MINUTE ITEM
This Calendar Item No. 37
was approved as Minute Item
No. 37 by the State Lands
Commission by a vote of 3
to 0 at its 6/30/87
meeting.

CALENDAR ITEM

A 1

S 1

37

06/30/87
W 21039
W 503.835
AD 63
Hadly
Judson

AUTHORIZATION FOR BOUNDARY LINE AGREEMENT

APPLICANT: Charles A. Orwick
Route 3, Box 3570
Red Bluff, California 96080

BACKGROUND:
In August 1979, the Tehama County Superior Court quieted the State's title to a 52-acre parcel of land, located along the east bank of the Sacramento River, approximately ten miles north of Red Bluff. This parcel, which had been used by the public for years as a fishing and camping site, was claimed by Charles Orwick, owner of adjacent lands to the east, on the theory that it had accreted from the Sacramento River and attached to its east bank. The court agreed with the State's position that the parcel in question formed as an island within the Sacramento River and consequently belongs to the State pursuant to Section 1016 of the Civil Code. The court also held that the public has an easement across Mr. Orwick's lands based on implied dedication to this parcel from an adjacent public highway.

Following the entry of judgment it was discovered that the description of the boundary line between the lands of Charles A. Orwick and the State-owned parcel contained some inaccuracies and did not conform to the court's holding. On June 21, 1984, the Commission authorized its staff to correct the errors in the description of the boundary line and prepare and file a record of survey map with the Tehama County Recorder. The revised map was recorded on August 13, 1984.

Since then, Mr. Orwick has agreed to enter into a boundary line agreement with the Commission, accepting the Commission's record of survey as the boundary between the respective interests.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutory exempt project. The project is exempt because it involves settlements of title and boundary problems.

   Authority: P.R.C. 21080.11.

EXHIBIT:
A. BLA Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.

2. APPROVE THE BOUNDARY LINE AGREEMENT AS RECOMMENDED BY THE STAFF AND OFFICE OF THE ATTORNEY GENERAL WHICH IS DESCRIBED IN EXHIBIT "A" AND IS ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION.

3. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE AND THE ATTORNEY GENERAL TO EXECUTE THE BOUNDARY LINE AGREEMENT ON BEHALF OF THE STATE.

EXHIBIT "A"

AGREED BOUNDARY LINE

W 21039

Located in projected Sections 22, 23, 26 and 27, T29N, R3W, MDM. Tehema County, California, more particularly described as follows:

COMMENCING at the most southerly point of that 41.8 acre ± parcel of land shown on that Record of Survey for A. J. Heiser dated December, 1965, and filed in Book "O" of Maps at Page 165, Tehama County from which the north 1/4 corner of Section 26, T29N, R3W, MDM bears the following four (4) courses:

1. N 69° 00' E, 1022.00 feet;
2. N 37° 00' E, 539.97 feet;
3. N 58° 36' E, 299.57 feet to a nail & shiner set in road for North Meander Corner Section 26;
4. S 88° 43' E, 2141.9 feet (2145.00 feet U.S.G.L.O. record); thence from said point along the westerly line of said 41.8 acre parcel the following seven (7) courses:

1. N 27° 00' E, 908.00 feet;
2. N 06° 00' E, 498.00 feet;
3. N 07° 20' E, 366.00 feet;
4. N 25° 00' E, 365.00 feet;
5. N 46° 40' E, 804.00 feet;
6. N 40° 00' E, 282.00 feet;
7. N 80° 45' E, 160.00 feet to the most northerly point of said 41.8 acre parcel; thence leaving said parcel, S 82° 00' E, 174.76 feet to the **POINT OF BEGINNING** of the herein described line; thence southwesterly along the centerline of the old channel of the Sacramento River the following twenty-seven (27) courses:

1.	S 34° 08' 58" W,	62.74 feet;
2.	S 68° 32' 44" W,	70.44 feet;
3.	S 37° 20' 41" W,	34.71 feet;
4.	S 27° 19' 28" W,	93.52 feet;
5.	S 00° 02' 45" W,	182.30 feet;
6.	S 16° 04' 08" W,	226.16 feet;
7.	S 08° 12' 52" E,	113.22 feet;
8.	S 13° 22' 36" W,	97.62 feet;
9.	S 33° 17' 08" W,	84.50 feet;
10.	S 17° 35' 41" E,	145.14 feet;
11.	S 02° 53' 10" E,	119.72 feet;
12.	S 13° 18' 30" W,	136.64 feet;
13.	S 21° 40' 04" W,	89.46 feet;
14.	S 06° 26' 29" W,	246.52 feet;
15.	S 19° 02' 50" W,	123.76 feet;
16.	S 30° 35' 10" W,	182.96 feet;

CALENDAR PAGE 211
MINUTE PAGE 2261

17. S 19° 24' 58" W, 78.88 feet;
18. S 27° 42' 22" W, 216.23 feet;
19. S 30° 10' 27" W, 129.00 feet;
20. S 51° 36' 54" W, 232.16 feet;
21. S 30° 56' 55" W, 67.91 feet;
22. S 67° 47' 33" W, 231.35 feet;
23. S 64° 01' 45" W, 222.21 feet;
24. S 80° 26' 05" W, 62.10 feet;
25. N 72° 51' 11" W, 29.59 feet;
26. S 68° 03' 01" W, 55.76 feet;
27. S 69° 46' 29" W, 437.41 feet to the end of the herein described line; thence N 31° 00' W, 35.00 feet to the point of commencement.

END OF DESCRIPTION

REVIEWED MAY 14, 1987 BY LITIGATION SUPPORT, R. HANSEN, SUPERVISOR.

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CALENDAR PAGE 251
MINUTE PAGE 2262

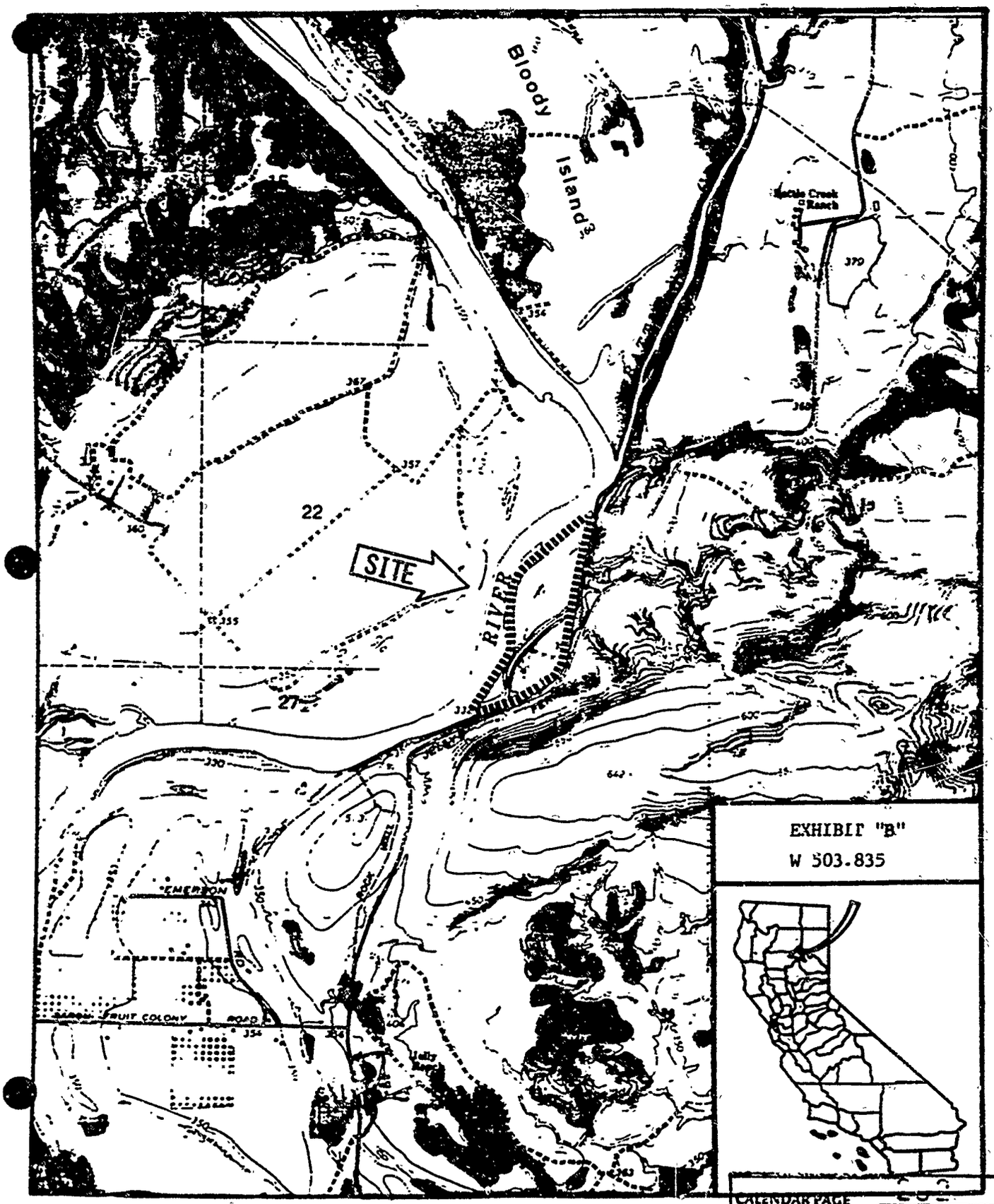

EXHIBIT "B"
W 503.835