

MINUTE ITEM

17. APPROVAL OF AGREEMENT STIPULATING ORDINARY HIGH WATER MARK ALONG GULF OF SANTA CATALINA AND FIXING BOUNDARY BETWEEN STATE TIDELANDS AND PROPERTY OWNED BY CITY OF OCEANSIDE WITHIN CITY LIMITS OF OCEANSIDE, SAN DIEGO COUNTY, CALIFORNIA - W.O. 4141, B.L.A. 37.

After consideration of Calendar Item 10 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE CITY OF OCEANSIDE FIXING A BOUNDARY LINE AS IS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND HEREBY MADE A PART HEREOF.

Attachment

Calendar Item 10 (5 pages)

CALENDAR ITEM

10.

APPROVAL OF AGREEMENT STIPULATING ORDINARY HIGH WATER MARK ALONG GULF OF SANTA CATALINA AND FIXING BOUNDARY BETWEEN STATE TIDELANDS AND PROPERTY OWNED BY CITY OF OCEANSIDE WITHIN CITY LIMITS OF OCEANSIDE, SAN DIEGO COUNTY, CALIFORNIA - W.O. 4141.

Wherever natural conditions along the shore of a State-owned waterway have been destroyed, the boundary becomes fixed at its last natural position, and it is desirable to map and document this fixed boundary by agreement between the State and the upland owners. The map of this fixed boundary is recorded, and the described boundary is then used in all future leases, title descriptions, etc. Such a situation exists presently at Oceanside, and an agreement with the City respecting the boundary will be needed should the City of Oceanside request a legislative grant of State tide and submerged lands.

The ocean shoreline within the northerly portion of the City of Oceanside was artificially affected by the construction in 1942 of the Del Mar Boat Basin and jetties. The extent of this artificial influence downcoast is uncertain, but in the vicinity of the Del Mar Jetty the artificial condition became very pronounced.

A Survey of Record of the Mean High Tide Line made by McKissick and Bell in 1939 is the last known survey prior to artificial changes, and has been accepted as the fixed boundary as far as the southeastern boundary of the Rancho Santa Margarita Y Las Flores. From the Rancho line to Wisconsin Avenue, a compromise line was delineated by comparing enlarged aerial photographs of 1938 and 1960 (see Exhibit "B"). As the shoreline approached Wisconsin Avenue, the divergence of the 1938 and 1960 mean high tide lines became less and they almost coincide at Wisconsin Avenue.

The City of Oceanside has reviewed the maps and form of agreement (see Exhibit "A") and has indicated approval of the permanent Ordinary High Water Mark as shown on the "Map of the Ordinary High Water Mark along the Shore of the Gulf of Santa Catalina, Vicinity of Oceanside, San Diego County, California", dated January 1962, and recorded on July 20, 1962, as Misc. Map No. 425, Records of San Diego County.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE CITY OF OCEANSIDE FIXING A BOUNDARY LINE AS IS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND HEREBY MADE A PART HEREOF.

Attachment
Exhibit "A"

EXHIBIT "A"

BOUNDARY AGREEMENT

THIS BOUNDARY AGREEMENT, made and entered into by and between

STATE OF CALIFORNIA

(as Party of the First Part, hereinafter referred to as "the State") and

CITY OF OCEANSIDE

(as Party of the Second Part, hereinafter referred to as "the City")

W I T N E S S E T H

WHEREAS, the State acting through the State Lands Commission is authorized by Section 6357 of the Public Resources Code to establish by agreement the ordinary high water mark or the ordinary low water mark of the swamp, overflowed, marsh, tide or submerged lands of this State, whenever it is deemed expedient or necessary; and

WHEREAS, the City appears of record as owner of certain lands fronting on the tide and submerged lands along the Gulf of Santa Catalina in the vicinity of Oceanside, San Diego County, California; and

WHEREAS, the State of California by virtue of its sovereignty is the owner of certain tide and submerged land in the Gulf of Santa Catalina in the vicinity of Oceanside, San Diego County, California; and

WHEREAS, the ordinary high water mark, as it may have existed in its last natural state, has been affected by artificial and natural processes or a combination of both; and

WHEREAS, the State Lands Commission and the City consider it expedient and necessary and in the best interests of the State and the public to permanently fix and describe the boundary between State lands and City property, and forever set at rest any and all questions relating to the location of said boundary line;

EXHIBIT "A" (CONTD.)

NOW, THEREFORE, in order to locate, describe and permanently establish a common boundary, the parties hereto mutually agree on behalf of themselves and their successors in interest as follows:

The ordinary high water mark along the shore fronting certain lands along the Gulf of Santa Catalina and the true and correct boundary line between the State and the City is and shall be located and established along the line of the last known natural Ordinary High Water Mark as follows:

Beginning at Sta. 1, as shown on "Map of the Ordinary High Water Mark", recorded as Misc. Map No. 425, Records of San Diego County, which is the point of intersection of the Mean High Tide Line of 1939, as shown on Record of Survey Map No. 794, San Diego County Records, and the Northwestern city limits of the City of Oceanside, and which bears N. $61^{\circ} 03' 48''$ W., 1,199.71 feet from U.S.C. & G.S. Triangulation Sta. SIDE 1933; thence S. $33^{\circ} 37' 44''$ E., 2227.02 feet (California Coordinate System Zone VI, as are all bearings and distances in this description) to Sta. 2 which is the intersection of the Southeastern boundary line of the Rancho Santa Margarita Y Las Flores and the Ordinary High Water Mark and which bears S. $48^{\circ} 04' 45''$ W., 965.06 feet from Witness Corner No. 3; thence along the Ordinary High Water Mark of 1938 S. $34^{\circ} 13' 12''$ E., 835.49 feet to Sta. A, which bears S. $54^{\circ} 13' 50''$ W., 302.43 feet from a 6" x 6" concrete monument and which is the end of the first segment of the permanent boundary between State lands and City of Oceanside property; thence S. $34^{\circ} 13' 12''$ E., 1095 feet, more or less to STA.C, which is the True Point of Beginning of the second segment of the permanent boundary and which station is the point of intersection of the southerly extension of the northwestern line of 9th Street with the Ordinary High Water Mark of 1938; thence along the Ordinary High Water Mark of 1938 the following courses:

EXHIBIT "A" (CONFD.)

S. 34° 13' 12" E., 1194.71 feet more or less to Sta. 3, thence S. 36° 24' 02" E., 1196.44 feet, S. 36° 57' 09" E., 969.80 feet and S. 36° 08' 27" E., 3191.06 feet to Sta. 6, which is the end of the second segment of this permanent boundary line, and which also is the intersection of the permanent boundary line and the southwesterly prolongation of the southeastern right of way line of Wisconsin Avenue.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates hereafter written.

CITY OF OCEANSIDE

Date of Signature

By _____
Mayor

Date of Signature

By _____
City Clerk

STATE OF CALIFORNIA }
County of _____ } ss

On this _____ day of _____, 1963, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ and _____ known to me to be the Mayor and City Clerk, respectively, of CITY OF OCEANSIDE, described in and that executed the within instrument, and also known to me to be the persons who executed it on behalf of the city therein named, and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Name (typed or printed)
Notary Public in and for said County
and State.

STATE OF CALIFORNIA
acting by and through
STATE LANDS COMMISSION

Date of Signature

By _____
F. J. HORTIG
Executive Officer

EXHIBIT "A" (CONTD.)

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On this _____ day of _____, 1963, before me, the undersigned, a Notary Public in and for said County and State, personally appeared F. J. HORTIG known to me to be the Executive Officer of the State Lands Commission, the political body that executed the within instrument, and also known to me to be the person who executed it on behalf of the political body therein named, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Name (typed or printed)
Notary Public in and for said County
and State.