

MINUTE ITEM

This Calendar Item No. 20
was approved as Minute Item
by the State Lands
Commission by a vote of 4-2-81
to 1 at its 4-27-81
meeting.

CALENDAR ITEM

20

4/81
W 22698
BLA 203
Ludlow
Maricle
G 02-03.2

BOUNDARY SETTLEMENT AGREEMENT
BLA #203

INTRODUCTION:

The State Lands Commission staff recommends Commission approval of a boundary settlement agreement with the City of Pittsburg and the City of Pittsburg Redevelopment Agency, pertaining to land within the City limits, New York Slough, Contra Costa County. The object of the proposed agreement is to approve and endorse a survey of the mean high tide line filed February 18, 1981, as representing the position of the agreed ordinary high water mark of New York Slough, and to confirm that there are no sovereign lands, or trust interests, landward of that line. This will fix a portion of the boundary of a Legislative Grant and allow development of the upland.

BACKGROUND AND PRESENT SITUATION:

1. Under Chapter 214, Statutes of 1937, approved by the Governor on May 8, 1937, the Legislature granted to the City of Pittsburg all the right, title and interest of the State in the tide and submerged lands described in section 1 of that Chapter. The grant was amended under Chapter 1828, Statutes of 1963, approved on July 17, 1963.
2. The southern boundary of the granted lands has never been defined. This agreement will establish a portion of the boundary between the upland which is Rancho Los Medanos, and the granted tide and submerged lands. The Redevelopment Agency of the City of Pittsburg is presently the upland owner.
3. A survey of the Mean High Tide Line, under the direction of the City of Pittsburg, was filed in Contra Costa County on February 18, 1981, Book 68, Licensed Surveyors Maps, page 19, in the Recorder's Office of Contra Costa

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County. The staff has reviewed the survey prepared by the City, and has concluded that it reflects a reasonable position for the Ordinary High Water Mark. There are no exchange lands involved. The slight changes in the shoreline that have occurred since man's development of the waterfront began has included offsetting shifts, and the losses and gains of the State are nearly equal in net area. The Redevelopment Agency will provide public access along a portion of the shoreline described in the boundary settlement.

4. The staff, the City of Pittsburgh and the Redevelopment Agency have agreed to the terms of a Boundary Settlement Agreement incorporating the following provisions:
 - a) That the survey of the Mean High Tide Line prepared for and recorded by the City of Pittsburgh on February 18, 1981 reflects a reasonable location of the Ordinary High Water Mark;
 - b) That there are no sovereign lands, or lands subject to the trust, in the 17.854-acre parcel of Redevelopment Agency property immediately adjacent to and landward of the proposed Ordinary High Water Mark;
 - c) A quitclaim from the State and the City to the Redevelopment Agency of all of their interest, if any, in and to the 17.854-acre parcel described above.
 - d) A quitclaim or quitclaims from the Redevelopment Agency to the State and City of all of its interest, if any, in and to the land waterward of the proposed Ordinary High Water Mark.
 - e) The Boundary Agreement will be put into an escrow and escrow instructions will be drawn according to the terms of this calendar item;
 - f) The effective date of the documents to be used in this boundary settlement will be as of the date of recordation, and they shall be recorded by the escrow agent at the sole expense of the City of Pittsburgh Redevelopment Agency.

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5. This agreement will benefit the State in that an indefinite high water line boundary will be made certain. It will also clarify the area of granted lands -- from the agreed Ordinary High Water Mark to the center of New York Slough -- of which the City of Pittsburg is the grantee under the 1937 grant.
6. The proposed ordinary high water mark is established and fixed by the description shown on Exhibit "A." The 17.854-acre parcel of the Redevelopment Agency is described in the description shown on Exhibit "B." The parcel to be quitclaimed by the Redevelopment Agency and City to the State is shown on Exhibit "C."
7. The authority for entering into this transaction is provided by Section 6357 of the Public Resources Code, which states that the Commission "...may establish the ordinary high water mark or the ordinary low water mark of any of the swamp and overflowed, marsh, tide, or submerged lands of this State by agreement, arbitration, or action to quiet title, whenever it is deemed expedient or necessary."
8. This transaction is exempt from CEQA under the provisions of:
 - a) 2 Cal. Adm. Code 2903(d); Not a project within the meaning of CEQA;
9. The Attorney General has reviewed and approved this transaction.

- EXHIBITS:
- A. Description of the proposed Ordinary High Water Mark.
 - B. Description of 17.854-acre upland parcel to be quitclaimed by the State and City to the Redevelopment Agency.
 - C. Description of property to be quitclaimed from the Redevelopment Agency to the City and the State.
 - D. Site Map.
 - E. Copy of Record of Survey Map showing subject line and property.

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS TRANSACTION IS EXEMPT FROM CEQA IN THAT IT IS NOT A PROJECT.
2. APPROVE A BOUNDARY SETTLEMENT AGREEMENT WITH THE CITY OF PITTSBURG AND THE CITY OF PITTSBURG REDEVELOPMENT AGENCY, BLA NO. 203, AND AUTHORIZE ITS EXECUTION, ACCORDING TO THE TERMS DESCRIBED HEREIN.
3. AUTHORIZE THE STATE LANDS COMMISSION STAFF AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING, BUT NOT LIMITED TO, EXECUTION OF DOCUMENTS OF TITLE AND ESCROW INSTRUCTIONS AND APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.

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EXHIBIT "A"

AGREEMENT LINE DESCRIPTION

W 22698

COMMENCING at the southeast corner of that 17.854-acre parcel of land as said parcel is shown on the record of survey map filed in Book 68 of licensed surveyor's maps at page 19, in the Contra Costa County Recorder's Office, February 18, 1981; thence from said point of commencement along the easterly line of said parcel N 16° 45' 00" E, 742.00 feet to the mean high tide line of New York Slough, also being the agreed fixed ordinary high water mark of New York Slough; thence along said fixed ordinary high water mark the following 19 courses:

1. N 83° 07' 09" W, 42.75 feet;
2. S 77° 28' 18" W, 19.85 feet;
3. N 67° 53' 47" W, 109.66 feet;
4. N 77° 33' 33" W, 80.08 feet;
5. N 58° 20' 36" W, 70.11 feet;
6. N 89° 54' 53" W, 29.53 feet;
7. N 39° 21' 54" W, 47.54 feet;
8. N 70° 29' 40" W, 32.39 feet;
9. S 84° 41' 46" W, 64.90 feet;
10. N 35° 02' 56" W, 17.89 feet;
11. N 15° 08' 44" E, 17.46 feet;
12. S 82° 21' 31" W, 40.80 feet;
13. N 26° 16' 26" W, 67.42 feet;
14. N 11° 08' 11" W, 51.86 feet;
15. N 27° 19' 37" W, 53.25 feet;
16. N 74° 51' 16" W, 52.39 feet;
17. N 57° 02' 24" W, 50.16 feet;
18. N 20° 41' 58" W, 19.85 feet;
19. N 58° 07' 21" W, 100.43 feet to the northwesterly line of above-mentioned 17.854-acre parcel and the end of said fixed ordinary high water mark.

END OF DESCRIPTION

PREPARED APRIL 14, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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EXHIBIT "B"
UPLAND PARCEL DESCRIPTION

BEGINNING at the northeast corner of the 2.37-acre parcel described as Parcel Two (East Third Street) in the deed to the City of Pittsburg, recorded April 17, 1978 in Book 8794 of Official Records at page 861, Records of Contra Costa County, said point of beginning being on the northerly extension of the westerly line of East Street, thence from said point of beginning and along the northerly line of said 2.37-acre parcel, north 73° 15' 00" west, 1306.67 feet; thence leaving said northerly line along the arc of a tangent curve to the right, having a radius of 25.00 feet, an arc distance of 39.24 feet to a point on the easterly line of the 0.71-acre parcel described as parcel one (Black Diamond Street) in the aforesaid City of Pittsburg deed (8794 O.R. 861); thence leaving said easterly line, north 64° 20' 58" east, 83.35 feet; thence north 16° 36' 30" east, 164.51 feet; thence south 73° 23' 30" east, 427.19 feet; thence north 16° 36' 30" east, 695.25 feet to the mean high tide line of New York Slough; being also the agreed fixed ordinary high water mark of New York Slough; thence along said agreed fixed ordinary high water mark as follows:

1. S 58° 07' 21" E, 100.43 feet;
2. S 20° 41' 58" E, 19.85 feet;
3. S 57° 02' 24" E, 50.16 feet;
4. S 74° 51' 16" E, 52.39 feet;
5. S 27° 19' 37" E, 53.25 feet;
6. S 11° 08' 11" E, 51.86 feet;
7. S 26° 16' 26" E, 67.42 feet;
8. N 82° 21' 31" E, 40.80 feet;
9. S 15° 08' 44" W, 17.46 feet;
10. S 35° 02' 56" E, 17.89 feet;
11. N 84° 41' 46" E, 64.90 feet;
12. S 70° 29' 40" E, 32.39 feet;
13. S 39° 21' 54" E, 47.54 feet;
14. S 89° 54' 53" E, 29.53 feet;
15. S 58° 20' 36" E, 70.11 feet;
16. S 77° 33' 33" E, 80.08 feet;
17. S 67° 53' 47" E, 109.66 feet;
18. N 77° 28' 18" E, 19.85 feet; and
19. S 83° 07' 09" E, 42.75 feet to a point on the aforesaid northerly extension of the westerly line of East Street; thence along said line S 16° 45' 00" W, 742.00 feet to the point of beginning.

END OF DESCRIPTION

REVIEWED APRIL 16, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR

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EXHIBIT "C"

LAND DESCRIPTION

W 22698

A parcel of tide and submerged land lying in the bed of New York Slough, Contra Costa County, California, bounded on the northeast by the center line of New York Slough; bounded on the southwest by the agreed fixed ordinary high water mark of New York Slough, shown as the mean high tide line on that record of survey map filed in Book 68 of Licensed Surveyor's maps at page 19, February 18, 1981; bounded on the southeast by the northeasterly extension of the southeast line of the 17.854-acre parcel as shown on said map; bounded on the northwest by the northeasterly extension of that N 16° 16' 30" E, 695.25-foot course as shown on said map.

END OF DESCRIPTION

PREPARED APRIL 20, 1981 BY TECHNICAL SERVICES UNIT; ROY MINNICK,
SUPERVISOR

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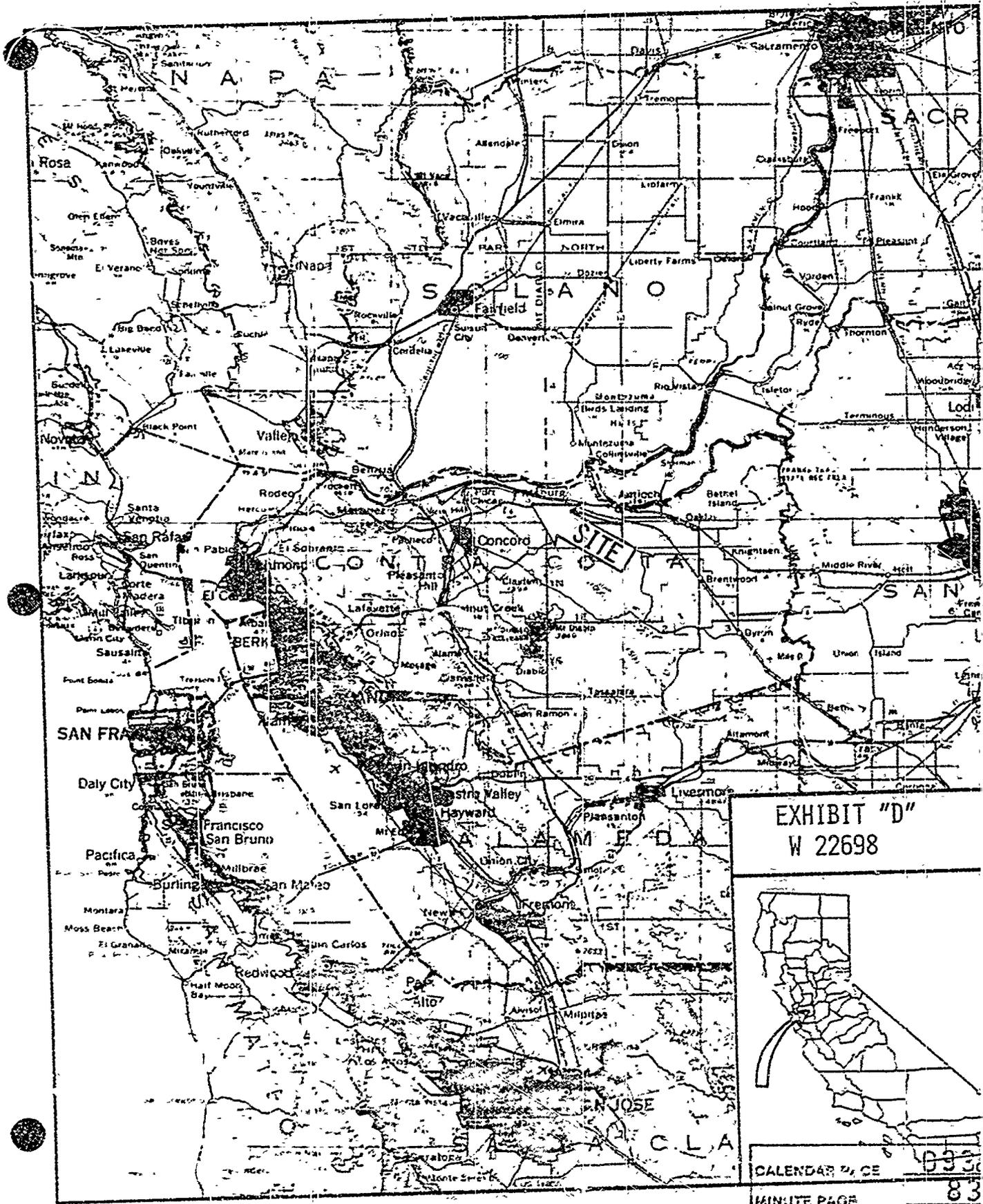


EXHIBIT "D"
W 22698

CALENDAR PRICE **033**

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RECORD OF SURVEY

BEING ALL OF LOTS 8 AND 17,
ALL OF EAST FIRST STREET
AND PORTIONS OF LOTS 7, 9, 10, 10, B, C AND H,
PORTIONS OF EAST SECOND STREET,
RAILROAD STREET, CUMBERLAND STREET,
AND LOS MEDANOS STREET OF THE
OFFICIAL MAP OF THE CITY OF PITTSBURGH,
CONTRA COSTA COUNTY CALIFORNIA

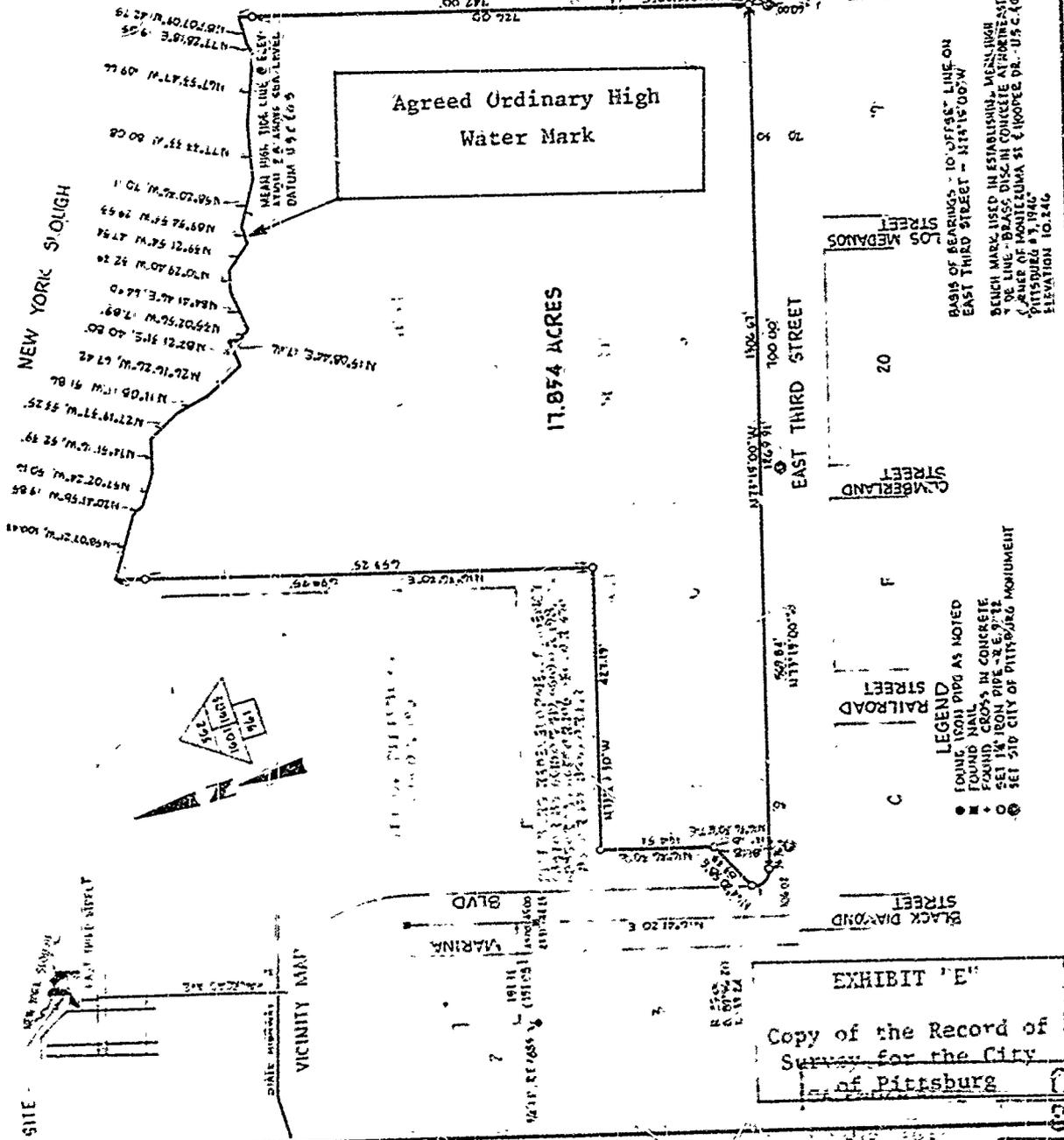
DECEMBER 1980 SCALE 1" = 100'
LEPTIEN-GROHN-COOPER, INC
CIVIL ENGINEERS
SAN FRANCISCO CALIFORNIA

SURVEYOR'S CERTIFICATE
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE
BY ME IN CONFORMANCE WITH THE LAND SURVEYOR'S
ACT AS THE REQUEST OF THE REDEVELOPMENT AGENCY
OF THE CITY OF PITTSBURGH IN DECEMBER, 1980

Jasper Cooper
JASPER COOPER, REGISTERED

COUNTY SURVEYOR'S CERTIFICATE
THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH
THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT THIS
12TH DAY OF FEBRUARY, 1981

JAMES HALL, REGISTERED
COUNTY SURVEYOR
BY *James R. [Signature]*
DEPUTY COUNTY SURVEYOR



LEGEND

- FOUND NAIL
- ✕ FOUND CROSS IN CONCRETE
- SET 14" CON. PIPE - 3.5" DIA.
- ⊙ SET 510" CITY OF PITTSBURGH MONUMENT

EXHIBIT 'E'
Copy of the Record of
Survey for the City
of Pittsburgh

BASIS OF BEARINGS
SEE BLS 1915, 1115, 1114, 1113, 1112, 1111, 1110, 1109, 1108, 1107, 1106, 1105, 1104, 1103, 1102, 1101, 1100, 1099, 1098, 1097, 1096, 1095, 1094, 1093, 1092, 1091, 1090, 1089, 1088, 1087, 1086, 1085, 1084, 1083, 1082, 1081, 1080, 1079, 1078, 1077, 1076, 1075, 1074, 1073, 1072, 1071, 1070, 1069, 1068, 1067, 1066, 1065, 1064, 1063, 1062, 1061, 1060, 1059, 1058, 1057, 1056, 1055, 1054, 1053, 1052, 1051, 1050, 1049, 1048, 1047, 1046, 1045, 1044, 1043, 1042, 1041, 1040, 1039, 1038, 1037, 1036, 1035, 1034, 1033, 1032, 1031, 1030, 1029, 1028, 1027, 1026, 1025, 1024, 1023, 1022, 1021, 1020, 1019, 1018, 1017, 1016, 1015, 1014, 1013, 1012, 1011, 1010, 1009, 1008, 1007, 1006, 1005, 1004, 1003, 1002, 1001, 1000, 999, 998, 997, 996, 995, 994, 993, 992, 991, 990, 989, 988, 987, 986, 985, 984, 983, 982, 981, 980, 979, 978, 977, 976, 975, 974, 973, 972, 971, 970, 969, 968, 967, 966, 965, 964, 963, 962, 961, 960, 959, 958, 957, 956, 955, 954, 953, 952, 951, 950, 949, 948, 947, 946, 945, 944, 943, 942, 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2-18-81 11:00 AM 88-18

82-112 FB 102

BASIS OF BEARINGS - 10 OFFSHORE LINE ON
EAST THIRD STREET - N15°15'00"W

BEACH MARK USED IN ESTABLISHING MEAN HIGH
TIDE LINE - BRASS DISC IN CONCRETE AT FOOTSTAP
CORNER OF MONUMENTUM ST & HOOPER DR. - U.S.C. 10
PITTSBURGH 8/3/1946
ELEVATION 10.246

RECORDERS CERTIFIABLE SERIES # 82-2019
FILED THIS 12TH DAY OF FEBRUARY 1981 AT
PITTSBURGH IN BOOK OF 1574 AT PAGE
116 AT THE REQUEST OF THE REDEVELOPMENT
AGENCY OF THE CITY OF PITTSBURGH

J.R. OLSSON
COUNTY RECORDER

BY *Richard [Signature]*
DEPUTY COUNTY RECORDER

SHEET 1 OF 1