

MINUTE ITEM

This Calendar Item No. C11
was approved as Minute Item
No. 11 by the State Lands
Commission by a vote of 2
to 0 at its 11-5-91
meeting.

CALENDAR ITEM

C 1 1

A 68

S 36

11/05/91

W 24419 BLA 266

A. Scott

BOUNDARY LINE AND COMPROMISE TITLE SETTLEMENT AGREEMENT

APPLICANT:

Tamarack Lagoon Corporation
Gary Niles
P. O. Box 711265
Santee, California 92072-1265

AREA, TYPE LAND AND LOCATION:

Establish a fixed boundary between private upland and State sovereign lands along a portion of the Colorado River. Provide a parking area and access way from a public road to the agreed boundary. All parcels are located in Imperial County.

LAND USE:

Settlement of disputed boundary and provision of public access.

BACKGROUND:

This is a portion of the Colorado River where the boundary on nearby parcels was established and fixed between the State and the Federal Government through a Court Special Master. The portions of the upland adjoining the river at this location are in private ownership and the boundary was described in the Special Masters proceeding but the private parties were not covered by the action. We have entered into a prior boundary settlement with an adjoining owner using the Special Masters line.

CURRENT SITUATION:

The private parties have asked that the Commission enter into a boundary settlement with them along the previously established and adjudicated boundary line. The private parties have offered to provide a parking area and a pedestrian access way from the nearest public road to the river because the upland in this area has improvements that are located along the proposed boundary

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line. This settlement will provide access for the public to an area along the open waters of the river that is not currently served by access.

APPLICANT STATUS:

Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

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

Authority: P.R.C. 21080.11.

EXHIBITS:

- A. Description of Boundary Line
- B. Plat of Settlement Area
- C. 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. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. AUTHORIZE THE EXECUTION ON BEHALF OF THE STATE OF A BOUNDARY LINE AGREEMENT SUBSTANTIALLY IN THE FORM OF THAT AGREEMENT ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION SETTING A FIXED BOUNDARY BETWEEN THE STATE'S SOVEREIGN LAND IN THE BED OF THE COLORADO RIVER AND THE PRIVATE UPLAND OF TAMARACK LAGOON CORPORATION.

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3. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS AND PROVISIONS OF THE BOUNDARY LINE AGREEMENT AS ON FILE WITH THE COMMISSION, INCLUDING BUT NOT LIMITED TO, EXECUTION AND ACCEPTANCE OF ALL DOCUMENTS, MAPS, TITLE AND ESCROW INSTRUCTIONS, AND APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE AGREEMENT.

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EXHIBIT "A"
LAND DESCRIPTION (AGREED BOUNDARY LINE)

W 24419

An Agreed Boundary Line along the Right Bank of the former main channel of the Colorado River, situated in Section 7, Township 11 South, Range 22 East, S.B.M. and located in Imperial County, State of California and more particularly described as follows:

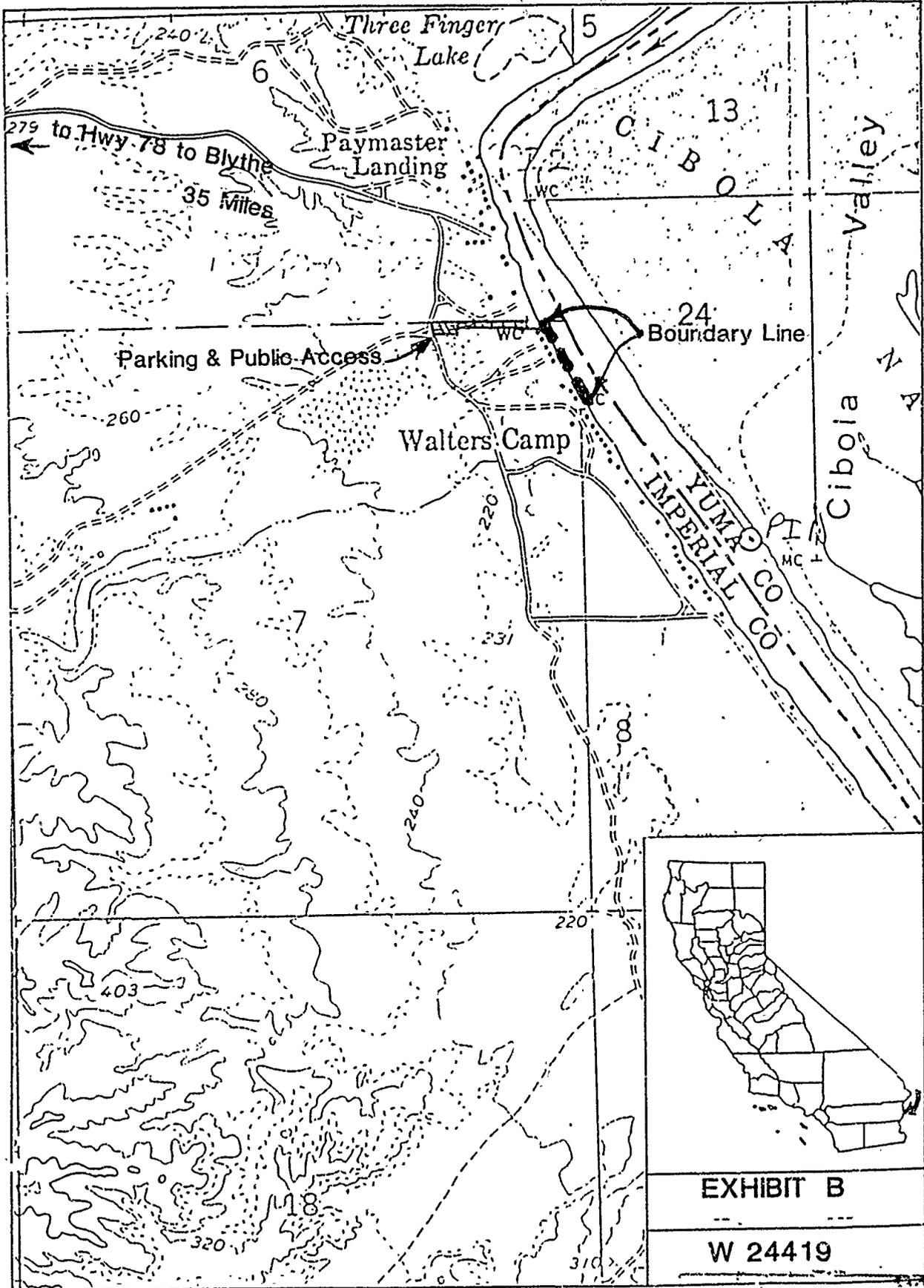
COMMENCING at a 2 1/2 inch iron pipe, with a United States Bureau of Land Management (USBLM) Brass Cap, marked, "WC to MC Sec. 6/7, T11S, R22E, 1961 on Sec. Line," and as said monument is delineated on the USBLM Plat entitled, "Limited Dependent Resurvey and Accretion Survey, T11S, R22E, SBM 1962"; thence along said section line S89°57'49"E, 46.35 feet to the POINT OF BEGINNING of the herein described line, said point of beginning being a point on the line described as the right bank of the former main channel of the Colorado River, in Supreme Court Case No. 78 Original, Report of the Special Master, State of California v. State of Arizona and the United States, June 15, 1981; thence from said point of beginning and along said Supreme Court line S23°46'25"E, 8.51 feet; thence S29°54'52"E, 201.46 feet; thence S31°41'51"E, 241.04 feet; thence S40°39'43"E, 64.17 feet; thence S05°33'59"E, 41.96 feet; thence S43°53'41"E, 42.31 feet; thence S30°16'22"E, 290.49 feet; thence S29°26'37"E, 26.57 feet to the intersection with the east section line of Section 7 and the end of the herein described Agreed Boundary Line; said point of intersection with the east line of section 7, bears N00°00'36"E, 41.27 feet from a 2 1/2 inch diameter iron pipe, which marks the meander corner of sections 7 and 8, T11S, R22E, S.B.M. and as described in the United States Bureau of Reclamation Field Book No. L107, Page 31, dated April 1935.

END DESCRIPTION

TAMARACK LAGOON DESCRIPTIONS

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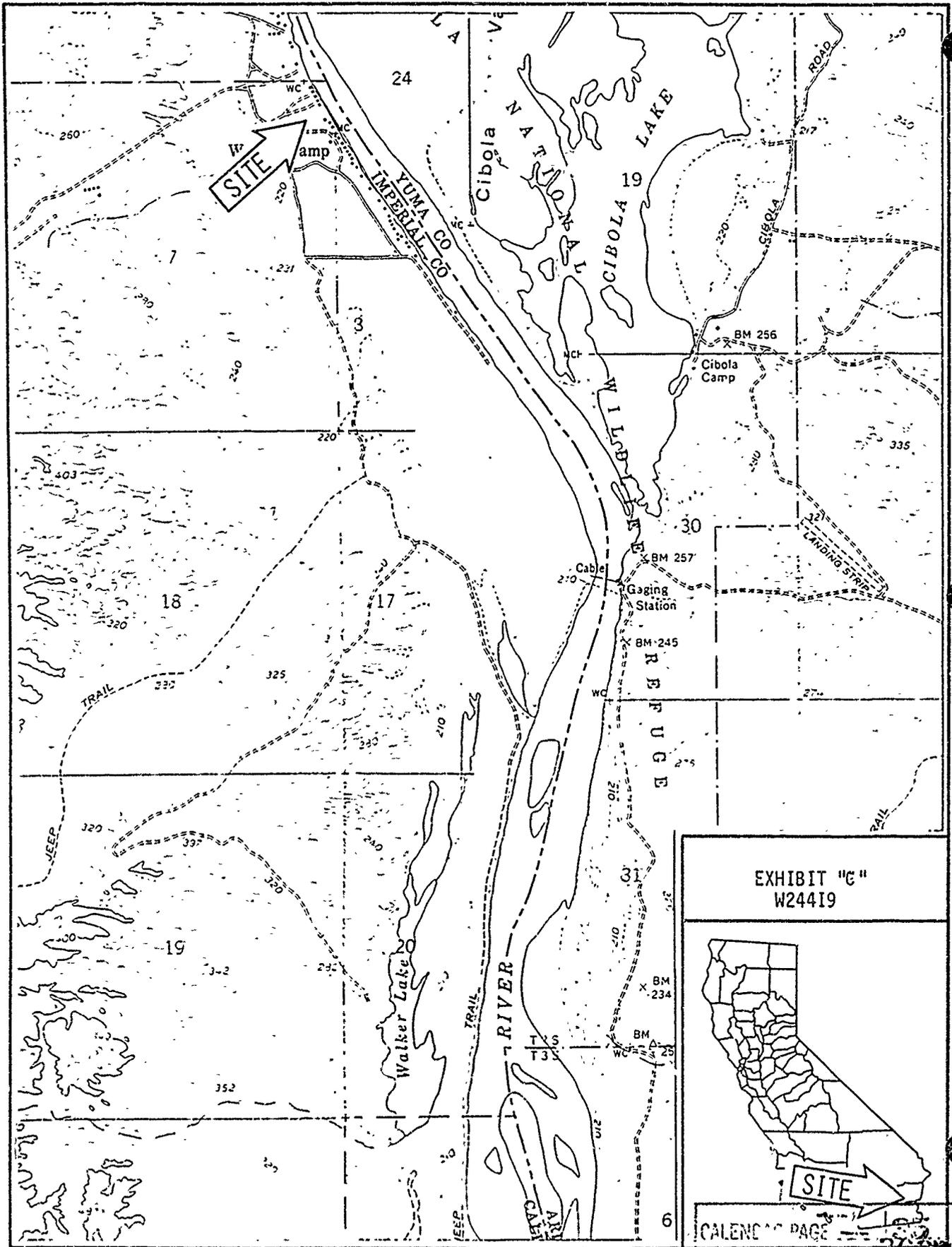


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