

MINUTE ITEM

This Calendar Item No. 19
was approved as Minute Item
No. 19 by the State Lands
Commission by a vote of 2
to 0 at its 12-20-79
meeting.

CALENDAR ITEM

19.

12/79
W 2716.725
Taylor
BLA 179

SECOND AMENDMENT OF ALAMITOS BAY BOUNDARY
SETTLEMENT AND EXCHANGE NO. 8

DISCUSSION:

At its June 22, 1978 meeting the Commission approved Calendar Item 34 which authorized the Executive Officer to execute, on behalf of the State Lands Commission, the above entitled Agreement. This Agreement provides for the exchange and conveyancing of certain lands within the Alamitos Bay area of the City of Long Beach, for the settlement of the fee interests of the respective parties, for the termination of the easement and public trust for commerce, navigation and fisheries as to certain portions of said lands, and for execution of all documents and maps necessary to accomplish the provisions of the Agreement in order to confirm, quiet title and exchange the respective interest of the City of Long Beach, as trustee, and of the private parties affected by the Agreement. A more detailed summary of the Agreement and its background is contained in the text of Calendar Item 34 of the Commission's June 1978 meeting on file in the office of the State Lands Commission.

At its November 27, 1978 meeting the Commission authorized certain non-substantive technical corrections and revisions of the Agreement together with an extension for one year of the date by which the Agreement must be executed by all parties thereto.

Since that date, various discussions between the parties have revealed other non-substantive matters needing correction as well as the existence of disputes between the parties over other matters of substantive nature which had not been addressed to the satisfaction of all parties. Further amendment of the Agreement is therefore necessary at this time.

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Under Article 19.1, the Agreement shall become effective after the last of the parties thereto deposit a counterpart in escrow and unless it becomes effective on or before January 1, 1980, it "shall be of no further force and effect whatsoever." While some parties have or are ready to execute the Agreement at this time (neither the City nor State have executed the Agreement), formal approval by other parties will require additional time which will exceed the present termination date. For this reason it is recommended that the Commission approve an extension by 2 years of the date by which the Agreement must be executed by the parties thereto.

Since the Commission's approval of the first amendment of the Agreement, further review of the Agreement by title experts has disclosed certain typographical errors, omissions, and minor ambiguities which should be corrected to eliminate any confusion which may result therefrom. As none of these proposed corrections change the intent or purpose of the Agreement in its original form, it is recommended that the Commission approve these corrections.

Further review of the Agreement by the Attorney General's Office revealed that certain provisions did not adequately provide for the City's and State's mineral related rights in those parcels located in what is referred to as the "Marina Basin Areas." While the purpose of the Agreement is to settle certain outstanding boundary disputes, it had been the understanding among the participants to the negotiations that certain other disputes relating to such things as drill through and drill site rights would be left unsettled by the Agreement. Most of the proposed amendments of a substantive nature would have the effect of changing the Agreement to reflect this understanding and clarify matters relating thereto.

The final proposed substantive amendment would give the City further rights to require that Standard Oil restore Parcel 4B to its natural condition upon cessation of Drilling operations on said Parcel.

The Long Beach City Council is expected to give its approval of these amendments before the end of December.

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CALENDAR ITEM NO. 19. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE AMENDMENTS TO THE ALAMITOS BAY BOUNDARY SETTLEMENT AND EXCHANGE NO. 8.
2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE, ON BEHALF OF THE STATE LANDS COMMISSION OF THE STATE OF CALIFORNIA, THE ALAMITOS BAY BOUNDARY SETTLEMENT AND EXCHANGE NO. 8 AS REVISED.
3. AUTHORIZE THE EXECUTIVE OFFICER, THE STAFF OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER ACTION, INCLUDING BUT NOT LIMITED TO THE EXECUTION OF ALL DOCUMENTS, MAPS AND PLATS AND THE INSTIGATION AND DEFENSE OF LITIGATION, NECESSARY OR REQUIRED TO ACCOMPLISH THE TERMS AND PROVISIONS OF THE ALAMITOS BAY BOUNDARY SETTLEMENT AND EXCHANGE NO. 8 AS REVISED WITHOUT FURTHER AUTHORIZATION OF THE STATE LANDS COMMISSION.
4. REAFFIRM THE FINDINGS AND DETERMINATIONS REGARDING THE ALAMITOS BAY BOUNDARY SETTLEMENT AND EXCHANGE NO. 8 WHICH WERE MADE BY THE COMMISSION AT ITS JUNE 22, 1978, MEETING, SAID FINDINGS AND DETERMINATIONS TO BE EFFECTIVE AT THE TIME AND AS PROVIDED IN THE AFOREMENTIONED AGREEMENT.

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