABCD

N. 36° 09' 29" W. 110.00 feet,
N. 64° 41' 55" W. 304.18 feet, and
N. 43° 09' 09" W. 354.18 feet to the
terminus of Segment ABCD; thence,
S. 35° 14' W. 145 feet, more or less,
to the True Point of Beginning of
Segment EFGHI; thence, along the
following courses:

EXHIBIT "A" (CONTD.)

SEGMENT EFGHI

S. 29° 36' 16" E. 165.47 feet,
S. 52° 54' 26" E. 257.00 feet,
S. 71° 01' 47" E. 169.19 feet, and
S. 41° 03' 14" E. 186.60 feet to the
terminus of Segment EFGHI; thence,
S. 35° 14' W. 673.82 feet; thence,
N. 54° 46' W. 100 feet, more or less,
to the True Point of Beginning of
Segment JKIM; thence, along the
following courses:

SEGMENT JKIM

N. 05° 23' 22" E. 64.39 feet,
N. 03° 10' 47" W. 180.28 feet, and
N. 24° 02' 20" W. 584.60 feet to the
terminus of Segment JKIM; thence,
S. 35° 14' W. 195 feet, more or less,
to the True Point of Beginning of
Segment NOPQ; thence along the
following courses:

SEGMENT NOPQ

S. 28° 05' 05" E. 241.25 feet
S. 22° 45' 03" E. 168.08 feet and
S. 07° 00' 05" E. 134.97 feet to the
terminus of Segment NOPQ.

EXHIBIT "A" (CONTD.)

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 PETALUMA

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.)

STATE OF CALIFORNIA
Acting by and through
STATE LANDS COMMISSION

By _____
F.J. HORTIG
Executive Officer

Date of Signature

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) 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