The parties to this Stipulation are THE PEOPLE OF THE STATE OF CALIFORNIA, acting by and through the Department of Public Works; W. A. ROBINSON; FRANK M. TURNER; FRANK RAY; HARVEY G. HARPER; the CITY OF EUREKA (hereinafter referred to as "City"), by its duly authorized City Attorney, Melvin S. Johnsen; and the STATE OF CALIFORNIA (hereinafter referred to as "State"), acting by and through the State Lands Commission, by the Attorney General, the Commission's duly authorized attorney.

WHEREAS, the State obtained title to the tide and submerged lands in Humboldt Bay, located in Humboldt County, California (hereinafter referred to as "sovereign lands"), by virtue of its sovereignty upon admission to the Union on September 9, 1850; and

WHEREAS, lands abutting that portion of the ordinary high water mark of Humboldt Bay affected by this Stipulation, as
said ordinary high water mark last existed in a state of nature, unaffected by artificial influences, were patented into private ownership as Swamp and Overflowed Lands Location No. 3540, recorded in Book 18 of Patents, Page 18, in the Office of the County Recorder of Humboldt County; and

WHEREAS, all right, title and interest of the State in that portion of Humboldt Bay affected by this Stipulation was granted by the State to the City, in trust, by Statutes of 1945, chapter 225; Statutes of 1970, chapter 1086; and Statutes of 1971, chapter 1001, subject to certain exceptions, reservations, terms, and conditions set forth in said Statutes, and subject to the public trust and easement for commerce, navigation, and fishery; and

WHEREAS, the boundary between said patented lands and the sovereign lands in Humboldt Bay is the ordinary high water mark of Humboldt Bay as it last existed in a state of nature, unaffected by artificial influences; and

WHEREAS, the ordinary high water mark along that portion of Humboldt Bay affected by this Stipulation, as the same existed in its last natural state, has been affected and controlled by artificial processes, including, but not limited to, the deposit of dredging spoils and construction activities in connection with the completion of the State highway between the City of Eureka and the Samoa Peninsula, and there is consequently substantial doubt and uncertainty as to the last natural location of said ordinary high water mark, and consequently the true boundary between the patented lands and the sovereign lands in that portion of Humboldt Bay affected by this Stipulation is uncertain and in doubt; and

WHEREAS, W. A. Robinson, Frank M. Turner, Frank Ray, and Harvey G. Harper claim ownership, as successors in interest
to the original patentee, of said patented lands; and

WHEREAS, the portion of the complaint description of Parcel 8 which is described as running along the "ordinary high water line of Humboldt Bay" was not a surveyed line, did not represent a precise location of the ordinary high water mark at any point in time, and was not intended to and did not describe a fixed location for the boundary between said patented lands and the sovereign lands in that portion of Humboldt Bay affected by this Stipulation, but was intended to, and did call to the last natural position, unaffected by artificial influences, of the ordinary high water mark of Humboldt Bay, wherever it might be; and

WHEREAS, the aforementioned grant from the State to the City contained the express reservation and condition that the State might at any time in the future use said lands or any portion thereof for highway purposes without compensation to the City, its successors, or assigns, or any person, firm, or public or private corporation claiming under it; and

WHEREAS, the parties hereto have attempted in good faith to determine the boundary between said patented lands and the lands held by the City, in trust, for the purpose of entering into this compromise and settlement agreement and the parties believe it is expedient and necessary within the meaning of Public Resources Code §6357 and in the best interest of the State, the City, the private parties hereto, and the public to avoid the time, expense and uncertainty of litigation by stipulating to: (1) the location of the last natural position of the ordinary high water mark, unaffected by artificial influences, in this area, thereby describing, determining, and fixing permanently by stipulation, the boundary between said patented lands and the lands held by the City, in trust, in Humboldt Bay by virtue of the aforementioned
statutes; and (2) a more precise description of Parcel 8 and hence of the lands which are privately owned and for which just compensation is therefore due;

NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:

1. The boundary of Swamp and Overflowed Lands Location No. 3540 is as set forth in Exhibit A attached hereto, which exhibit is hereby incorporated by reference as though fully set forth herein.

2. It is the intent of the parties hereto that the boundary between the sovereign lands in Humboldt Bay and Swamp and Overflowed Lands Location No. 3540, which boundary is characterized in Exhibit A as "the last natural position, unaffected by artificial influences, of the ordinary high water mark of Humboldt Bay" shall be permanent and fixed and not subject to change by reason or erosion or accretion.

3. The lands adjacent to and waterward of said boundary are owned in fee simple by the City of Eureka, in trust, by virtue of the grant to the City from the State by Statutes of 1945, chapter 225; Statutes of 1970, chapter 1086; and Statutes of 1971, chapter 1001, subject to certain exceptions, reservations, terms and conditions set forth in said statutes, and subject to the public trust and easement for commerce, navigation, and fishery.

4. That Parcel 8 and the privately owned land for which the State of California, acting by and through the Department of Public Works, is required to pay just compensation, is described in Exhibit B attached hereto, which exhibit is hereby incorporated by reference as though fully set forth herein.

5. Parcel 8 does not include within it any lands outside the boundaries of Swamp and Overflowed Lands Location No. 3540, nor does it include any lands within the aforementioned grant to the City of Eureka.
6. It is expressly understood by the parties hereto that this Stipulation has been entered into for the purpose of compromising and settling the boundary line between the lands solely of the parties hereto. The boundary line stipulated to herein shall not constitute any admission by any of the parties hereto, nor is it to be construed as any expression on the part of any of the parties hereto as to the location of any other interests of any of the parties hereto in lands in or adjacent to Humboldt Bay. Specifically, the City and the State are currently parties to other litigation concerning lands in or adjacent to Humboldt Bay, and this Stipulation shall not be construed in any way as limiting or inhibiting in any way the contentions which the City and the State may wish to make in that litigation concerning the location of pertinent boundaries, or the character or extent of interests in real property, having particular regard to the existence of and effect upon such boundaries or interests of artificial or natural influences within Humboldt Bay.
7. The parties hereto hereby consent to the entry of all orders and judgments necessary to effectuate this Stipulation, including an order by the court that the provisions of this Stipulation contained in paragraphs 1 through 5, inclusive, shall be incorporated into the final judgment in this action.

DATED: Jan 22, 1974
W. A. ROBINSON

DATED: Jan 22, 1974
FRANK M. TURNER

DATED: Jan 22, 1974
FRANK RAY

DATED: Jan 22, 1974
HARVEY G. HARPER

DATED: Jan 22, 1974
MITCHELL, DEDEKAM & ANGELL

DATED: January 16, 1974
ROBERT C. DEDEKAM

Attorneys for Defendants and Cross-Defendants W. A. Robinson, Frank M. Turner, Frank Ray and Harvey G. Harper

DATED: January 16, 1974
EVELLE J. YOUNGER
Attorney General

DATED: January 16, 1974
DENNIS M. EAGAN
Deputy Attorney General

Attorneys for Defendant and Cross-Defendant State of California, acting by and through the State Lands Commission
DATED: January 22, 1974
MELVIN S. JOHNSEN
City Attorney

By

Attorneys for Defendant and
Cross-Complainant City of Eureka

DATED: January 31, 1974
HARRY S. FENTON, Chief Counsel
JOHN B. MATHENY, Assistant
Chief Counsel
RICHARD W. BOWER
WILLIAM M. McMILLAN

By

RICHARD W. BOWER

Attorneys for Plaintiff and
Cross-Defendant State of
California, acting by and through
the Department of Public Works,
now known as the Department of
Transportation
BOUNDARY OF SWAMP AND OVERFLOWED

LANDS LOCATION NO. 3540

Beginning at the corner common to Sections 14, 15, 22, and 23, Township 5 North, Range 1 West, Humboldt Base and Meridian, as said corner was re-established and shown on the survey recorded February 6, 1951 in Book 12 of Surveys, page 86, Humboldt County Records;

(1) Thence, N. 1° 29' 38" E., along the west line of said Section 14, 849.99 feet to the intersection of said section line with the last natural position, unaffected by artificial influences, of the ordinary high water mark of Humboldt Bay;

(2) Thence, along the last natural position, unaffected by artificial influences, of the ordinary high water mark of Humboldt Bay the following courses and distances: N. 25° 57' 58" E., 28.62 feet:

(3) Thence, N. 88° 06' 57" E., 76.04 feet;

(4) Thence, N. 50° 22' 16" E., 41.55 feet;

(5) Thence, N. 10° 22' 40" W., 84.38 feet;

(6) Thence, S. 77° 06' 04" E., 26.88 feet;

(7) Thence, S. 2° 23' 09" E., 60.05 feet;

(8) Thence, N. 47° 17' 26" E., 88.46 feet;

(9) Thence, S. 33° 20' 27" E., 68.23 feet;

(10) Thence, N. 37° 52' 30" E., 22.80 feet;

(11) Thence, N. 14° 02' 10" W., 16.49 feet;

(12) Thence, S. 73° 18' 03" E., 26.10 feet;

(13) Thence, S. 33° 00' 49" W., 29.26 feet;

(14) Thence, N. 67° 31' 14" E., 31.39 feet;

(15) Thence, N. 6° 06' 56" W., 28.16 feet;
Thence, A. 47° 38' 33" E., 23.01 feet;
(17) Thence, S. 56° 43' 30" E., 76.55 feet;
(18) Thence, N. 67° 22' 48" E., 6.50 feet;
(19) Thence, N. 36° 53' 22" W., 55.70 feet;
(20) Thence, N. 37° 41' 22" E., 43.34 feet;
(21) Thence, N. 58° 22' 12" E., 22.31 feet;
(22) Thence, S. 24° 10' 45" W., 26.86 feet;
(23) Thence, S. 75° 57' 50" E., 8.25 feet;
(24) Thence, N. 24° 18' 16" E., 17.01 feet;
(25) Thence, N. 84° 55' 40" E., 33.93 feet;
(26) Thence, S. 27° 58' 11" E., 16.42 feet;
(27) Thence, N. 34° 22' 49" E., 11.51 feet;
(28) Thence, S. 87° 08' 15" E., 30.04 feet;
(29) Thence, S. 35° 01' 39" E., 13.60 feet;
(30) Thence, N. 31° 44' 28" E., 25.28 feet;
(31) Thence, S. 1° 01' 46" W., 44.51 feet;
(32) Thence, S. 22° 31' 14" E., 88.77 feet;
(33) Thence, S. 39° 10' 25" W., 17.41 feet;
(34) Thence, N. 73° 33' 35" W., 31.80 feet;
(35) Thence, S. 11° 27' 32" E., 37.75 feet;
(36) Thence, S. 73° 27' 01" W., 40.37 feet;
(37) Thence, S. 10° 48' 30" E., 22.40 feet;
(38) Thence, N. 67° 09' 59" W., 41.23 feet;
(39) Thence, N. 28° 04' 21" W., 17.00 feet;
(40) Thence, S. 42° 55' 48" W., 117.46 feet;
(41) Thence, S. 25° 20' 46" W., 21.02 feet;
(42) Thence, S. 9° 09' 44" E., 15.70 feet;
(43) Thence, S. 28° 23' 35" E., 21.03 feet;
(44) Thence, S. 39° 50' 21" E., 174.51 feet;
(45) Thence, S. 43° 57' 47" E., 31.26 feet;
(46) Thence, S. 77° 11' 45" E., 22.56 feet;
(47) Thence, N. 65° 12' 46" E., 165.77 feet;
(48) Thence, S. 88° 18' 55" E., 17.01 feet;
(49) Thence, S. 37° 44' 48" E., 19.60 feet;
(50) Thence, S. 4° 56'.45" E., 52.19 feet;
(51) Thence, S. 4° 30'.50" W., 38.12 feet;
(52) Thence, S. 24° 50' 07" W., 266.66 feet;
(53) Thence, S. 29° 55' 09" W., 122.30 feet;
(54) Thence, S. 43° 58' 04" W., 70.50 feet;
(55) Thence, S. 30° 15' 23" W., 90.30 feet;
(56) Thence, S. 40° 56' 26" W., 54.94 feet;
(57) Thence, S. 48° 24' 18" W., 512.32 feet to the
west line of said Section 23;
(58) Thence, leaving the last natural position, unaffected
by artificial influences, of the ordinary high water mark of
Humboldt Bay, N. 1° 29' 38" E., along said west line, 285.77
feet to the point of beginning.

Containing 11.73 acres.

The bearings and distances used in the above description
are on the California Co-ordinate System, Zone 1. Multiply
distances shown by 1.0001052 to obtain ground distances.
PARCEL 8

For freeway purposes, that portion of fractional Section 14, Township 5 North, Range 1 West, Humboldt Base and Meridian, which lies within the following described boundaries:

Commencing at a brass cap set for the southwest corner of said Section 14 as shown on the Record of Survey recorded in Book 12 of Surveys, page 86, Humboldt County Records; thence, N. 8° 07' 30" E. (=N. 6° 43' 00" E. True Meridian), 711.59 feet to a point that bears S. 53° 23' 16" W., 216.14 feet from Engineer's Station 132+75.00 P.O.T. of the Control Line of the Department of Public Works' Survey (State highway 01-Hum-255-PM 0.0/2.0) as shown on the Record of Survey recorded in Book 23 of Surveys, pages 69 through 71, Humboldt County Records; said point being the TRUE POINT OF BEGINNING;

(1) Thence, N. 88° 30' 22" W., 82.17 feet to the west line of said Section 14;

(2) Thence, N. 1° 29' 38" E., along said west line, 143.16 feet to the last natural position, unaffected by artificial influences, of the ordinary high water mark of Humboldt Bay (hereinafter referred to as the "last natural ordinary high water mark");

Thence, along said last natural ordinary high water mark, the following courses and distances:

(3) N. 25° 57' 58" E., 28.62 feet;
(4) N. 88° 06' 57" E., 76.04 feet;
(5) N. 50° 22' 16" E., 41.55 feet;
(6) N. 10° 22' 40" W., 84.38 feet;
(7) S. 77° 06' 04" E., 26.88 feet;
(8) S. 2° 23' 09" E., 60.05 feet;
(9) N. 47° 17' 26" E., 88.46 feet;
(10) S. 33° 20' 27" E., 68.23 feet;
(11) N. 37° 52' 30" E., 22.80 feet;
(12) N. 14° 02' 10" W., 16.49 feet;
(13) S. 73° 18' 03" E., 26.10 feet;
(14) S. 33° 08' 49" W., 29.26 feet;
(15) N. 67° 31' 14" E., 31.39 feet;
(16) N. 6° 06' 56" W., 28.16 feet;
(17) N. 67° 22' 48" E., 6.50 feet;
(18) -
(19) N. 47° 38' 33" E., 23.01 feet;
(20) S. 56° 43' 30" E., 76.55 feet;
(21) N. 67° 22' 48" E., 6.50 feet;
(22) Thence, leaving said last natural ordinary high
water mark, S. 36° 36' 44" E., 99.94 feet to said last natural
ordinary high water mark;

Thence, along said last natural ordinary high water
mark, the following courses and distances:
(23) S. 42° 55' 48" W., 107.42 feet;
(24) S. 25° 20' 46" W., 21.02 feet;
(25) S. 9° 09' 44" E., 15.70 feet;
(26) S. 28° 23' 35" E., 21.03 feet;
(27) S. 39° 50' 21" E., 174.51 feet;
(28) S. 43° 57' 47" E., 31.26 feet;
(29) S. 77° 11' 45" E., 22.56 feet;
(30) N. 65° 12' 46" E., 108.23 feet;
(31) Thence, leaving said last natural ordinary high
water mark, S. 36° 36' 44" E., 124.63 feet to the last natural
ordinary high water mark;

Thence, along said last natural ordinary high water mark,
the following courses and distances:
(32) S. 24° 50' 07" W., 246.65 feet;
(33) S. 29° 55' 09" W., 122.30 feet;
(34) Thence, S. 43° 58' 04" W., 42.12 feet to a point that bears S. 37° 07' 59" E. from the true point of beginning;
(35) Thence, leaving said last natural ordinary high water mark, N. 37° 07' 59" W., 632.60 feet to the TRUE POINT OF BEGINNING.

Lands abutting said freeway shall have no right or easement of access thereto except over and across course (1) above to a 50.00 foot opening in the freeway opposite Engineer's Station 133+00.00 P.O.T. of said Control Line.

The bearings and distances used in the above description are on the California Co-ordinate System, Zone 1. Multiply distances shown by 1.0001052 to obtain ground distances.