

MINUTE ITEM

3/26/70
VJB

23. EXCHANGE OF INTERESTS IN LANDS AND BOUNDARY AGREEMENT WITH SAN GABRIEL RIVER IMPROVEMENT COMPANY, THE DOW CHEMICAL COMPANY, THE EAST NAPLES LAND COMPANY AND OTHERS; CITY OF SEAL BEACH, COUNTY OF ORANGE - S.L.L. 51, W-8706, B.L.A. 120; AND AUTHORIZATION FOR ISSUANCE OF 66-YEAR LEASE, ORANGE COUNTY; SAN GABRIEL RIVER IMPROVEMENT COMPANY - W-8706, P.R.C. 4432.1.

After consideration of Calendar Item 22 attached, and upon motion duly made and carried, the following resolution was adopted, with Commissioner Reinecke abstaining from voting because of a possible conflict of interest:

THE COMMISSION:

1. AUTHORIZES THE EXECUTION OF SEAL BEACH BOUNDARY AGREEMENT NO. 4 BETWEEN THE STATE, SAN GABRIEL RIVER IMPROVEMENT COMPANY, AND OTHERS, WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.
2. FINDS, PURSUANT TO THE PROVISIONS OF SECTION 6307 OF THE PUBLIC RESOURCES CODE, THAT THE EXCHANGE OF INTERESTS IN LANDS SET FORTH IN THE AGREEMENT REFERRED TO IN PARAGRAPH 3 BELOW IS IN THE BEST INTERESTS OF THE STATE, FOR AID IN RECLAMATION, AND WILL NOT SUBSTANTIALLY INTERFERE WITH NAVIGATION, OR FISHING, AND THAT INTERESTS IN THE LANDS TO BE EXCHANGED ARE OF EQUAL VALUE.
3. AUTHORIZES THE EXECUTION OF THE EXCHANGE AGREEMENT BETWEEN THE STATE, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, THE DOW CHEMICAL COMPANY, EAST NAPLES LAND COMPANY, AND SAN GABRIEL RIVER IMPROVEMENT COMPANY, WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.
4. AUTHORIZES THE EXECUTION OF A PATENT, TO THE PARTIES SPECIFIED IN THE AGREEMENT REFERRED TO IN PARAGRAPH 3 ABOVE, WITHOUT THE RESERVATION OF MINERAL INTERESTS OF PARCELS 4, 5, 6, 7, AND 8 DESCRIBED IN SAID AGREEMENT REFERRED TO IN PARAGRAPH 3 ABOVE, PURSUANT TO THE TERMS OF SAID AGREEMENT.
5. AUTHORIZES THE ACCEPTANCE OF CONVEYANCES FROM SAN GABRIEL RIVER IMPROVEMENT COMPANY TO THE STATE OF PARCELS 2 AND 3 DESCRIBED IN THE AGREEMENT REFERRED TO IN PARAGRAPH 3 ABOVE, PURSUANT TO THE TERMS OF SAID AGREEMENT.
6. FINDS THAT UPON THE DELIVERY OF THE PATENT, AS SET FORTH IN PARAGRAPHS 3 AND 4 ABOVE, PARCELS 4, 5, 6, 7, AND 8 HAVE BEEN IMPROVED, FILLED, AND RECLAIMED AND HAVE THEREBY BEEN EXCLUDED FROM THE PUBLIC CHANNELS AND ARE NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION, AND FISHING, AND ARE NO LONGER IN FACT TIDELANDS OR SUBMERGED LANDS AND THEREFORE SHALL THEN BE FREED FROM THE PUBLIC TRUST FOR COMMERCE, NAVIGATION, AND FISHING.

7. AUTHORIZES THE EXECUTION OF A LEASE OF PARCELS 1, 2, AND 3 BETWEEN THE STATE AND SAN GABRIEL RIVER IMPROVEMENT COMPANY FOR A PERIOD OF SIXTY-SIX YEARS COMMENCING APRIL 15, 1970, A COPY OF SAID LEASE BEING AN EXHIBIT TO THE EXCHANGE AGREEMENT REFERRED TO IN PARAGRAPH 3 ABOVE WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AND FIND THAT THE SIXTY-SIX YEAR PERIOD OF THE AFOREMENTIONED LEASE IS WITHIN THE MAXIMUM ALLOWED BY COMMISSION REGULATIONS.

8. AUTHORIZES THE EXECUTIVE OFFICER AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THIS TRANSACTION, INCLUDING BUT NOT LIMITED TO LEGAL PROCEEDINGS TO APPROVE OR CONFIRM THE FOREGOING TRANSACTION.

Attachment

Calendar Item 22 (3 pages)

Minute item <u>23</u>	page <u>221-223</u>	meeting of <u>3/26/70</u>	AMENDED
by minute <u>item</u>	<u>page 448-452</u>	meeting of <u>5/28/70</u>	(initials) <u>J</u>
CALENDAR ITEM			

3/70
VJB

PROPOSED EXCHANGE OF INTERESTS IN LANDS AND BOUNDARY AGREEMENT WITH SAN GABRIEL RIVER IMPROVEMENT COMPANY, THE LOW CHEMICAL COMPANY, THE EAST NAPLES LAND COMPANY AND OTHERS; CITY OF SEAL BEACH, COUNTY OF ORANGE - S.L.L. 51, W-8706, B.L.A. 120.

A portion of what was originally Alamitos Bay is located within the City of Seal Beach. As an adjunct to the Alamitos Bay Boundary Investigation, which is being conducted jointly by the City of Long Beach and State, the State Lands Commission has been settling related problems pertaining to the bay located in the City of Seal Beach.

Previously, the Commission approved two boundary line agreements that reestablished the boundaries of Rancho Los Alamitos around the former portion of Alamitos Bay in Seal Beach (Seal Beach Boundary Agreement No. 2), and partially reestablished the common boundaries between lands included within Tide Land Location No. 137 and sovereign lands remaining in State ownership (Seal Beach Boundary Agreement No. 3).

The present proposed transaction is a further step in the resolution of title and boundary problems in the Seal Beach portion of the area formerly occupied by Alamitos Bay, through a boundary agreement and exchange of interests in lands.

Seal Beach Boundary Line Agreement No. 4, authorization for which is herein requested, will further define the State's ownership of sovereign lands within the former bed of the New San Gabriel River, as well as agreeing that certain lands abutting the former bed were included within Tide Land Location No. 137 (Tide Land Survey No. 106). The basis for the common boundary lines to be agreed upon, which will reestablish and fix the respective interests of the parties, is the State Lands Division's 1966 resurvey of the Tide Land Location. It is the only complete resurvey of that location since it was originally surveyed in 1885-86. Due to extensive man-made changes, such as filling of lands and relocation of the river, and avulsive changes occurring over the years, the State's resurvey appears to be a reasonable basis for reestablishing the boundaries agreed upon in the subject agreement.

Both Seal Beach Boundary Agreement No. 3 and the proposed Seal Beach Boundary Agreement No. 4 specifically provide that the lands agreed to have been located within Tide Land Location No. 137, and were conveyed by the State subject to an easement of commerce, navigation, and fisheries.

The private owners of certain portions of the real property included within Tide Land Location No. 137 in Seal Beach now desire to have their respective interests freed of the easement of commerce, navigation, and fisheries. To accomplish this, the second part of the present transaction concerns an exchange by the State of its easement rights for the fee ownership of certain lands of the private parties. The proposed exchange will be accomplished pursuant to provisions of Section 6307 of the Public Resources Code.

A 39, 70
S 34, 37

The lands as to which the easement will be lifted, pursuant to the proposed exchange, have been filled and reclaimed since prior to 1934. The New San Gabriel River, which once flowed uncontrolled past certain of the affected parcels of real property, has been relocated into an artificially cut channel constructed by the Los Angeles County Flood Control District. Due to this relocation and construction of improvements to contain the artificial channel, public access to the river from the subject parcels is no longer available. For many years the Dow Chemical Company had an extensive iodine manufacturing facility on one of the affected parcels. The facility recently was demolished in preparation for the construction of approximately 500 apartment units. Two of the remaining parcels are occupied by a trailer park, house, and commercial building. The other parcels as to which the easement is to be lifted are vacant, but were formerly occupied by railroad lines and power transmission facilities.

The lands to be received by the State through the exchange, together with lands recognized as being in State ownership pursuant to Seal Beach Boundary Agreement No. 4, form a consolidated parcel of property that is filled, paved and fenced. No storage buildings are located on the property. The consolidated parcel abuts the Pacific Coast Highway, providing good access to the land. The parcel is so located that at a subsequent time arrangements can be made for it to be used in connection with some water-oriented public use.

The property to be received by the State is presently subject to a lease dated June 10, 1948, with Mary E. Robertson as the present lessee. It expires July 31, 1974, and is being assigned to the State with the State hereafter receiving the rent of \$500.00 per month, according to the terms as modified by an agreement in 1964.

No mineral interests are to be retained in the patent to be issued by the State to accomplish the exchange, because the State previously conveyed the minerals as a part of the fee which passed pursuant to the previous patent of Tide Land Location No. 137 and only the easement for commerce, navigation, and fishing remains in the State prior to the exchange.

An appraisal has been made, which indicates that the State will receive equal value as a result of the exchange.

The Exchange Agreement and the Seal Beach Boundary Agreement No. 4, setting forth the details of both parts of this transaction, are on file in the office of the State Lands Commission and by reference made a part hereof.

This entire matter has been reviewed and approved by the Attorney General.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE EXECUTION OF SEAL BEACH BOUNDARY AGREEMENT NO. 4 BETWEEN THE STATE, SAN GABRIEL RIVER IMPROVEMENT COMPANY, AND OTHERS, WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.

Minute item 23, meeting of 3/26/70 AMENDED
by minute, page 448-52, meeting of 5/28/70. JK
(Initials)

CALENDAR ITEM 22. (CONTD.)

2. FIND, PURSUANT TO THE PROVISIONS OF SECTION 6307 OF THE PUBLIC RESOURCES CODE, THAT THE EXCHANGE OF INTERESTS IN LANDS SET FORTH IN THE AGREEMENT REFERRED TO IN PARAGRAPH 3 BELOW IS IN THE BEST INTERESTS OF THE STATE, IS FOR THE IMPROVEMENT OF NAVIGATION, WILL AID IN RECLAMATION, AND WILL NOT INTERFERE WITH COMMERCE, NAVIGATION, OR FISHING, AND THAT THE INTERESTS IN THE LANDS TO BE EXCHANGED ARE OF EQUAL VALUE.
3. AUTHORIZE THE EXECUTION OF THE EXCHANGE AGREEMENT BETWEEN THE STATE, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, THE DOW CHEMICAL COMPANY, EAST NAPLES LAND COMPANY, AND SAN GABRIEL RIVER IMPROVEMENT COMPANY, WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.
4. AUTHORIZE THE EXECUTION OF A PATENT, TO THE PARTIES SPECIFIED IN THE AGREEMENT REFERRED TO IN PARAGRAPH 3 ABOVE, WITHOUT THE RESERVATION OF MINERAL INTERESTS OF PARCELS 4, 5, 6, 7, AND 8 DESCRIBED IN SAID AGREEMENT REFERRED TO IN PARAGRAPH 3 ABOVE, PURSUANT TO THE TERMS OF SAID AGREEMENT.
5. AUTHORIZE THE ACCEPTANCE OF CONVEYANCES FROM SAN GABRIEL RIVER IMPROVEMENT COMPANY TO THE STATE OF PARCELS 1, 2, AND 3 DESCRIBED IN THE AGREEMENT REFERRED TO IN PARAGRAPH 3 ABOVE, PURSUANT TO THE TERMS OF SAID AGREEMENT.
6. FIND THAT UPON THE DELIVERY OF THE PATENT, AS SET FORTH IN PARAGRAPHS 3 AND 4 ABOVE, PARCELS 4, 5, 6, 7, AND 8 HAVE BEEN IMPROVED, FILLED, AND RECLAIMED AND HAVE THEREBY BEEN EXCLUDED FROM THE PUBLIC CHANNELS AND ARE NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION, AND FISHING, AND ARE NO LONGER IN FACT TIDELANDS OR SUBMERGED LANDS AND THEREFORE SHALL THEN BE FREED FROM THE PUBLIC TRUST FOR COMMERCE, NAVIGATION, AND FISHING.
7. AUTHORIZE THE ACCEPTANCE OF AN ASSIGNMENT OF THE EXISTING LEASE DATED JUNE 10, 1948, AS SUBSEQUENTLY MODIFIED BY AGREEMENTS, OF THE PROPERTY RECEIVED BY THE STATE.
8. AUTHORIZE THE EXECUTIVE OFFICER AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THE AGREEMENT REFERRED TO IN PARAGRAPH 2 ABOVE, INCLUDING BUT NOT LIMITED TO LEGAL PROCEEDINGS TO APPROVE OR CONFIRM THE FOREGOING TRANSACTION.