

17. AUTHORIZATION OF THE ATTORNEY GENERAL TO ENTER INTO A STIPULATION FOR ENTRY OF JUDGMENT IN A STATE CONDEMNATION ACTION CONCERNING THE BOUNDARY OF SOVEREIGN LANDS, ALONG A PORTION OF WOODLEY ISLAND IN HUMBOLDT BAY, HUMBOLDT COUNTY, SAID ACTION BEING ENTITLED PEOPLE OF THE STATE OF CALIFORNIA V. W. A. ROBINSON, ET AL., HUMBOLDT COUNTY SUPERIOR COURT NO. 47736 - W 503.694.

After consideration of Calendar Item 16 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ATTORNEY GENERAL TO EXECUTE A STIPULATION FOR ENTRY OF JUDGMENT IN PEOPLE OF THE STATE OF CALIFORNIA V. W. A. ROBINSON, ET AL., HUMBOLDT COUNTY SUPERIOR COURT NO. 47736, WHEREBY THE BOUNDARY BETWEEN PRIVATELY-OWNED UPLANDS PATENTED AS SWAMP AND OVERFLOWED LAND LOCATION NO. 3540, HUMBOLDT COUNTY, AND SOVEREIGN LANDS OF THE STATE OF CALIFORNIA HELD IN TRUST BY THE CITY OF EUREKA PURSUANT TO CHAPTER 225, STATUTES OF 1945, CHAPTER 1086, STATUTES OF 1970, AND CHAPTER 1001, STATUTES OF 1971, WILL BE PERMANENTLY FIXED AT A LOCATION WHICH COMBINES CERTAIN PORTIONS OF THE SHORELINE OF WOODLEY ISLAND DEPICTED ON THE 1904 MAP OF THE U.S. ARMY CORPS OF ENGINEERS SHOWING THE HARBOR LINES OF HUMBOLDT BAY, WITH CERTAIN PORTIONS OF THE MEAN HIGH TIDE LINE AS IT EXISTED IN 1966, PRIOR TO HIGHWAY CONSTRUCTION ACTIVITIES.

Attachment:

Calendar Item 16 (2 pages)

CALENDAR ITEM

16.

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The above-referenced condemnation action was filed by the State Department of Public Works to condemn a portion of the northeasterly end of Woodley Island in Humboldt Bay for highway purposes in connection with the construction of a bridge from the City of Eureka across Humboldt Bay to the Samoa Peninsula. The northeasterly portion of Woodley Island was patented into private ownership in 1902 as Swamp and Overflowed Land Location No. 3540. The adjacent tide and submerged lands were granted, in trust, to the City of Eureka by Chapter 225, Statutes of 1945, as amended by Chapter 1086, Statutes of 1970, and Chapter 1001, Statutes of 1971. Since, under the terms of the grant, the State may use portions of the granted lands for highway purposes without compensating the City of Eureka, the description of the property, for which the State will pay just compensation, is limited to that portion of Woodley Island within the right-of-way lying landward of the last natural position of the ordinary high water mark. One of the issues in this litigation is the location of the last natural position of the ordinary high water mark. By a cross-complaint, the city and the State, acting by and through the State Lands Commission, expanded the lawsuit to put at issue the location of the entire waterward boundary of the swamp and overflowed land patent, not just that portion involved in the condemnation action.

Following legal and factual review by the Attorney General's Office and by the legal and engineering staffs of both the State Lands Division and the State Department of Public Works, it was determined that the ordinary high water mark forming the waterward boundary of the swamp and overflowed land patent had been affected by artificial influences, and that the current mean high tide line does not represent the legal boundary between sovereign lands in Humboldt Bay and the privately-owned uplands on the northeasterly end of Woodley Island. It was further determined that certain portions of a line depicting the shoreline of Woodley Island, as shown on a 1904 map prepared by the U.S. Army Corps of Engineers showing the harbor lines in Humboldt Bay, taken together with certain portions of the mean high tide line as it existed in 1966, prior to highway construction activities, reasonably approximate the last natural position of the ordinary high water mark on this portion of Woodley Island.

The proposed Stipulation for Entry of Judgment will authorize entry of a judgment determining that the boundary line between uplands and sovereign

CALENDAR ITEM NO. 16. (CONTD)

lands on this portion of Woodley Island is permanently fixed at a location which combines certain portions of the line depicted on the 1904 Corps of Engineers map with certain portions of the mean high tide line as it existed in 1966, prior to highway construction activities.

The Division believes that the boundary line to be incorporated in the proposed Stipulation for Entry of Judgment is the most favorable which could be obtained through negotiation and compromise, and that the proposed settlement is in the best interest of the State of California.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION AUTHORIZE THE ATTORNEY GENERAL TO EXECUTE A STIPULATION FOR ENTRY OF JUDGMENT IN PEOPLE OF THE STATE OF CALIFORNIA V. W. A. ROBINSON, ET AL., HUMBOLDT COUNTY SUPERIOR COURT NO. 47736, WHEREBY THE BOUNDARY BETWEEN PRIVATELY-OWNED UPLANDS PATENTED AS SWAMP AND OVERFLOWED LAND LOCATION NO. 3540, HUMBOLDT COUNTY, AND SOVEREIGN LANDS OF THE STATE OF CALIFORNIA HELD IN TRUST BY THE CITY OF EUREKA PURSUANT TO CHAPTER 225, STATUTES OF 1945, CHAPTER 1086, STATUTES OF 1970, AND CHAPTER 1001, STATUTES OF 1971, WILL BE PERMANENTLY FIXED AT A LOCATION WHICH COMBINES CERTAIN PORTIONS OF THE SHORELINE OF WOODLEY ISLAND DEPICTED ON THE 1904 MAP OF THE U.S. ARMY CORPS OF ENGINEERS SHOWING THE HARBOR LINES OF HUMBOLDT BAY, WITH CERTAIN PORTIONS OF THE MEAN HIGH TIDE LINE AS IT EXISTED IN 1966, PRIOR TO HIGHWAY CONSTRUCTION ACTIVITIES.