

MINUTE ITEM

This Calendar Item No. C13
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 2
to 0 at its 11-05-91
meeting.

CALENDAR ITEM

C 1 3

A 2

S 2

11/05/91

W 24772 BLA 267

A. Scott

BOUNDARY LINE AGREEMENT

PARTY:

Beaver Lumber of Arcata
Attn: David McCartney
1220 - 5th Street
Arcata, California 95521

AREA, TYPE LAND AND LOCATION:

Establish by agreement a fixed boundary between private uplands and the State's sovereign land in Butcher Slough near the Arcata Marsh in the City of Arcata, County of Humboldt.

LAND USE:

Settlement of a disputed boundary.

BACKGROUND:

A dispute has arisen between the State and private parties over the location of the boundary separating the State's sovereign tide and submerged lands in Butcher Slough and the private uplands. This area has been artificially affected by activities of man in the form of levees and other modifications of the upland property along the existing alignment of historically tidal Butcher Slough.

CURRENT SITUATION:

Private parties have requested that the Commission enter into a Boundary Line Agreement to establish a fixed boundary between the sovereign lands of the State and the private uplands. Such a Boundary Line Agreement would be in settlement of a Quiet Title Action to remove any sovereign claims to the private upland.

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 BUTCHER SLOUGH AND THE PRIVATE UPLAND OF BEAVER LUMBER OF ARCATA.
- 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.

EXHIBIT "A"

PROPOSED BOUNDARY LINE DESCRIPTION

COMMENCING at a point which is situated 300.06 feet North and 223.7 feet West from the Quarter Section Corner in the center of Section 32, Township 6 North, Range 1 East, Humboldt Meridian; thence, South 89 degrees 17 minutes 40 seconds East 795.09 feet to the TRUE POINT OF BEGINNING; thence along the following line the following courses and distances:

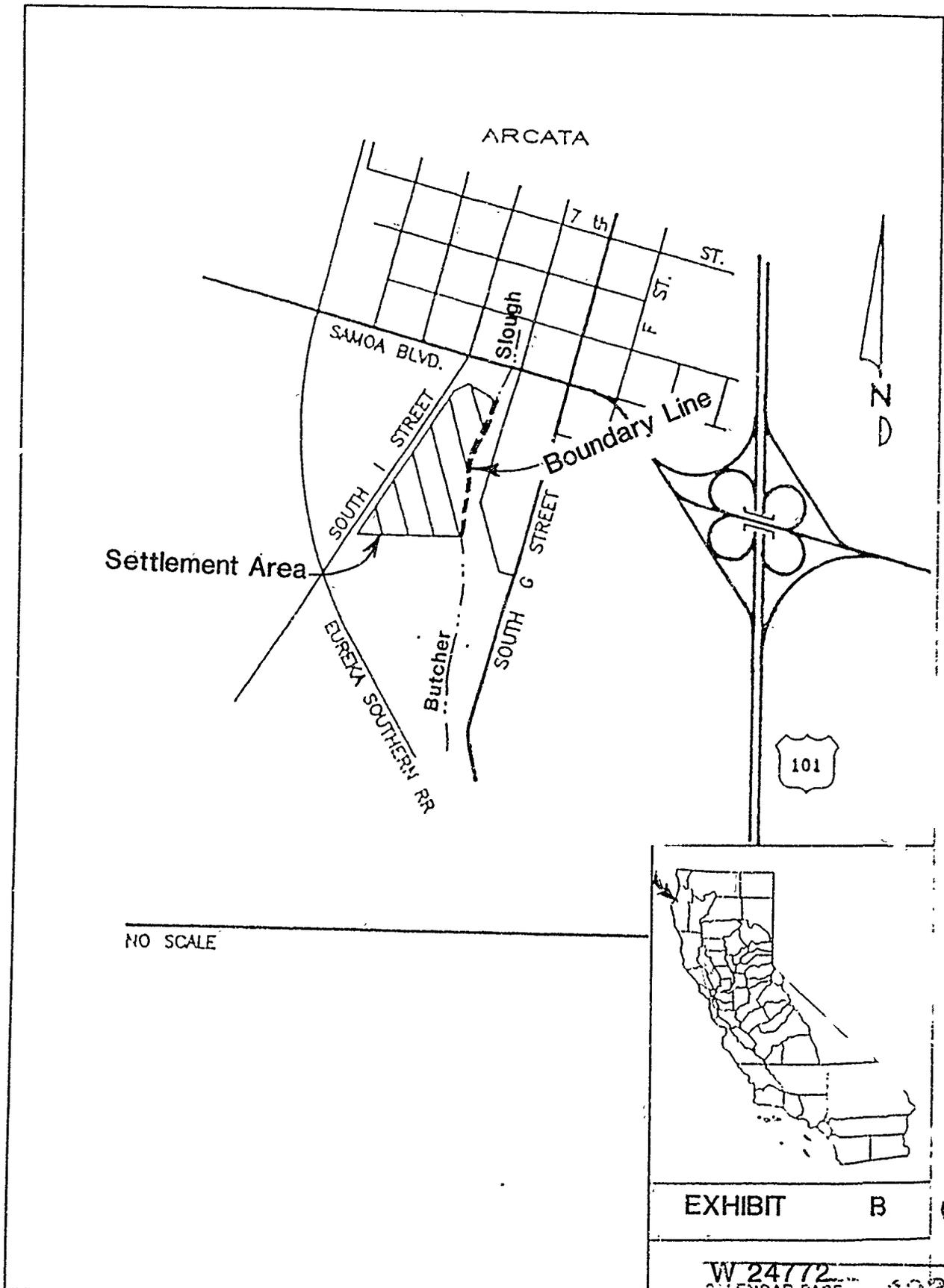
1. North 04 degrees 08 minutes 47 seconds West 172.79 feet;
 2. North 11 degrees 25 minutes 47 seconds West 56.03 feet;
 3. North 04 degrees 18 minutes 48 seconds West 67.74 feet;
 4. North 04 degrees 16 minutes 28 seconds East 83.70 feet;
 5. North 15 degrees 44 minutes 52 seconds East 163.07 feet;
 6. North 14 degrees 21 minutes 25 seconds East 168.23 feet;
 7. North 16 degrees 29 minutes 18 seconds West 49.01 feet;
 8. North 01 degrees 53 minutes 39 seconds East 42.28 feet;
 9. North 21 degrees 31 minutes 27 seconds East 156.76 feet;
- to the end of the herein described line.

END OF DESCRIPTION

EXHIBIT "A"
W 24772

(ADDED 11/05/91)

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NO SCALE

EXHIBIT B

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