

**MINUTE ITEM**

This Calendar Item No. C49 was approved as  
Minute Item No. 49 by the California State Lands  
Commission by a vote of 3 to 0 at its  
12/16/98 meeting.

**CALENDAR ITEM**

**C49**

A 8

S 4

12/16/98  
PRC 5159.1  
J. Frey  
D. Jones

**APPROVAL OF A BOUNDARY LINE AGREEMENT  
CONCERNING LAND IN GEORGIANA SLOUGH AND  
THE MOKELUMNE RIVER, SACRAMENTO COUNTY**

**APPLICANT:**

B. Gale Leatherman  
c/o G. Larry Charvoz  
3000 Delta Fair Blvd.  
Antioch, California 94509

**BACKGROUND:**

This item concerns a boundary line agreement at the confluence of Georgiana Slough and the Mokelumne River. During the processing of the lease for the applicant's floating boat dock, ramp, and bank protection, the question of the boundary between state and private lands arose because it appeared that a portion of the applicant's home may have been constructed on sovereign lands. Additionally, the upland owners lender raised the same issue.

Under California law the State holds sovereign title to the bed of a tidal navigable waterway up to the ordinary high water mark. The public trust is co-extensive with the sovereign fee under these circumstances.

**Current Situation:**

Georgiana Slough is a navigable tidally influenced waterway and its bed is owned in fee by the State of California. In order to resolve the location of the ordinary high water mark, a boundary study was conducted. The study concluded that the present location of a submerged retaining wall at the parcel's waterward edge is the most likely location of the ordinary high water line and that it would be in the best interests of the State to locate the boundary between sovereign and state lands at that location. A survey was made of the toe of the retaining wall's location to give an accurate definition to that boundary. That line is described in Exhibit B hereto.

Under the terms of the boundary line agreement, the surveyed line will constitute the

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boundary line between the interests of the State of California and B. Gale Leatherman. In order to resolve any remaining conflicting property interests, the State will execute a patent to B. Gale Leatherman and she will execute a quitclaim so that fee title of each is free and clear of the interest of the other.

Staff believes that the proposed boundary line represents a reasonable and good faith effort of the private parties and the State to locate the last natural location of the ordinary high water mark of Georgiana Slough at the subject Leatherman parcel.

**EXHIBITS:**

- A. Location & Site Map
- B. Legal Description

**PERMIT STREAMLINING ACT DEADLINE:**

N/A

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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: Public Resources Code section 21080.11.

2. Pursuant to Public Resources Code Section 6357 the Commission has authority to enter into boundary line agreements and establish the location of the ordinary high water mark on a navigable waterway.

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.

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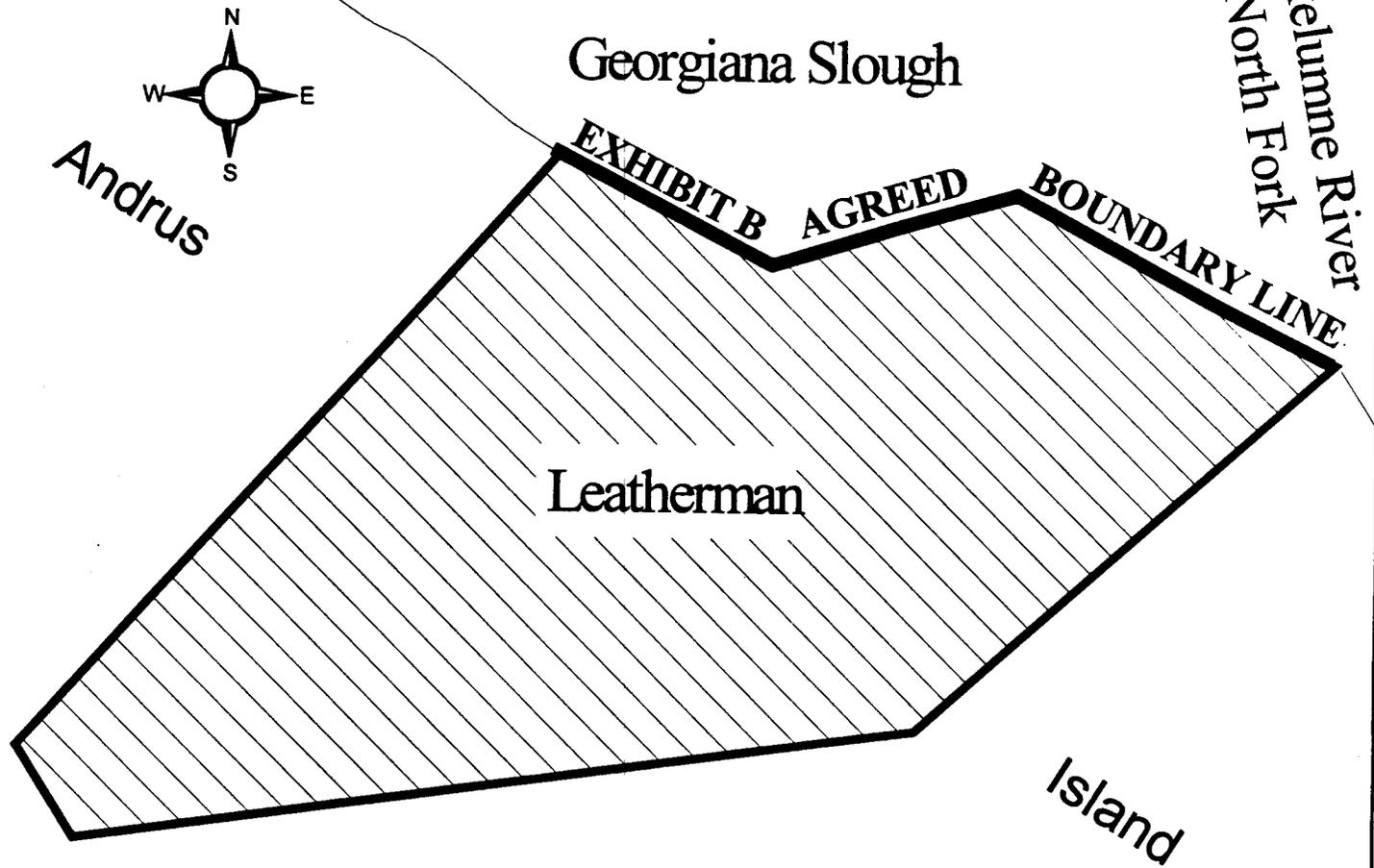
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**AUTHORIZATION:**

1. AUTHORIZE THE EXECUTION OF A BOUNDARY LINE AGREEMENT BETWEEN B. GALE LEATHERMAN AND THE STATE SUBSTANTIALLY IN THE FORM ON FILE IN THE PRINCIPAL OFFICE OF THE STATE LANDS COMMISSION.
  
2. FIND THAT, UPON THE RECORDATION OF THE SUBJECT BOUNDARY LINE AGREEMENT AS DEPICTED ON EXHIBIT A HERETO AND SUBSTANTIALLY AS DESCRIBED IN EXHIBIT B HERETO;
  - A. THE BOUNDARY LINE IS ESTABLISHED AND FIXED AS DIVIDING THE UPLAND INTERESTS OF B. GALE LEATHERMAN FROM THE SOVEREIGN INTERESTS OF THE STATE IN THE BED OF GEORGIANA SLOUGH;
  
  - B. FOR THE PURPOSE OF ESTABLISHING THE ORDINARY HIGH WATER MARK, THE BOUNDARY LINE DESCRIBED IN EXHIBIT B IS IN SUBSTANTIALLY THE SAME LOCATION AS THE LAST NATURAL LOCATION OF THE ORDINARY HIGH WATER MARK ON GEORGIANA SLOUGH.
  
3. AUTHORIZE THE STAFF TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE ACTIONS DESCRIBED AND AUTHORIZED HEREIN, INCLUDING, BUT NOT LIMITED TO, PREPARATION, EXECUTION AND RECORDATION OF ALL DOCUMENTS, MAPS, DEEDS AND OTHER DOCUMENTS NECESSARY TO FINALIZE THIS TRANSACTION.

NO SCALE

# SITE MAP



NO SCALE

# LOCATION MAP

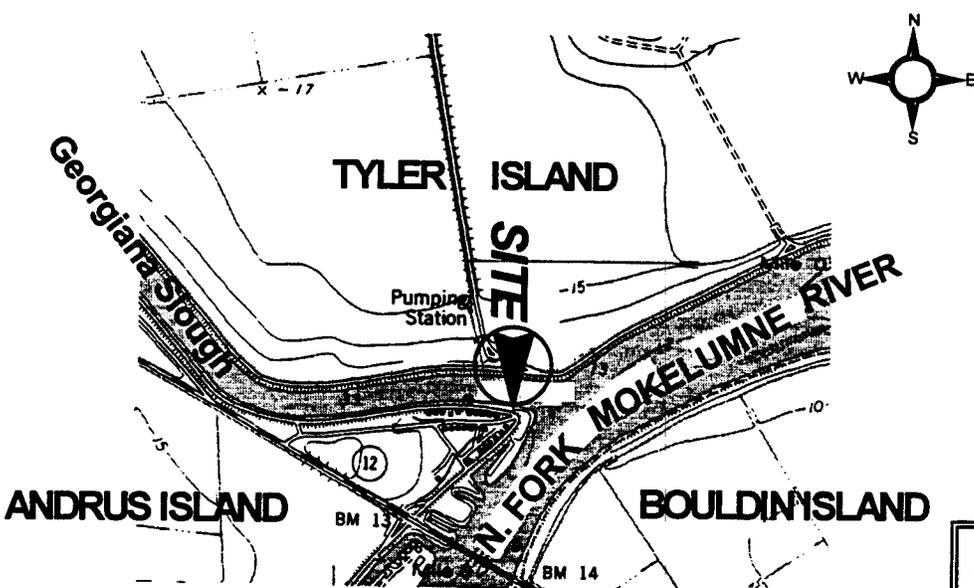
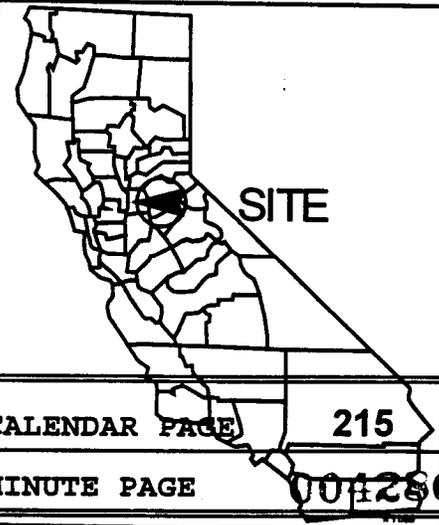


EXHIBIT A  
 SITE MAP  
 PRC 5159  
 LEATHERMAN  
 BOUNDARY LINE  
 AGREEMENT  
 ANDRUS ISLAND  
 SACRAMENTO COUNTY



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EXHIBIT B

LAND DESCRIPTION

An Agreed Boundary Line located at Andrus Island, Sacramento County, State of California, more particularly described as follows:

COMMENCING at a point, being the most southerly corner of Parcel No. 1 described in grant deed from John E. and Beverly N. Billings to Dean A. and B. Gale Leatherman recorded in Book 88-12-09 at page 1667 on December 9, 1988, Official Records of Sacramento County, from which point the most easterly corner of the 15.841 acre tract of land described in a deed dated July 8, 1931, recorded July 17, 1931, in Book 360 at page 58, Official Records of Sacramento County, executed by Golden State Asparagus Company to Central Pacific Railway Company bears North 31° 58' West 10 feet along the southwesterly line of said Parcel No. 1, thence; South 58° 02' West 156 feet; thence South 88° 44' West 581.13 feet; thence South 41° 33' 46" East 34.10 feet; thence from said point of commencement North 82° 10' 40" East 154.15 feet along the southerly line of said Parcel No. 1 to a point on the northwesterly line of a parcel described in corporation quitclaim deed recorded in Book 77-03-16 at page 578 on March 16, 1977, Official Records of Sacramento County; thence along said northwesterly line North 48° 03' 30" East 102.02 feet to the TRUE POINT OF BEGINNING of the herein described Agreed Boundary Line; thence along said Agreed Boundary Line the following eleven (11) courses.

- (1) North 62° 13' 53" West, 13.77 feet;
- (2) North 63° 14' 26" West, 12.27 feet;
- (3) North 61° 39' 07" West, 11.84 feet;
- (4) North 62° 28' 47" West, 12.23 feet;
- (5) North 62° 13' 24" West, 14.27 feet;
- (6) South 74° 32' 06" West, 11.23 feet;
- (7) South 73° 52' 10" West, 35.84 feet;
- (8) North 63° 53' 58" West, 11.46 feet;
- (9) North 63° 27' 43" West, 11.46 feet;
- (10) North 63° 50' 15" West, 12.81 feet;
- (11) North 61° 57' 41" West, 8.33 feet;

to the end of the said Agreed Boundary Line, being a point on the northeasterly prolongation of the northwesterly line of said Parcel

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No. 1, from which point the point of commencement bears the following two (2) courses:

- (1) South 41° 51' 30" West, 146.13 feet, along said northwesterly line of said Parcel No. 1, and its northeasterly prolongation;
- (2) South 31° 58' East, 20.00 feet, along said southwesterly line of said Parcel No. 1 to the most southerly corner of said Parcel No. 1

END OF DESCRIPTION



*Robert Ernest Lea*