

22. AUTHORIZATION FOR EXECUTION OF BOUNDARY AGREEMENT AND QUITCLAIMS WITH DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, SAN MATEO COUNTY - W 20435, BLA 134.

After consideration of Calendar Item 20 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE EXECUTION BY ITS EXECUTIVE OFFICER ON BEHALF OF THE COMMISSION OF THAT CERTAIN AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, AND THE STATE LANDS COMMISSION RESPECTING THE TITLES AND BOUNDARIES OF THE REAL PROPERTY IN SAN MATEO COUNTY, CALIFORNIA, DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID AGREEMENT BEING ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.
2. AUTHORIZES THE EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION AND OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE ABOVE AGREEMENT, INCLUDING BUT NOT LIMITED TO, ANY LEGAL PROCEEDINGS CONCERNING SAID AGREEMENT.

Attachment:

Calendar Item 20 (5 pages)

CALENDAR ITEM

20.

9/72

RGN

W 20435

BLA 134

BOUNDARY AGREEMENT AND QUITCLAIMS
WITH DEPARTMENT OF PUBLIC WORKS,
DIVISION OF HIGHWAYS, SAN MATEO COUNTY

The Division of Highways has a number of surplus parcels of property which it is endeavoring to sell or transfer to the jurisdiction of other governmental agencies. The Division of Highways has requested the State Lands Division to determine whether it has any sovereign interest by virtue of tide and submerged lands being included within two of these surplus parcels.

The present transaction affects an approximate 6.1-acre parcel of dry land and an adjacent 20.7-acre parcel most of which is now covered by the waters of San Francisco Bay. The parcels are located immediately northerly of the old Third Avenue approach to the San Mateo Bridge and immediately west of Boundary Line Agreement No. 128, executed February 3, 1972, affecting similar adjacent lands. Originally these surplus parcels were within the perimeter survey lines of swamp and overflowed lands surveys. The State Lands Division has refused to recognize any title in State Highways by virtue of deeds State Highways received from private parties to lands presently covered by water.

In order to respond to the request of State Highways, the State Lands Division has required Highways to make a physical survey of the present ordinary high water mark along the bayward edge of the surplus parcel of dry land. It has also required the Division of Highways to supply the Division with a complete chain of title to the subject land. In addition, the Division has independently reviewed the historic maps showing the affected area. Based upon that review, the Division has determined that these parcels are located within the perimeter descriptions set forth in the following San Mateo County swamp and overflowed lands surveys which formed the basis for patents of the State to private parties issued in the years indicated below:

No. 68-Patented 1892

No. 69-Patented 1899

All of the affected area was confirmed as swamp and overflowed lands in United States Patent No. 191, San Francisco Land District, issued to the State of California in 1919.

The proposed boundary agreement confirms that the dry 6.1-acre parcel is composed of swamp and overflowed lands patented to the State of California by the federal government, was subsequently patented by the State to private applicants, and that no sovereign lands are contained within said area. It also provides that the bayward boundary of said parcel is permanent and fixed and not subject to change by reason of erosion and accretion. The agreement specifically provides that it is not a waiver of the jurisdiction of any other State or local agency having jurisdiction over the subject property such as the San Francisco Bay Conservation and Development Commission. Highways' interest in the 20.7-acre wet parcel is to be quitclaimed to the Lands Commission.

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CALENDAR ITEM NO. 20. (CONTD)

The present shoreline is in an artificial location as a result of filling, leveeing and other works of man and there is bona fide uncertainty and dispute between the parties with respect to the location of the last natural ordinary high water mark of San Francisco Bay, being the boundary between the lands held for the State by State Highways and the lands held for the State in its sovereign capacity by State Lands Commission; and this agreement is entered into by way of compromise and settlement for the purpose of making such boundary line permanent, fixed, and certain.

The general format of this calendar item and the said agreement are taken from said Boundary Line Agreement No. 128.

This transaction has been reviewed and approved by the Office of the Attorney General.

EXHIBITS: A. Property Description (Parcels A & B).
 B. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE EXECUTION BY ITS EXECUTIVE OFFICER ON BEHALF OF THE COMMISSION OF THAT CERTAIN AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, AND THE STATE LANDS COMMISSION RESPECTING THE TITLES AND BOUNDARIES OF THE REAL PROPERTY IN SAN MATEO COUNTY, CALIFORNIA, DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, SAID AGREEMENT BEING ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.
2. AUTHORIZE THE EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION AND OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE ABOVE AGREEMENT, INCLUDING BUT NOT LIMITED TO, ANY LEGAL PROCEEDINGS CONCERNING SAID AGREEMENT.

Attachment: Exhibit "A"

EXHIBIT "A"
Parcel A

W 20435

Portion of Parcel 14882 - Swamp and Overflowed Lands

All that real property situate in the State of California, County of San Mateo, City of Foster City, described as follows:

A portion of Parcel 14882 of land described in the deed to State of California, recorded June 18, 1954 in Volume 2602, Page 328, Official Records of San Mateo County, lying within Section 23, Township 4 South, Range 4 West, Mount Diablo Base and Meridian, and more particularly described as follows:

BEGINNING at the southwesterly terminus of the course described as "S. 69° 43' 30" W., 2533.00 feet" in said deed for Parcel 14882; thence N. 37° 22' 25" W., 16.04 feet to a point on the existing mean high water line on the bayward slope of the levee; thence along said mean high water line the following courses:

1. N. 43° 13' 13" E., 26.25 feet,
 2. N. 60° 28' 27" E., 100.00 feet,
 3. N. 69° 01' 02" E., 50.48 feet,
 4. N. 64° 42' 34" E., 125.26 feet,
 5. N. 56° 01' 08" E., 125.48 feet,
 6. N. 65° 01' 37" E., 327.68 feet,
 7. N. 68° 38' 34" E., 175.01 feet,
 8. N. 71° 48' 08" E., 150.33 feet,
 9. N. 67° 04' 17" E., 250.03 feet,
 10. N. 71° 11' 36" E., 125.20 feet,
 11. N. 64° 56' 06" E., 150.21 feet,
 12. N. 61° 08' 44" E., 151.08 feet,
 13. N. 63° 10' 54" E., 85.80 feet,
 14. N. 68° 22' 52" E., 89.74 feet,
 15. N. 40° 51' 20" E., 165.28 feet,
 16. N. 63° 26' 25" E., 61.14 feet,
 17. N. 53° 35' 28" E., 32.16 feet,
- thence from a tangent that bears S. 06° 55' 58" W., along a curve to the right with a radius of 458.00 feet, through an angle of 8° 38' 24", an arc length of 69.06 feet; thence S. 15° 34' 22" W., 291.48 feet to first said course; thence along first said course S. 70° 45' 45" W., 1945.35 feet to the point of beginning.

CONTAINING 6.081 acres, more or less.

The bearings and distances used in the above description are on the California Coordinate System, Zone 3. Multiply the above distances by 1.0000647 to obtain ground level distances.

EXHIBIT "A"
Parcel B

W 20435

Portions of Parcels 14881 and 14882 - Tide and Submerged Lands

All that real property situate in the State of California, County of San Mateo, City of Foster City described as follows:

Portions of Parcels 14881 and 14882 of land described in the deed to State of California; Parcel 14881 recorded May 14, 1954 in Volume 2582, Page 361 and Parcel 14882 recorded June 18, 1954 in Volume 2602, Page 328, Official Records of San Mateo County, said portions lying within Section 23, Township 4 South, Range 4 West, Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at the northwesterly corner of said Parcel 14881; thence along the northerly line of said Parcel 14881 from a tangent that bears S. 82° 22' 32" E., along a curve to the left with a radius of 932.66 feet, through an angle of 26° 51' 43", an arc length of 437.26 feet; thence N. 70° 45' 45" E., 2190.88 feet; thence from a tangent that bears S. 12° 52' 00" E., along a curve to the right with a radius of 458.00 feet, through an angle of 19° 47' 58", an arc length of 158.27 feet to a point on the existing mean high water line; thence along said mean high water line, the following 17 courses:

1. S. 53° 35' 28" W., 32.16 feet,
2. S. 63° 26' 25" W., 61.14 feet,
3. S. 40° 51' 20" W., 165.28 feet,
4. S. 68° 22' 52" W., 89.74 feet,
5. S. 63° 10' 54" W., 85.80 feet,
6. S. 61° 08' 44" W., 151.08 feet,
7. S. 64° 56' 06" W., 150.21 feet,
8. S. 71° 11' 36" W., 125.20 feet,
9. S. 67° 04' 17" W., 250.03 feet,
10. S. 71° 48' 08" W., 150.33 feet,
11. S. 68° 38' 34" W., 175.01 feet,
12. S. 65° 01' 37" W., 327.68 feet,
13. S. 56° 01' 08" W., 125.48 feet,
14. S. 64° 42' 34" W., 125.26 feet,
15. S. 69° 01' 02" W., 50.48 feet,
16. S. 60° 28' 27" W., 100.00 feet, and
17. S. 43° 18' 13" W., 26.25 feet; thence, leaving said mean high water line, S. 37° 21' 25" E., 16.04 feet to the southwesterly terminus of the course described as "S. 69° 43' 30" W., 2533.00 feet" in said parcel 14882; thence westerly along southerly line of said parcel 14882 and southerly line of Parcel 14881 from a tangent that bears S. 70° 45' 45" W., along a curve to the right with a radius of 1382.61 feet, through an angle of 21° 21' 34", an arc length of 515.43 feet to the westerly line of said parcel 14881; thence

along said westerly line N. 28° 11' 21" W., 154.00 feet and
N. 0° 02' 05" E., 321.51 feet to the point of beginning.

CONTAINING 20.702 acres, more or less.

The bearings and distances used in the above description are on the
California Coordinate System, Zone 3. Multiply the above distances by
1.0000647 to obtain ground level distances.