MINUTE ITEM

7-24-80
W 22505
BLA 198
Frank
Stevenson
Scott

30. AUTHORIZATION FOR ENTRY INTO BOUNDARY LINE AGREEMENT WITH HERMAN H. AND IDA P. WEBER
RE: SWAMP AND OVERFLOWED LANDS SURVEY NO. 566, SACRAMENTO COUNTY (BLA 198)

Calendar Item 30 attached was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 30.

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CALENDAR PAGE
MINUTE PAGE 1642

CALENDAR ITEM

30.

7/80
W 22505
BLA 198
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AUTHORIZATION FOR ENTRY INTO
BOUNDARY LINE AGREEMENT WITH
HERMAN H. AND IDA P. WEBER
RE: SWAMP AND OVERFLOWED LANDS
SURVEY NO. 566, SACRAMENTO COUNTY
(BLA 198)

In December 1974, the State Lands Commission was served with a complaint in a quiet title action entitled Wilcox, et. al. v. State of California, Sacramento Superior Court No. 252408. That litigation concerned conflicting title claims to a parcel of land originally patented as swamp and overflowed lands adjoining sovereign lands in the Sacramento River in southern Sacramento County.

After considerable research into the title and physical history of the property at issue and extended negotiations with opposing counsel, the staff and Attorney General's Office proposed a settlement of the litigation establishing a high water boundary between State sovereign lands and private uplands. That agreement will utilize a 1925 U.S. Army Corps of Engineers survey of the property which shows the shoreline. The Parties to this agreement have chosen the use this shoreline survey as a reasonable compromise boundary between their respective ownerships. The Commission authorized execution of the boundary line agreement in settlement of litigation at its May, 1979 meeting as Minute Item No. C-30.

Counsel for plaintiffs in the litigation also represent Herman and Ida Weber, owners of an adjoining parcel along the Sacramento River which has been subject to the same boundary changes and uncertainties. As a result, the negotiations were expanded in an effort to seek a similar resolution of the Weber/State boundary problems and to extend the boundary line used in settlement of Wilcox et al along the full length of the existing berm in this area of the Sacramento River.

The parcel claimed by the Webers was Swamp and Overflowed Survey No. 566, Sacramento County. Investigation by Commission

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staff revealed that there is considerable uncertainty concerning the State/private boundary between true swamp and overflowed lands and tide and submerged lands owned in trust by the State of California. Furthermore, there is uncertainty as to the extent to which the parcel has been subject to filling and natural or artificially-induced accretion and erosion over the years.

It is proposed that this boundary dispute be resolved through the execution of a boundary line agreement between the State and the private parties. The proposed agreement provides for a permanently fixed boundary line along that portion of the property in dispute. The agreement adopts as a proposed boundary the 1925 survey of the ordinary high tide line of the property which the parties agree represents a compromise settlement of this boundary dispute. This survey line is the same one recommended by the staff and adopted by the Commission in settlement of the Wilcox litigation over the adjoining parcel.

The proposed boundary line agreement further provides for a quitclaim deed by the private parties to the State of lands waterward of the compromise boundary line, including all claims of the private parties deriving from their predecessors' patent to Swamp and Overflowed Lands Survey No. 566. A corresponding quitclaim deed to lands landward of the compromise boundary line would be issued by the State to the private parties. The agreement has been reviewed by staff and by the Office of the Attorney General and it is their conclusion that the agreement is in the best interests of both the State of California and the public. A copy of the proposed agreement is on file in the offices of the State Lands Commission in Sacramento and is incorporated herein by reference.

EXHIBITS: A. Site Map. B. Parcel Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIONS OF THE PROPOSED BOUNDARY LINE AGREEMENT (BLA 198) REGARDING SWAMP AND OVERFLOWED LANDS SURVEY NO. 566, SACRAMENTO COUNTY, AND TO TAKE SUCH OTHER ACTION AS MAY BE NECESSARY TO EFFECTUATE THE PROVISIONS OF THE AGREEMENT INCLUDING, BUT NOT LIMITED TO, LITIGATION.

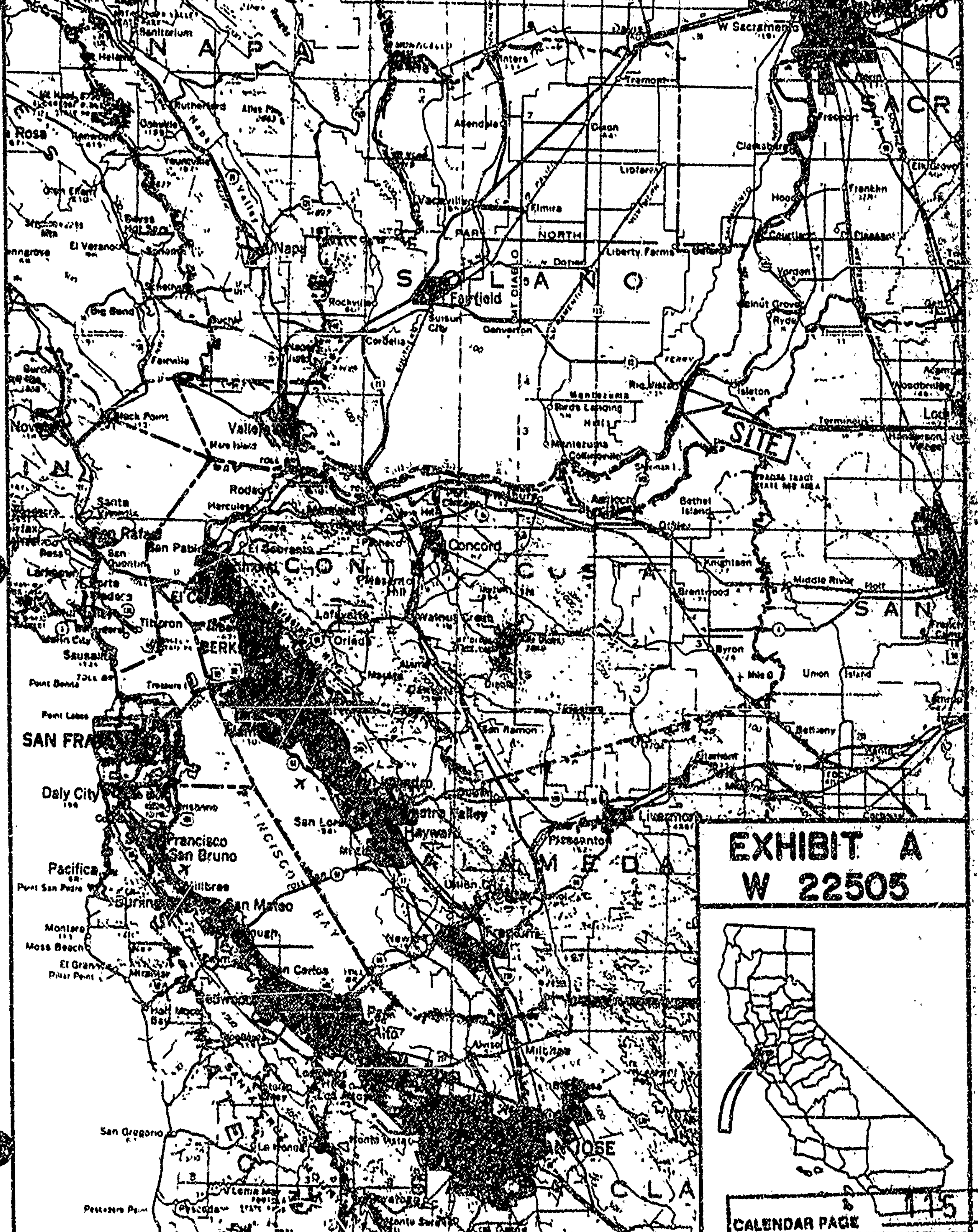

EXHIBIT A
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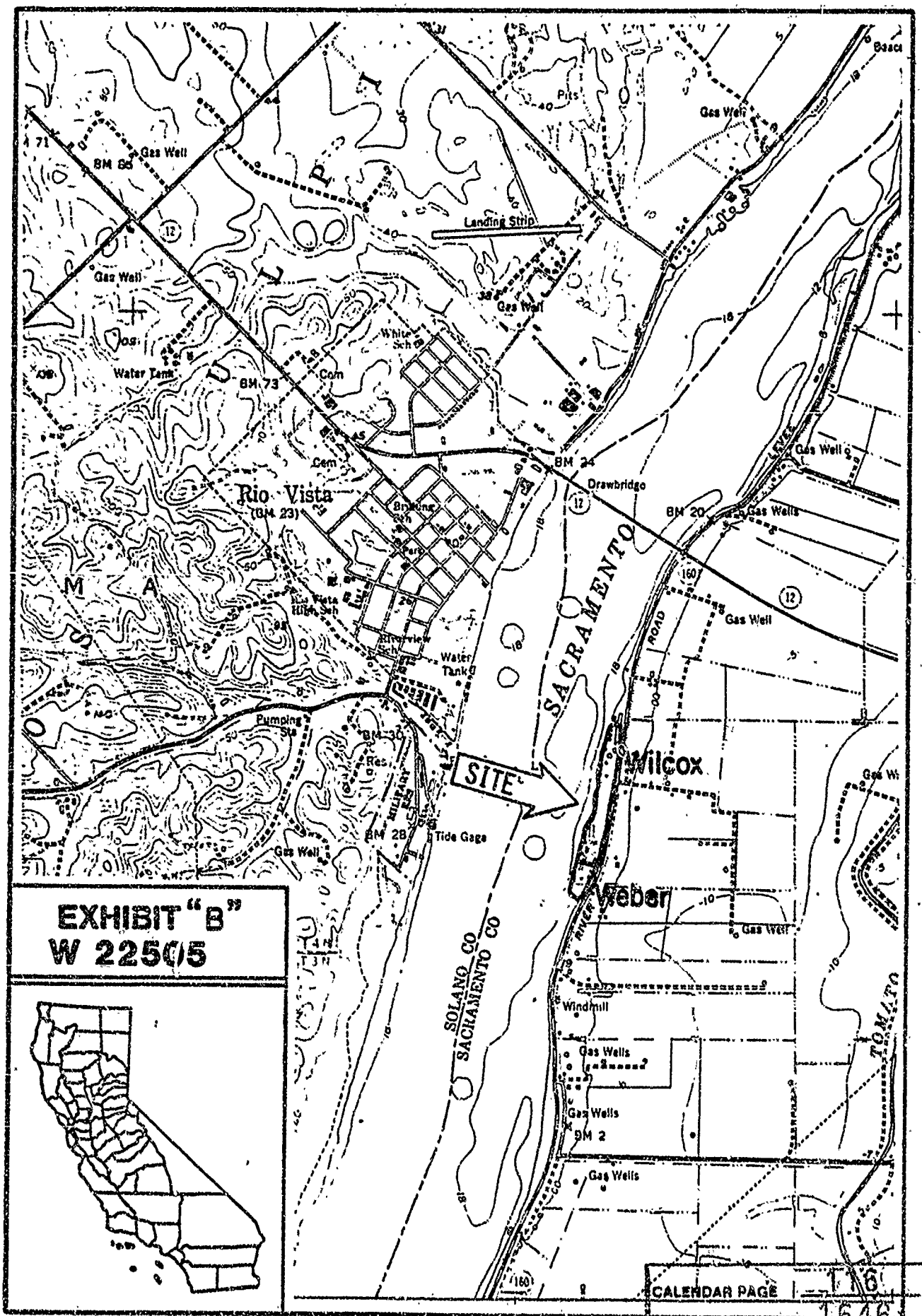
EXHIBIT "B"
W 22505
Rio Vista
(BM 23)
Landing Strip
Gas Well
Water Tank
BM 73
Com
White Sch
Drawbridge
BM 24
BM 20
Gas Wells
Rio Vista High Sch
Riverview Sch
Water Tank
Pumping Sta
BM 30
Res
BM 28
Tide Gage
SITE
SACRAMENTO
SOLANO CO
SACRAMENTO CO
Wilcox
Weber
Windmill
BM 2
TOMATO
LEVEE
ROAD
RIVER
N