AGREEMENT
(ARGITRATING 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.

WITNESSETH:

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:

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, Executive Officer

CITY OF MARTINEZ

By Fred H. Caudel

Fred H. Caudel, Mayor

By

STATE OF CALIFORNIA,
County of Los Angeles

On October 4th, 1960, 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.

Notary Public in and for said County and State.

ACKNOWLEDGMENT — GENERAL — WOLCOTT FORM 232 — REV 5-57

Commission Expires October 30, 1960
RESOLUTION No. 162
(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. CADEL, Mayor, be and he is hereby authorized to execute said Agreement for and on behalf of the City of Martinez, a municipal corporation.

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 18th day of October, 1960, by the following vote:

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

[Signature]
City Clerk, City of Martinez