

52. BOUNDARY LINE AGREEMENT, TIDE AND SUBMERGED LANDS ALONG THE RIGHT BANK OF THE KLAMATH RIVER, DEL NORTE COUNTY; COUNTY OF DEL NORTE - W.O. N-0305, B.L.A. #105.

After consideration of Calendar Item 50 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION HEREBY FINDS THAT AN AGREEMENT WITH THE COUNTY OF DEL NORTE FOR THE ESTABLISHMENT OF THE BOUNDARY OF THE TIDELANDS AND SUBMERGED LANDS ALONG THE RIGHT BANK OF THE KLAMATH RIVER ON THE LINE DESCRIBED IN THE ATTACHED EXHIBIT "A" IS EXPEDIENT AND NECESSARY; THEREFORE, IT IS HEREBY RESOLVED THAT, PURSUANT TO THE AUTHORITY AND PROVISIONS OF SECTION 6357 OF THE PUBLIC RESOURCES CODE, AN AGREEMENT BE ENTERED INTO BETWEEN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, AND THE COUNTY OF DEL NORTE FOR THE ESTABLISHMENT OF THE ORDINARY HIGH WATER MARK FOR THE RIGHT BANK OF THE KLAMATH RIVER ALONG THE SAID LINE DESCRIBED IN THE ATTACHED EXHIBIT "A", AND THAT F. J. HORTIG, EXECUTIVE OFFICER OF THIS COMMISSION, IS AUTHORIZED TO DO ALL THINGS NECESSARY TO EFFECT SUCH AGREEMENT, AND TO EXECUTE SUCH AGREEMENT FOR AND ON BEHALF OF THIS COMMISSION.

Attachment

Calendar Item 50 (3 pages)

50.

BOUNDARY LINE AGREEMENT, TIDE AND SUBMERGED LANDS ALONG THE RIGHT BANK OF THE KLAMATH RIVER, DEL NORTE COUNTY; COUNTY OF DEL NORTE - P.R.C. 3919.9.

The County of Del Norte has acquired Ward Island in the Klamath River near the Townsite of Klamath. Plans are in progress for redevelopment of the townsite, which was severely damaged by flood waters.

By Permit P.R.C. 3919.9, dated April 18, 1968, the State Lands Commission granted permission to the County to commence development of the townsite within the abandoned arm of the Klamath River, extending around the north-easterly boundary of Ward Island. The State Division of Highways also has acquired a portion of Ward Island, and has obtained a permit from the State Lands Commission for a portion of the abandoned channel for freeway purposes.

During the period between the original township survey of 1889 and 1923, the mean high tide line at this reach of the river appears to have been subject to considerable fluctuations, with the arm of the river around the island being filled, and with a good portion of the island being eroded away.

By reason of a lack of evidence, the exact extent and the times and causes of such fluctuations are in doubt, and the location of the boundary of the tidelands and submerged lands (ordinary high water mark) is not now known.

The County has requested that the boundary line of the State's ownership of the tidelands and submerged lands be established by agreement as authorized by Section 6357 of the Public Resources Code.

Attached as Exhibit "B" is a plat of the area, which is submitted for descriptive purposes only as it does not consist of a survey or property description.

The State Lands Division recommends that the State Lands Commission enter into a boundary line agreement with the County at the line described on the attached Exhibit "A", on the ground that it is expedient and necessary, represents a fair resolution of the uncertainties concerning the location of the State's boundary, and is in the best interests of the State.

By reason of shortage of time and delay in receipt of a title report from the County, such agreement will not resolve the possible claims of all persons claiming an interest in the upland. The agreement will be subject to such claims, and is intended to resolve the boundary of the tidelands and submerged lands only as between the County and the State. To the extent that there may be claims by others to the portion of the abandoned reach of the river that may be required or claimed by the County, any clearing of title is intended to be the responsibility of the County; therefore, the agreement must be made without warranty of title.

This agreement should eliminate major boundary problems, as the boundary of Ward Island should now become firm and established; however, this agreement does not resolve boundary claims that might be asserted by parties other than the County.

SUPPLEMENTAL CALENDAR ITEM 50. (CONTD.)

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION ADOPT THE FOLLOWING RESOLUTION:

THE COMMISSION HEREBY FINDS THAT AN AGREEMENT WITH THE COUNTY OF DEL NORTE FOR THE ESTABLISHMENT OF THE BOUNDARY OF THE TIDELANDS AND SUBMERGED LANDS ALONG THE RIGHT BANK OF THE KLAMATH RIVER ON THE LINE DESCRIBED IN THE ATTACHED EXHIBIT "A" IS EXPEDIENT AND NECESSARY; THEREFORE, IT IS HEREBY RESOLVED THAT, PURSUANT TO THE AUTHORITY AND PROVISIONS OF SECTION 635, OF THE PUBLIC RESOURCES CODE, AN AGREEMENT BE ENTERED INTO BETWEEN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, AND THE COUNTY OF DEL NORTE FOR THE ESTABLISHMENT OF THE ORDINARY HIGH WATER MARK FOR THE RIGHT BANK OF THE KLAMATH RIVER ALONG THE SAID LINE DESCRIBED IN THE ATTACHED EXHIBIT "A", AND THAT F. J. HORTIG, EXECUTIVE OFFICER OF THIS COMMISSION, IS AUTHORIZED TO DO ALL THINGS NECESSARY TO EFFECT SUCH AGREEMENT, AND TO EXECUTE SUCH AGREEMENT FOR AND ON BEHALF OF THIS COMMISSION.

## EXHIBIT "A"

## BOUNDARY LINE

BEGINNING on the westerly line of the lands of John Menary at a point which bears N. 40° E. 296.0 feet from an iron pipe as shown on that "Record of Survey No. 10 for John Menary" recorded in Book 3, Page 69, Official Records of Del Norte County, from which point of beginning, the southeast corner of Section 10, Township 13 North, Range 1 East, Humboldt Meridian bears S. 62° 26' 42" E. 2780.73 feet; thence from said POINT OF BEGINNING:

N 73° 42' 54" W.	210.85 feet to an iron pipe; thence
N 23° 35' 55" W.	<del>680.8 feet to an iron pipe; thence</del>
N 31° 27' 10" W.	374.61 feet to an iron pipe; thence
N 25° 57' 07" W.	523.56 feet to an iron pipe; thence
N 18° 48' 19" W.	889.07 feet to an iron pipe; thence
N 24° 05' 06" W.	612.71 feet to an iron pipe; thence
N 37° 50' 01" W.	823.64 feet to an iron pipe; thence
N 40° 29' 47" W.	299.25 feet to an iron pipe from

which the west quarter corner of Section 3 of said Township and Range bears N 10° 08' 58" W. 2985.07 feet; thence from said pipe, N 32° 25' 52" W. 357 feet more or less to the intersection with the meander line of the right bank of the Klamath River as shown on the U.S. plat of Township 13 North, Range 1 East, Humboldt Meridian.