

B.L.A.# 17

A G R E E M E N T

(ARBITRATING ORDINARY LOW WATER MARK)

THIS AGREEMENT, made and entered into this 4th day of October, 1960, by and between the STATE OF CALIFORNIA, and the CITY OF MARTINEZ, a municipal corporation, authorized and existing under and by virtue of the laws of the State of California.

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 arbitration 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 boundary between certain lands owned by the State of California and the City of Martinez fronting on Carquinez Straits is the ordinary low water mark, and;

WHEREAS, the natural ordinary low water mark has been obliterated as a result of natural and artificial causes, and;

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

NOW, THEREFORE, in order to describe and establish a common boundary between the lands of the City of Martinez and the State of California, the parties hereto mutually agree, for and on behalf of themselves and their successors in interest, to accept the following as the true boundary line of the ordinary low water mark:

Segments AB and EFG as delineated on the State Lands Commission map entitled "Fixed Boundary Between Sovereign and Municipal Lands, Vicinity of Martinez, Contra Costa County, California", dated March 1960.

IN WITNESS WHEREOF, the parties hereto have executed this agreement  
the day and year first above written.

STATE OF CALIFORNIA, through  
STATE LANDS COMMISSION

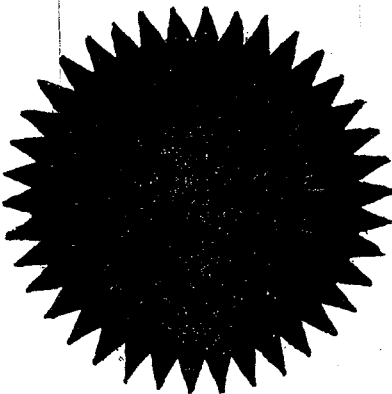
F. J. Hortig  
F. J. HORTIG, Executive Officer

CITY OF MARTINEZ

By Fred H. Caudel  
Fred H. Caudel, Mayor

By Lawrence J. ...

STATE OF CALIFORNIA, }  
County of Los Angeles } ss.



ON October 14th, 19 60, before me,  
the undersigned, a Notary Public in and for said County and State, personally  
appeared F. J. HORTIG, Executive Officer of the State  
Lands Commission, STATE OF CALIFORNIA

\_\_\_\_\_, known to me  
to be the person whose name is subscribed to the within  
Instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Myrtle Stratton  
Notary Public in and for said County and State.  
My Commission Expires October 30, 1962

RESOLUTION No. 152

(1960 Series)

WHEREAS, there has been presented to this meeting of the City Council of the City of Martinez a certain Agreement establishing a common boundary between the lands of the City of Martinez and the State of California in which the City of Martinez, a municipal corporation, is a party and the State of California is a party; and


WHEREAS the terms and conditions of said Agreement have been read to and explained to the City Council of the City of Martinez, and after consideration of its terms, the members of the City Council of the City of Martinez deem it in the best interests of the City that said Agreement be executed for and on behalf of the City of Martinez, a municipal corporation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez that FRED H. CAUDEL, Mayor, be and he is hereby authorized to execute said Agreement for and on behalf of the City of Martinez, a municipal corporation.

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I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a regular meeting held on the 19th day of October, 1960, by the following vote:

AYES: Councilmen - Doss, Miller, Prosser, Sedar, Caudel  
NOES: Councilmen - None  
ABSENT: Councilmen - None  
NOT VOTING: Councilmen - None

  
City Clerk, City of Martinez