

MINUTE ITEM

This Calendar Item No. 28
is approved as Minute Item
No. 28 by the State Lands
Commission by a vote of 2
to 0 at its 2/23/84
meeting.

CALENDAR ITEM

28 4

2/23/84
G18-00
BLA 243
J. Sekelsky
Barbieri

BOUNDARY LINE AGREEMENT
BLA 243

BODEGA BAY, SONOMA COUNTY, CALIFORNIA

PARTIES: Harold O. Parish;
Mitchell T. and Wanda A. Zankich;
County of Sonoma;
State of California, acting by and through the
State Lands Commission.

BACKGROUND:

By Chapter 1406, Statutes of 1951, as amended
by Chapter 1064, Statutes of 1959, and
Chapter 799, Statutes of 1961, the Legislature
granted in trust to the County of Sonoma,
certain tidelands and submerged lands in
Bodega Harbor for harbor purposes.

The State Lands Commission is vested with
all jurisdiction and authority remaining
in the State as to the subject granted
tidelands and submerged lands.

The County has begun to implement plans
for the development of the Spud Point Marina,
a 240 berth facility to be constructed
on the granted lands and adjacent uplands.

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On January 4, 1982, the County filed a complaint in eminent domain to acquire the necessary upland property. The State was named as a necessary party defendant. A dispute has arisen within that litigation as to the location of the boundary between the State-owned tidelands, which have been granted in trust to the County, and the adjacent uplands owned by Harold O. Parish and Mitchell T. and Wanda A. Zankich.

PROPOSED SETTLEMENT AGREEMENT:

The proposed settlement agreement consists of a Boundary Line Agreement between the State, the County, and the private property owners. The Agreement fixes the boundary between granted sovereign lands and adjacent, privately owned uplands, on a portion of that line surveyed by Commission staff, pursuant to Chapter 1406 of the Statutes of 1951, to describe the granted lands. This surveyed line, in this location, has been agreed by the parties to be a reasonable approximation of the ordinary high water mark. In proposing to adopt a portion of the surveyed line as the agreed boundary in this proposed agreement, staff does not make any representation that other portions of the surveyed line accurately reflect actual boundaries for title purposes between sovereign tidelands, granted in trust to the County of Sonoma, and privately owned uplands not included in this proposed agreement, B.L.A. No. 243.

CONCLUSION:

There is a genuine and good faith dispute between the State and the County, on one hand, and Harold Parish and Mitchell and Wanda Zankich on the other, as to the location of the boundary between their respective parcels. Based upon an historical study of the area, the parties have agreed that the proposed boundary line, as set forth in proposed Boundary Line Agreement 243, is in a reasonable location.

Staff believes it is in the best interest of the State to enter into the proposed Boundary Line Agreement, pursuant to the provisions of Section 6357 of the Public Resources Code, to define the extent and location of the boundary between public and private parcels, and to avoid the costs and uncertainties of litigation of these issues.

AB 884 N/A.

EXHIBITS: A. Site Map.
B. Boundary Line Description.

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE PROPOSED BOUNDARY LINE AGREEMENT ON FILE IN THE OFFICE OF THE COMMISSION IS IN THE BEST INTERESTS OF THE STATE; AND AUTHORIZE STAFF TO EXECUTE AND RECORD BOUNDARY LINE AGREEMENT NO. 243 PROPOSED HEREIN.
2. FIND THAT THIS ACTION, A SETTLEMENT OF BOUNDARY AND TITLE ISSUES, IS EXEMPT FROM CONSIDERATION UNDER CEQA, PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.11.
3. FIND THAT THE ACTIVITIES DESCRIBED IN THIS CALENDAR ITEM ARE LOCATED ON LANDS IDENTIFIED AS HAVING SIGNIFICANT ENVIRONMENTAL VALUES AND ARE CONSISTENT WITH THE USE CLASSIFICATIONS ASSIGNED TO THIS AREA, PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370 ET SEQ., AND CALIFORNIA ADMINISTRATIVE CODE SECTIONS 2951 ET SEQ.
4. AUTHORIZE THE STAFF AND/OR ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, IN ORDER TO IMPLEMENT AND GIVE EFFECT TO THIS AGREEMENT.

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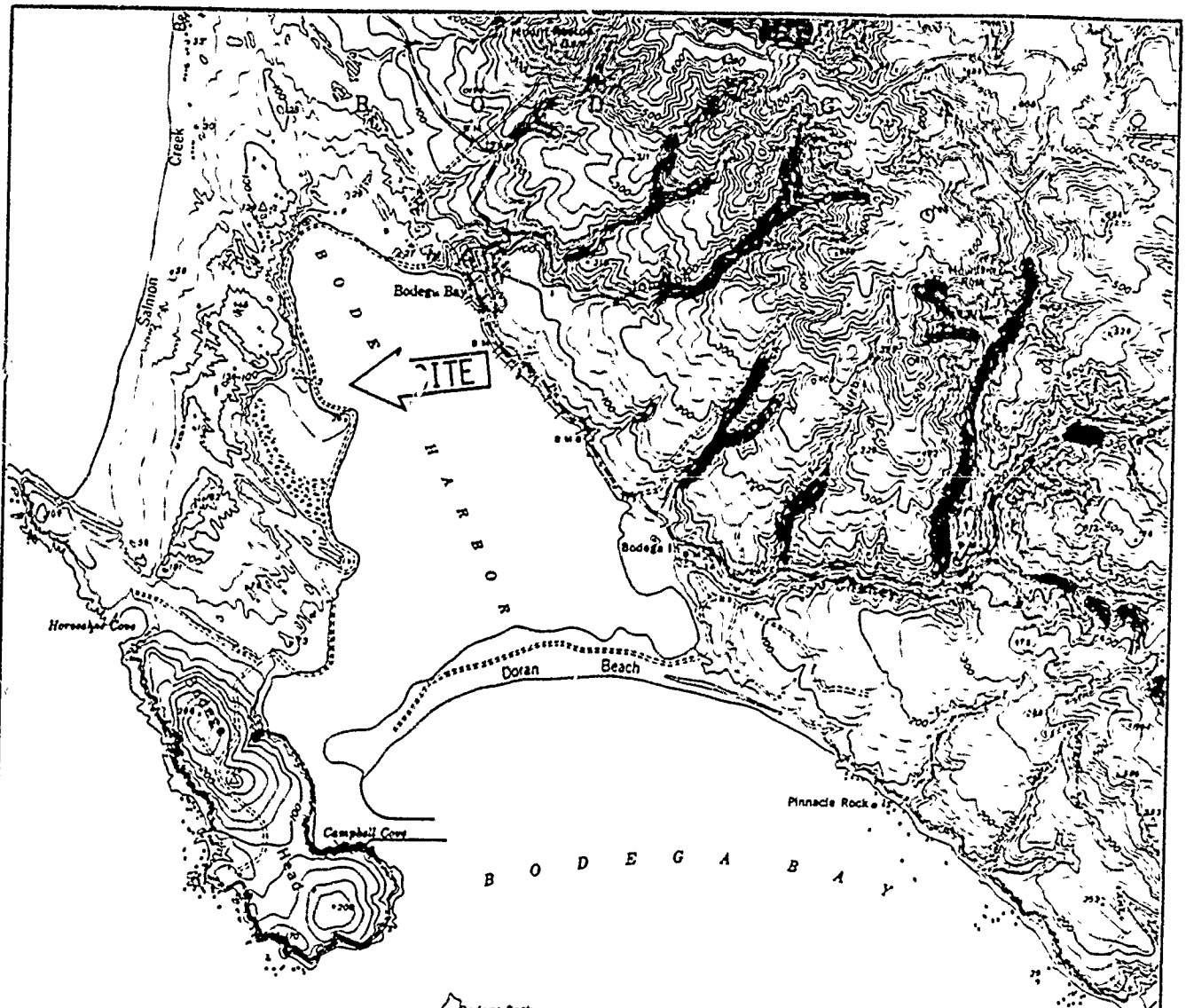


EXHIBIT "A"
W 503.1204



Bodega Rock

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SONOMA CO
MARIN TO

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EXHIBIT "B"

BOUNDARY LINE DESCRIPTION

An agreed to line located in the northerly portion of Bodega Bay, Sonoma County, California, more particularly described as COMMENCING at Station 224 as shown on the State Lands map entitled "Survey of Legislative Grant to the County of Sonoma, Statute 1951, Chapter 1406," filed in Book 74 of Maps, page 4 to 9, County Recorder of Sonoma County, October 30, 1953, also known as the TRUE POINT OF BEGINNING: thence along said 1951 survey line the following nine courses:

1. N 86° 13' 40" W 182.40 feet to Station 223;
2. N 76° 10' 49" W 192.57 feet to Station 222;
3. N 52° 27' 55" W 103.41 feet to Station 221;
4. N 23° 23' 52" W 113.32 feet to Station 220;
5. N 42° 09' 12" W 128.14 feet to Station 219;
6. N 33° 14' 49" W 215.23 feet to Station 218;
7. N 20° 43' 32" W 158.24 feet to Station 217;
8. N 06° 54' 40" W 99.72 feet to Station 216;
9. N 03° 28' 26" W 313.58 feet to Station 215, and

the end of the described line.

END OF DESCRIPTION

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