

MINUTE ITEM

This Calendar item No. 33
was approved as Minute Item
No. 33 by the State Lands
Commission by a vote of 5
0 D at its 4-27-78
meeting.

CALENDAR ITEM

33.

4/78
W 21430
Grimes

AUTHORIZATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING

At its meeting of January 26, 1973 the State Lands Commission approved a boundary settlement and exchange agreement whereby the State became fee owner of a 300 acre parcel along Pacific Coast Highway at Bolsa Chica, Orange County. The State also received a leasehold on a 230 acre parcel, which will pass in fee to the State upon the construction of an opening to the sea. These parcels are leased to the Department of Fish and Game, and are being developed as a game refuge.

By line item 396.5 of the 1977 budget, the Commission received authority to acquire additional lands in the Bolsa Chica area. The authorization carried on appropriation of 4.6 million dollars, subject to a 1 million dollar reimbursement from local agencies.

The staff has made an appraisal of the lands to be acquired and in July 1977 received authority from the Commission to make an offer to Signal Landmark for purchase of the property.

The Bolsa Chica area is an island of county jurisdiction, surrounded on 3 sides by the City of Huntington Beach and on the fourth side by the Pacific Ocean. The area is of great interest to the local population, to environmentalists statewide, to the City of Huntington Beach, the County of Orange, to the State and local coastal commissions and because of State ownership in the area, of great interest to the Commission and the Department of Fish and Game.

The staff appraisal was made at a time when it appeared that the area would be annexed to the City of Huntington Beach. This annexation failed. The allowable uses in the area are uncertain. The county is now under mandate to prepare a local coastal plan for the area. Because of the diverse concerns with the area, Signal Landmark, the main property owner has suggested that an advisory planning group be established for the area.

The staff feels it would be desirable to participate in the group, but has been advised by the Attorney General that there should be a written agreement among the parties that the actions of the group, or members of the group would not give rise to an inverse condemnation action. A Memorandum of Understanding providing this protection has been drafted by the parties to the Study Groups and approval by the Attorney General's Office.

CALENDAR ITEM NO. 33. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO SIGN THE MEMORANDUM OF UNDERSTANDING RELEASING THE COMMISSION FROM THE THREAT OF INVERSE CONDEMNATION WHICH MIGHT ARISE FROM PARTICIPATION IN THE BOLSA CHICA STUDY GROUP.