MINUTE ITEM
This Calendar Item No. C72 was approved as Minute Item No. 72 by the California State Lands Commission by a vote of 3 to Ø at its 9-17-01 meeting.

CALENDAR ITEM
C72

A 2

S 4

09/17/01
W 503.835
J. Frey

APPROVAL OF BOUNDARY LINE AGREEMENT ESTABLISHING PROPERTY LINES AT BLOODY ISLAND, TEHAMA COUNTY

APPLICANT:
Charles Orwick

BACKGROUND:
This action involves a 52.56 acre parcel of land along the east bank of the Sacramento River approximately 10 miles northerly of the City of Red Bluff in Tehama County. It has its roots in citizen complaints about denial of fishing access along the Sacramento River in 1975. In March, 1976, the Commission authorized a quiet title action which was filed as State v. Orwick, Tehama County S.C.C.# 18801 which was filed in July, 1976. At the conclusion of the litigation, judgment was rendered in favor of the State on August 14, 1979 and recorded December 20, 1983.

CURRENT SITUATION:
Unfortunately the judgment did not clearly adequately describe the lands confirmed to the State. A Boundary Line Agreement was drafted and approved by the Parties in 1987. That Agreement cured the defects of the court's description and established the correct line between the State's and Orwick's properties. For unexplained reasons, the document languished and was not executed by the Parties.

Charles Orwick has recently approached the Commission to conclude execution of the Agreement. Because of the passage of so much time, staff has decided to bring to the Commission for re-authorization.

The Agreement now executed by Charles Orwick is the same as that drafted in 1987. There have been no changes to its substance aside from allowing each Party to seek a judicial confirmation if either desires to do so. The same line based on the Commission's Map of Survey is incorporated in the document. Staff continues to believe it is in the best interests of the State to have the Agreement approved, executed and recorded.

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OTHER PERTINENT INFORMATION:
This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

A. Boundary Line Description
B. Site Map

AB 884: N/A

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. AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

3. APPROVE THE BOUNDARY LINE AGREEMENT BETWEEN CHARLES ORWICK AND THE CALIFORNIA STATE LANDS COMMISSION, ESTABLISHING THE BOUNDARY LINE DESCRIBED IN EXHIBIT "A" TO THIS ITEM A COPY OF WHICH IS ON FILE IN THE OFFICES OF THE CALIFORNIA STATE LANDS COMMISSION.

4. AUTHORIZE THE COMMISSION'S EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE THE BOUNDARY LINE AGREEMENT AND RECORD IT IN THE OFFICIAL RECORDS OF TEHAMA COUNTY AND TAKE WHATEVER OTHER ACTIONS NECESSARY TO COMPLETE THE TRANSACTION.

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EXHIBIT A

BOUNDARY LINE DESCRIPTION

Located in projected Sections 22. 23. 26 and 27, T29N, R3W MDM. Tehema County, California, more particularly described as Follows:

COMMENCING at the most southerly point of that 41.8 Acre ± parcel of land shown on that Record of Survey For A.J. Heiser dated December, 1965, and filed in Book "O" of Maps at Page 165, Tehama County from which The north ¼ corner of Section 26, T29N, R3W, MDM Bears the following four (4) courses:

1. N 69° 00' E, 1022.00 feet;
2. N 37° 00' E, 539.97 feet;
3. N 58° 36' E, 299.57 feet to a nail & shiner set In road for North Meander Corner Section 26;
4. S 88° 43' E, 2141.9 feet (2145.00 feet U.S.G.L.O. record) ;

Thence from said point along the westerly line of said 41.8 acre Parcel the following seven (7) courses:

1. N 27° 00' E, 908.00 feet;
2. N 06° 00' E, 498.00 feet;
3. N 07° 20' E, 366.00 feet;
4. N 25° 00' E, 365.00 feet;
5. N 46° 40' E, 804.00 feet;
6. N 40° 00' E, 282.00 feet;
7. N 80° 45' E, 160.00 feet to the most northerly point of said 41.8 Acre parcel; leaving said parcel, S 82° 00' E, 174.76 feet to the POINT OF BEGINNING of the herein described line; thence southwesterly along the centerline of the old channel of the Sacramento River the following twenty-seven (27) courses:

1. S 34° 08' 58" W, 62.74 feet;
2. S 68° 32' 44" W, 70.44 feet;
3. S 37° 20' 41" W, 34.71 feet;
4. S 27° 19' 28' W, 93.52 feet;
5. S 00° 02' 45"W, 182.30 feet;
6. S 16° 04' 08" W, 226.16 feet;

0493
1845

EXHIBIT A (CONT'D)

7. S 08° 12' 52" E, 113.22 feet;
8. S 13° 22' 36" W, 97.62 feet;

AGREED BOUNDARY LINE (CONT)

9. S 33° 17' 08" W, 84.50 feet;
10. S 17° 35' 41" E, 145.14 feet;
11. S 02° 53' 10" E, 119.72 feet;
12. S 13° 18' 30" W, 136.64 feet;
13. S 21° 40' 04" W, 89.46 feet;
14. S 06° 26' 29" W. 246.52 feet;
15. S 19° 02' 50" W, 123.76 feet;
16. S 30° 35' 10" W, 182.96 feet;
17. S 19° 24' 58" W, 78.88 feet;
18. S 27° 42' 22" W, 216.23 feet;
19. S 30° 10' 27" W, 129.00 feet;
20. S 51° 36' 54" W, 232.16.feet;
21. S 30° 56' 55" W, 67.91 feet;
22. S 67° 47' 33" W, 231.35 feet;
23. S 64° 01' 45" W, 222.21 feet;
24. S 80° 26' 05" W, 62.10 feet;
25. N 72° 51' 11" W, 29.59 feet;
26. S 68° 03' 01" W, 55.76 feet;
27. S 69° 46' 29" W, 437.41 feet to the end of the herein described line; thence N 31° 00' W, 35.00 feet to the point of commencement.

END OF DESCRIPTION

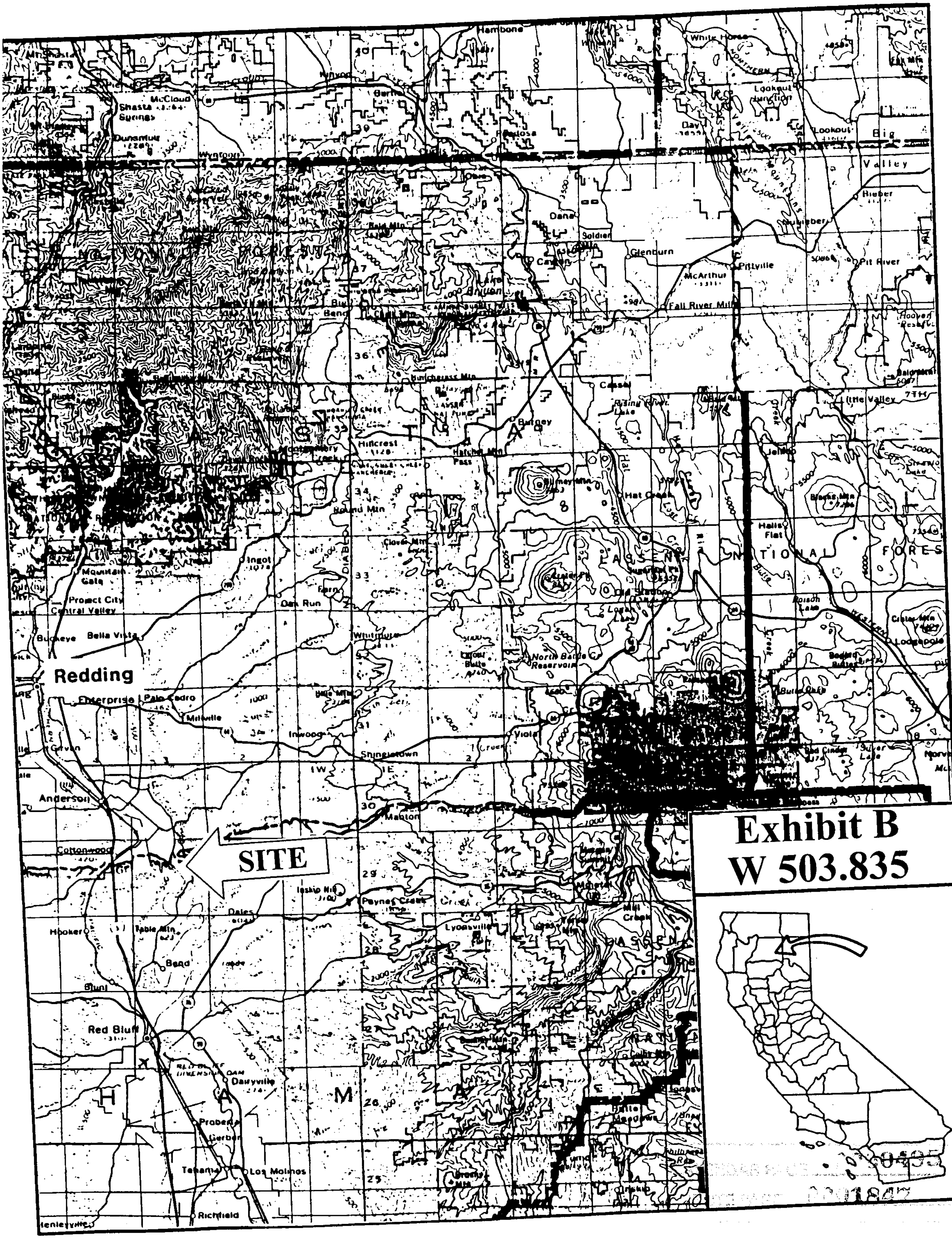

Exhibit B
W 503.835