

Item No. 34
State Lands
Commission at its 8/25/77
meeting.

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CALENDAR ITEM

34.

AUTHORIZATION OF BOUNDARY LINE AGREEMENT

As part of its land acquisition program for the Golden Gate National Recreation Area, the federal government has brought a condemnation action involving property which includes land formerly occupied by Sutro Baths in San Francisco, entitled U.S. v. 3.95 Acres of Land, etc., San Francisco County; Cliffside Properties, Inc., et al., United States District Court (Northern District, California) No. C-75-0862. The State of California was joined as a defendant because of delinquent taxes on the property and also because one of the condemnation parcels abuts State-owned sovereign lands lying waterward of the ordinary high water mark of the Pacific Ocean. A related calendar item involving adjacent lands was approved by the Commission at its June 1977 meeting.

The description of the parcel abutting the ocean is ambiguous, in that it can be read as running to the existing mean high tide line, even though certain land above the existing mean high tide line was formed due to artificial accretion and is therefore still in State ownership. The statute authorizing land acquisition for the Golden Gate National Recreation Area does not authorize condemnation of State land by the federal government. Accordingly, the State and the private condemnee wish to fix the boundary between sovereign land and upland along the last natural position of the ordinary high water mark, thereby accurately delineating the boundary between State and private ownership and the limits of the parcel being condemned by the federal government.

The position of the ordinary high water mark before the onset of artificial influence is uncertain. Assisted by extensive engineering work by the State Lands Division, the parties have determined that approximately 334 feet of the ocean frontage of the subject parcel was affected by artificial accretion and have arrived at a compromise position for the last natural position of the ordinary high water mark. The Division and the Office of the Attorney General are satisfied that the positioning of the ordinary high water mark is a satisfactory compromise of the State-private boundary claims and is in the best interests of the public.

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CALENDAR ITEM NO. 34. (CONTD)

The boundary line agreement has been approved by the Office of the Attorney General. A copy of the proposed agreement between the State and Cliffside Properties, Inc. is on file in the offices of the State Lands Commission in Sacramento and is hereby incorporated by reference.

Exhibit: A. Site Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE TRANSACTION IS EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT BY VIRTUE OF SECTION 6371 OF THE PUBLIC RESOURCES CODE AND SECTION 2903(d) OF THE COMMISSION'S REGULATIONS.
2. AUTHORIZE EXECUTION BY THE EXECUTIVE OFFICER OF THE BOUNDARY LINE AGREEMENT, ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION, BETWEEN THE STATE AND CLIFFSIDE PROPERTIES, INC.
3. AUTHORIZE THE EXECUTIVE OFFICER AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, IN ORDER TO IMPLEMENT THE AGREEMENT.