

A 34 AUTHORIZE THE EXECUTION OF A
S 17 BOUNDARY LINE / TITLE SETTLEMENT AGREEMENT
COVERING CERTAIN PROPERTY IN SAN BERNARDINO COUNTY

W24846
12/21/94
PEREZ
A. SCOTT
AD 220

APPLICANT:
Bonecutter, et al.
4173 Larwin Avenue
Cypress, California 90630

The staff of the State Lands Commission has negotiated a Boundary Line/Title Settlement Agreement with Mr. Bonecutter, et al., along the present right bank of the current channel of the Colorado River, a navigable waterway.

BACKGROUND:

The Colorado River, near the City of Needles, has historically meandered over a large flood plain. In 1883, the United States Bureau of Land Management surveyed the Official Township Plat for Township 8 North, Range 23 East, S.B.M., and located the river within what is now the Bonecutter property. The river continued to meander and finally settled into a position known as Pelican Bend, easterly of the Bonecutter property.

On June 25, 1951, the United States Bureau of Reclamation (USBR) opened a dredged channel, westerly of the Pelican Bend area and adjacent to the Bonecutter Property. This dredged channel is now the current channel of the Colorado River (USBR Channel) and the location of this Agreement. The natural historic channel is the Pelican Bend area, which was occupied by the river prior to the artificial cut by the USBR and the State still retains its sovereign interest within the western half of the bed of this channel. The State, however, retains a navigational easement, and other potential public rights in the USBR Channel and the parties to this agreement mutually desire to fix the common boundary between the Subject Property and the property interest of the STATE, in the current USBR Channel.

The staff believes it is in the best interest of the State, pursuant to the provisions of Division 6 of the P.R.C., to enter into Boundary Line Agreements fixing the boundary of the State's interest in Swamp, Overflowed, Tide and Submerged lands, whenever it is deemed necessary and expedient. In this way the extent,

nature, location, and area of public and private titles and boundaries are defined by settlement and the cost and uncertainties of litigation are avoided.

CURRENT SITUATION:

The current owners of the Subject Property desire to arrange for the property to be cleared of any remaining interest of the STATE, either sovereign fee, public trust easement or implied dedication easement, so that they may receive a policy of title insurance free of any STATE claims. Staff of the Commission has conducted an investigation of the area, for purposes of establishing the best evidence of STATE property interest in the area. Such research has found that the property interest of the STATE in any form, no longer exists on the subject property.

In order to resolve the various ownership claims of the private parties and the STATE in this area, staff has prepared a Boundary Line/Title Settlement Agreement that will, through an exchange of property interests, clear title to the Subject Property in exchange for various Easements and the quieting of title from the private parties, of land easterly of the present right bank of the current USBR channel of the Colorado River.

The proposed Agreement is on file in the Sacramento Office of the Commission.

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. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq., but will not effect those significant lands.
2. 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, because it

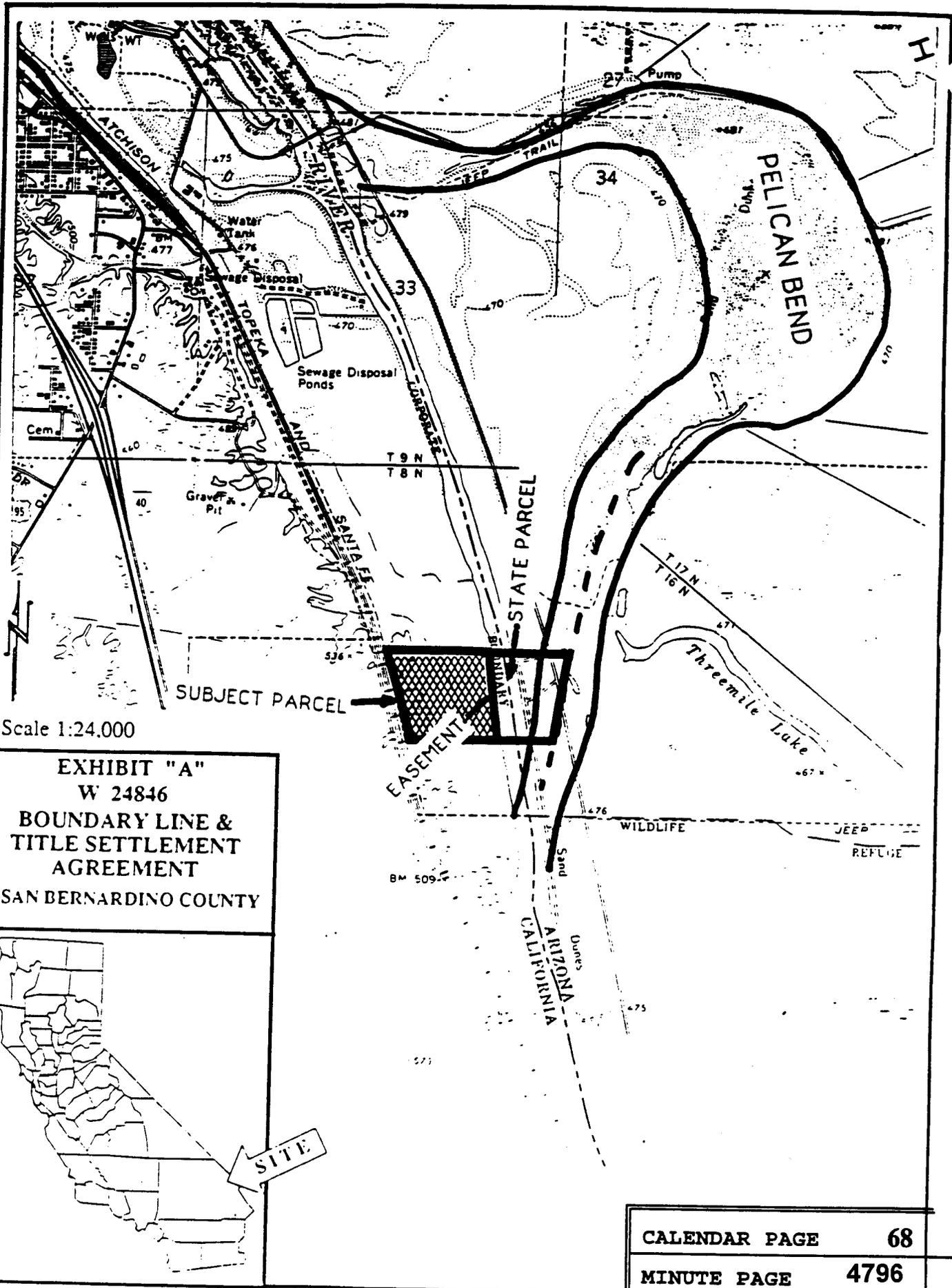
involves settlements of title and boundary problems.

EXHIBITS:

- A. Site Map
- 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. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. FIND THAT THIS ACTIVITY WILL INVOLVE LAND IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LAND.
3. FIND THAT THE PROPOSED SETTLEMENT IS IN THE BEST INTEREST OF THE STATE.
4. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGEMENT AND RECORDATION ON BEHALF OF THE COMMISSION, OF A BOUNDARY LINE/SETTLEMENT AGREEMENT WITH GLEN BONECUTTER, ET AL., THAT WILL FIX A BOUNDARY BETWEEN THE PROPERTY INTEREST OF THE STATE AND THOSE OF THE PRIVATE PARTIES AND PROVIDE FOR PUBLIC ACCESS CONSISTENT WITH THAT AGREEMENT ON FILE IN THE OFFICES OF THE COMMISSION.
5. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTIONS ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGEMENT AND RECORDATION OF DOCUMENTS OF TITLE, CONVEYANCES, STIPULATIONS, ESCROW INSTRUCTIONS, DEEDS, AGREEMENTS, CERTIFICATES OF ACCEPTANCE AND CONSENTS TO RECORDATION, AND SUCH OTHER DOCUMENTS AS MAY BE REASONABLE AND CONVENIENT TO CARRY OUT SUCH BOUNDARY LINE/SETTLEMENT AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS NECESSARY TO COMPLETE THE AGREEMENT.



Scale 1:24,000

EXHIBIT "A"
W 24846
BOUNDARY LINE &
TITLE SETTLEMENT
AGREEMENT
SAN BERNARDINO COUNTY



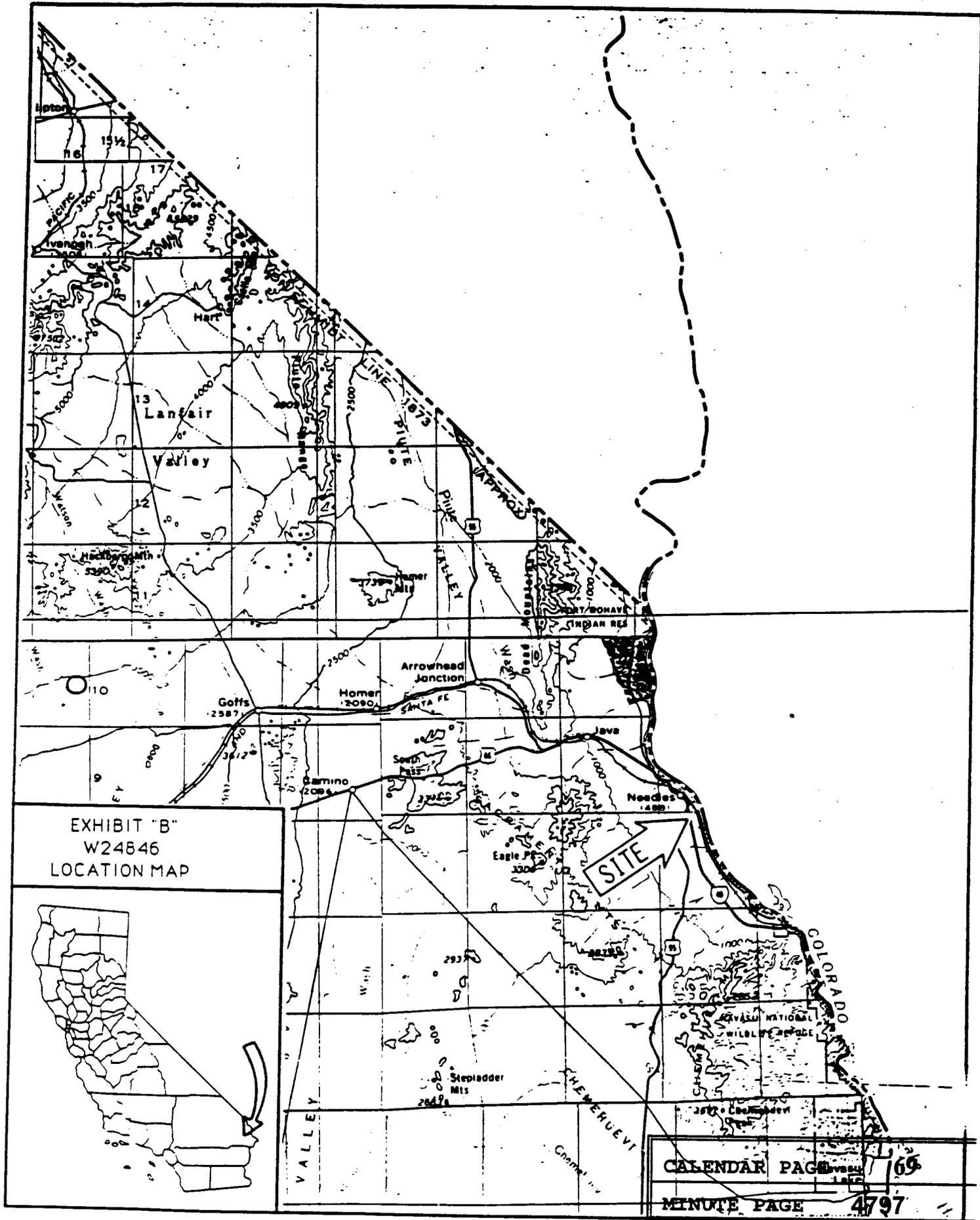


EXHIBIT "B"
W24846
LOCATION MAP