49
49 of the State Lands
Commission by a vote of 3
0 at its 5/5/92
meeting.

CALENDAR ITEM

A 30

S 15

19

05/05/92
W 24325 AD 175
A. Scott
Kiley

BOUNDARY LINE AGREEMENT

PARTY:
REGENCY-WILSON III, a California
limited partnership
1233 West Shaw Avenue, Suite 105
Fresno, California 93711

The staff of the Commission has negotiated a settlement agreement with Regency-Wilson III that will establish a fixed boundary between the private parties upland ownership and the public trust interests of the State in the bed of the San Joaquin River. This boundary line will conform to the high water line as shown on those maps prepared by Commission staff, entitled Administrative Maps of the San Joaquin River, between Friant Dam and the State Highway 99 crossing.

The proposed agreement contains quitclaims from the State to Regency-Wilson III covering the lands landward of the agreed boundary and from Regency-Wilson III to the State of any interest in the bed of the San Joaquin River below the agreed boundary. The property which is covered by this agreement is located in the City of Fresno. The City will be receiving property rights to certain lands landward of the agreed boundary and will need to have access to its property to assure that the bank slopes are properly maintained. It is the intent of the private party to provide this access and right to maintain the existing slopes in the area.

Staff believes it is in the best interest of the State to enter into the proposed agreement pursuant to the provisions of Division 6 of the Public Resources Code, with particular reference to Section 6357 to define the extent, nature, location and area of public and private ownership together with the boundary between them. The agreement will settle any dispute over the location of the boundary between the State and the private party in this location without the need for costly and protracted litigation.

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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.

EXHIBIT:

A. 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. FIND THAT THE PROPOSED BOUNDARY LINE AGREEMENT, SUBSTANTIALLY IN THE FORM OF THAT ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION, IS IN THE BEST INTEREST OF THE STATE; AUTHORIZE THE EXECUTION AND RECORDATION OF SAID AGREEMENT.

3. AUTHORIZE THE STAFF TO TAKE ALL ACTIONS NECESSARY IN ORDER TO FINALIZE THIS AGREEMENT, INCLUDING EXECUTION OF ESCROW INSTRUCTIONS, ACCEPTANCE FOR RECORDATION OF DOCUMENTS, AND APPEARANCES IN COURT ACTIONS.

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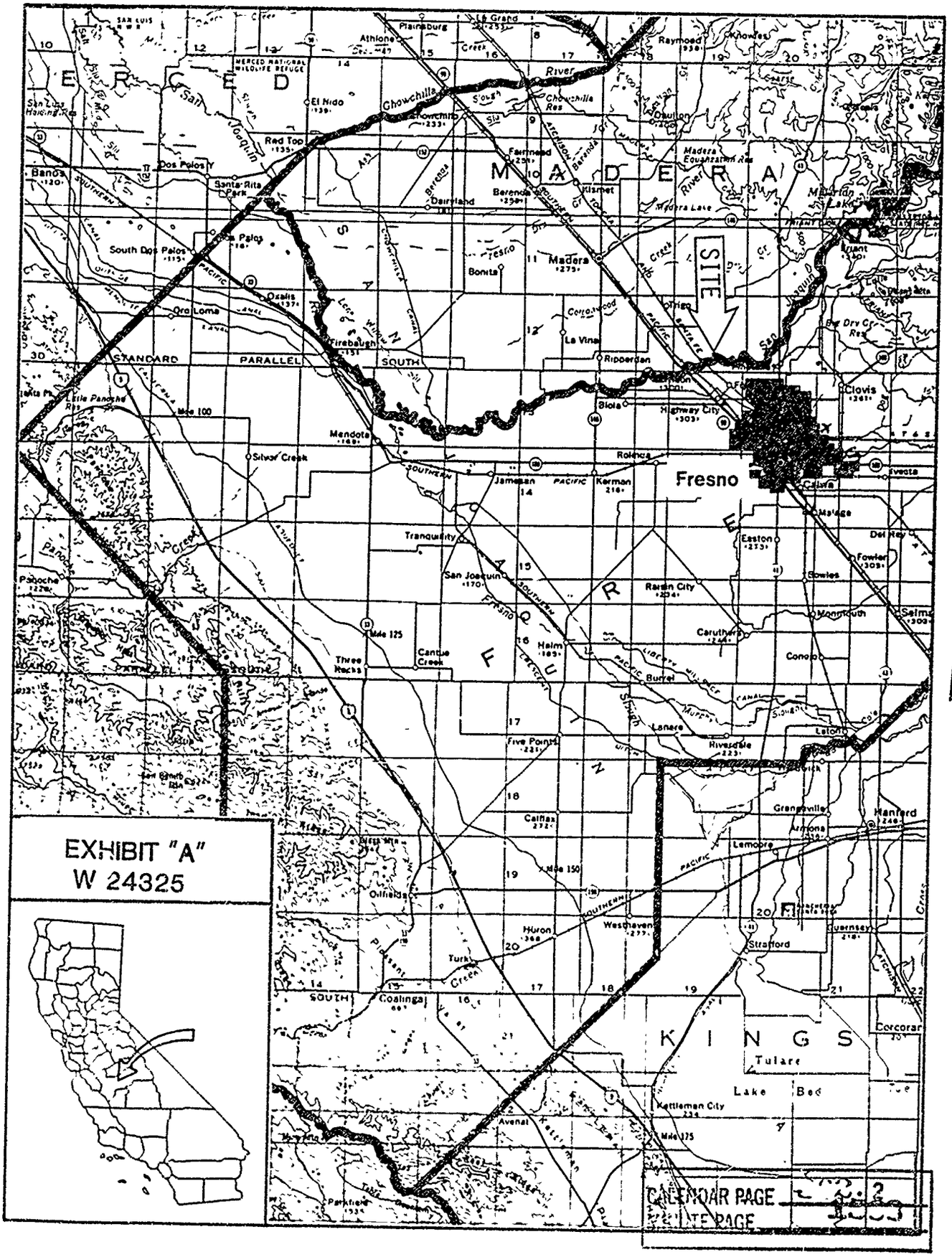
EXHIBIT "A"
W 24325
SITE
Fresno
MADERA
FRESNO
KINGS
Madera
Chowchilla
Fresno
Clovis
Hanford
Tulare
Lake Bed
Kettleman City
Coalinga
Avenal
Huron
Westhaven
Stratford
Lemoore
Armona
Grangeville
Laton
Riverdale
Lanare
Burrel
Caruthers
Monmouth
Selma
Fowler
Sowles
Easton
Malaga
Del Rey
Calwa
Ivesta
Kerman
Jamesan
Rolinda
Biola
Highway City
Ripperdan
La Vina
Trigo
Madera Lake
Madera Equalization Res
Chowchilla Res
Chowchilla River
Fresno Slough
Mendota
Silver Creek
Tranquility
San Joaquin
Three Rocks
Cantua Creek
Halm
Five Points
Calflax
Oilfields
Turk
Pleasant Creek
Kettleman Creek
Parkfield
Panoche
Oro Loma
Oxalis
Firebaugh
South Dos Palos
Dos Palos
Santa Rita Park
Red Top
Dairyland
Berenda
Fairmead
Kismet
Bonita
Dalton
Raymond
Knowles
Athlone
Plainsburg
El Nido
Banos
Mile 100
Mile 125
Mile 150
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