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CITY OF EUREKA

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HUMBOLDT COUNTY RECORDS  
EMMA COYALCALA, RECORDER

(13) *[Signature]*  
FRED J. MOORE, JR. DEPUTY  
COUNTY CLERK

FILED  
JAN 31 1974  
By: *[Signature]*  
DEPUTY

- 1 EVELLE J. YOUNGER, Attorney General  
of the State of California.
- 2 DENNIS M. EAGAN  
Deputy Attorney General
- 3 6000 State Building  
San Francisco, California 94102
- 4 Telephone: 415-557-3650
- 5 Attorneys for Defendant  
State of California

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF HUMBOLDT

11 THE PEOPLE OF THE STATE OF CALIFORNIA, )  
12 etc. )  
13 )  
14 )  
15 )  
16 )

Plaintiff,

vs.

W. A. ROBINSON, et al., )  
Defendants. )

No. 47736

STIPULATION FIXING  
BOUNDARY LINE OF  
SWAMP AND OVERFLOWED  
LANDS LOCATION NO.  
3540 AND MORE  
PRECISELY DESCRIBING  
PARCEL 8

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

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

WHEREAS, lands abutting that portion of the ordinary  
high water mark of Humboldt Bay affected by this Stipulation, as

The within instrument is a full, true  
and correct copy of the original and  
file in this office.

ATTEST:

FRED J. MOORE, JR. 31

County Clerk and ex-officio Clerk of  
the Superior Court of the State of  
California, and for the County of  
Humboldt.

*[Signature]*  
Deputy Clerk

Deputy Clerk

1 said ordinary high water mark last existed in a state of nature,  
2 unaffected by artificial influences, were patented into private  
3 ownership as Swamp and Overflowed Lands Location No. 3540,  
4 recorded in Book 18 of Patents, Page 18, in the Office of the  
5 County Recorder of Humboldt County; and

6           WHEREAS, all right, title and interest of the State in  
7 that portion of Humboldt Bay affected by this Stipulation  
8 was granted by the State to the City, in trust, by Statutes of  
9 1945, chapter 225; Statutes of 1970, chapter 1086; and Statutes  
10 of 1971, chapter 1001, subject to certain exceptions, reservations,  
11 terms, and conditions set forth in said Statutes, and subject to  
12 the public trust and easement for commerce, navigation, and  
13 fishery; and

14           WHEREAS, the boundary between said patented lands and  
15 the sovereign lands in Humboldt Bay is the ordinary high water  
16 mark of Humboldt Bay as it last existed in a state of nature, un-  
17 affected by artificial influences; and

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

30           WHEREAS, W. A. Robinson, Frank M. Turner, Frank Ray,  
31 and Harvey G. Harper claim ownership, as successors in interest

1 to the original patentee, of said patented lands; and

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

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

19           WHEREAS, the parties hereto have attempted in good faith  
20 to determine the boundary between said patented lands and the lands  
21 held by the City, in trust, for the purpose of entering into this  
22 compromise and settlement agreement and the parties believe it is  
23 expedient and necessary within the meaning of Public Resources  
24 Code §6357 and in the best interest of the State, the City, the  
25 private parties hereto, and the public to avoid the time, expense  
26 and uncertainty of litigation by stipulating to: (1) the location  
27 of the last natural position of the ordinary high water mark,  
28 unaffected by artificial influences, in this area, thereby  
29 describing, determining, and fixing permanently by stipulation,  
30 the boundary between said patented lands and the lands held by  
31 the City, in trust, in Humboldt Bay by virtue of the aforementioned

1 statutes; and (2) a more precise description of Parcel 8 and hence  
2 of the lands which are privately owned and for which just compensa-  
3 tion is therefore due;

4 NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:

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

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

16 3. The lands adjacent to and waterward of said boundary  
17 are owned in fee simple by the City of Eureka, in trust, by virtue  
18 of the grant to the City from the State by Statutes of 1945,  
19 chapter 225; Statutes of 1970, chapter 1086; and Statutes of  
20 1971, chapter 1001, subject to certain exceptions, reservations,  
21 terms and conditions set forth in said statutes, and subject to  
22 the public trust and easement for commerce, navigation, and fishery.

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


28 5. Parcel 8 does not include within it any lands outside  
29 the boundaries of Swamp and Overflowed Lands Location No. 3540,  
30 nor does it include any lands within the aforementioned grant to  
31 the City of Eureka.


1           6. It is expressly understood by the parties hereto  
2 that this Stipulation has been entered into for the purpose of  
3 compromising and settling the boundary line between the lands  
4 solely of the parties hereto. The boundary line stipulated to  
5 herein shall not constitute any admission by any of the parties  
6 hereto, nor is it to be construed as any expression on the part  
7 of any of the parties hereto as to the location of any other  
8 interests of any of the parties hereto in lands in or adjacent  
9 to Humboldt Bay. Specifically, the City and the State are  
10 currently parties to other litigation concerning lands in or  
11 adjacent to Humboldt Bay, and this Stipulation shall not be  
12 construed in any way as limiting or inhibiting in any way the  
13 contentions which the City and the State may wish to make in that  
14 litigation concerning the location of pertinent boundaries, or  
15 ~~the character or extent of interests in real property, having~~  
16 particular regard to the existence of and effect upon such  
17 boundaries or interests of artificial or natural influences  
18 within Humboldt Bay.

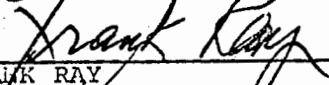
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7. The parties hereto hereby consent to the entry of all orders and judgments necessary to effectuate this Stipulation, including an order by the court that the provisions of this Stipulation contained in paragraphs 1 through 5, inclusive, shall be incorporated into the final judgment in this action.

DATED: Jan 22, 1974 1974   
W. A. ROBINSON

DATED: Jan 22, 1974 1974   
FRANK M. TURNER

DATED: 1/22 1974   
FRANK RAY

DATED: 1/22 1974   
HARVEY G. HARPER


DATED: 1/22 1974 MITCHELL, DEDEKAM & ANGELL

By   
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

  
DENNIS M. EAGAN  
Deputy Attorney General

Attorneys for Defendant and Cross-Defendant State of California, acting by and through the State Lands Commission

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DATED: January 22, 1974

MELVIN S. JOHNSEN  
City Attorney

By Melvin S. Johnson

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  
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

10643

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° 08' 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;

HUMBOLDT A



- (16) Thence, N. 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° 58' 22" W., 55.70 feet;
- (20) Thence, N. 37° 41' 22" E., 43.34 feet;
- (21) Thence, N. 53° 22' 32" 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. 36° 01' 39" E., 13.60 feet;
- (30) Thence, W. 31° 44' 28" E., 25.28 feet;
- (31) Thence, N. 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, S. 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;

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- (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., 78.50 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-Mum-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;

EXHIBIT B

10643

- (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. 47° 38' 33" E., 23.01 feet;
- (18) S. 56° 43' 30" E., 76.55 feet;
- (19) N. 67° 22' 48" E., 6.50 feet;
- (20) N. 36° 58' 22" W., 55.70 feet;
- (21) N. 37° 41' 22" E., 1.74 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:

RECORDED  
 The within instrument is a full, true and correct copy of the original as filed in this office.  
 ATTEST: JUN 18 1974  
 FRED J. MOORE, JR.  
 County Clerk and ex-officio Clerk of the Superior Court of the State of California, in and for the County of Humboldt.  
 By *Fred J. Moore, Jr.*  
 Deputy Clerk

10643

- (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.

