

MINUTE ITEM

12. APPROVAL OF AGREEMENT STIPULATING THE ORDINARY HIGH WATER MARK ALONG THE GULF OF SANTA CATALINA AND FIXING THE BOUNDARY BETWEEN STATE TIDELANDS AND PROPERTY OWNED BY BEACHLAKE CORPORATION IN THE VICINITY OF OCEANSIDE, SAN DIEGO COUNTY - W.O. 4142, B.L.A. 38.

After consideration of Calendar Item 4 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 BEACHLAKE CORPORATION TO FIX THE BOUNDARY LINE AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND HEREBY MADE A PART HEREOF.

Attachment

Calendar Item 4 (4 pages)

CALENDAR ITEM

4.

APPROVAL OF AGREEMENT STIPULATING THE ORDINARY HIGH WATER MARK ALONG THE GULF OF SANTA CATALINA AND FIXING THE BOUNDARY BETWEEN STATE TIDELANDS AND PROPERTY OWNED BY BEACHLAKE CORPORATION IN THE VICINITY OF OCEANSIDE, SAN DIEGO COUNTY - W.O. 4142.

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 then recorded, and the described boundary is thereafter used in all leases, title descriptions, etc. Such a situation exists presently at Oceanside. Beachlake Corporation owns a piece of property, which has approximately 1,095 feet of frontage bounded on the seaward side by the ordinary high water mark of the Gulf of Santa Catalina, and which is adjoined on the upcoast side and on the downcoast side by frontage property owned by the City of Oceanside. A Boundary Line Agreement was approved by the State Lands Commission on January 24, 1963, to establish a permanent boundary line between the State's lands and those of Beachlake Corporation along 463 feet of the Ordinary High Water Mark of 1938. Subsequent to this Commission action, but prior to execution of the Boundary Line Agreement, Beachlake Corporation advised the State Lands Division that, as the result of a trade with the City of Oceanside, Beachlake Corporation now owns a parcel of land which has approximately 632 feet of ocean frontage and lies adjacent to their parcel which has the 463 feet of ocean frontage. Beachlake Corporation has requested that the Boundary Line Agreement be modified to include this additional ocean frontage, making a total boundary line of 1,095 feet more or less. A Boundary Line Agreement has already been executed by the State and by the City of Oceanside to fix the boundary line on both sides of the property owned by Beachlake Corporation.

Beachlake Corporation has reviewed the maps and the form of agreement (see Exhibit "A"), and has indicated approval of the permanent Ordinary High Water Mark as shown on the maps entitled "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 BEACHLAKE CORPORATION TO FIX THE BOUNDARY LINE AS 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

BEACHLAKE CORPORATION

(as Party of the Second Part)

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, Beachlake Corporation 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 Beachlake Corporation 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 Beachlake Corporation property, and forever set at rest any and all questions relating to the location of said boundary line;

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 Beachlake Corporation is and shall be located and established along the line of the last known natural Ordinary High Water Mark as follows:

EXHIBIT "A" (CONTD.)

Commencing 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° 03' 48" W., 1,199.71 feet from U.S.C. & G.S. Triangulation Sta. SIDE 1933; thence S. 33° 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° 04' 45" W., 965.06 feet from Witness Corner No. 3; thence along the Ordinary High Water Mark of 1938 S. 34° 13' 12" E., 835.49 feet to Sta. A, which is the True Point of Beginning of this segment of boundary line and which bears S. 54° 13' 50" W., 302.43 feet from a 6" x 6" concrete monument; thence along the Ordinary High Water Mark of 1938 S. 34° 13' 12" E., 1095 feet more or less to Sta. C, which is the end of the common boundary between the State and Beachlake Corporation.

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

BEACHLAKE CORPORATION

\_\_\_\_\_  
Date of Signature

By \_\_\_\_\_  
President

\_\_\_\_\_  
Date of Signature

By \_\_\_\_\_  
Secretary

STATE OF CALIFORNIA     )  
                                  ) ss  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_ 1963, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Albert Zaiser and Mrs. Ollie Simpson known to me to be the President and Secretary, respectively, of Beachlake Corporation, described in and that executed the within instrument, and also known to me to be the persons who executed it on behalf of Beachlake Corporation therein named, and acknowledged to me that they executed the same.

EXHIBIT "A" (CONTD.)

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

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.