

MINUTE ITEM

25. CONSIDERATION OF SUBSIDENCE COST PROJECT, LONG BEACH - L.B.W.O. 10,099.

After consideration of Calendar Item 34 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION APPROVES SUCH COSTS PROPOSED TO BE EXPENDED BY THE CITY OF LONG BEACH, INCLUDING SUBSIDENCE REMEDIAL WORK, UNDER PROJECT AS INDICATED ON EXHIBIT "A" ATTACHED AND HEREBY MADE A PART HEREOF, FOR THE FISCAL YEAR JULY 1, 1959 TO JUNE 30, 1960; SUBJECT TO THE CONDITIONS, HOWEVER, THAT THE AMOUNTS, IF ANY, OF EACH OF THE ITEMS TO BE ALLOWED ULTIMATELY AS SUBSIDENCE COSTS, DEDUCTIBLE UNDER SECTION 5(a) OF CHAPTER 29, STATUTES OF 1956, 1ST E.S., WILL BE DETERMINED BY THE COMMISSION UPON AN ENGINEERING REVIEW AND FINAL AUDIT SUBSEQUENT TO THE TIME WHEN THE WORK UNDER ANY OF THESE ITEMS IS COMPLETED AND WHEN THE LOCATION OF THE ORDINARY HIGH WATER MARK HAS BEEN DETERMINED AS THE SHOREWARD LIMIT OF THE PROJECT; THAT THE WORK CONFORM IN ESSENTIAL DETAILS AS TO THE PLANS AND BACKGROUND MATERIAL AS SUBMITTED TO THE COMMISSION; AND THAT THE EXECUTIVE OFFICER, THE ASSISTANT EXECUTIVE OFFICER, OR THE SUPERVISING MINERAL RESOURCES ENGINEER ARE AUTHORIZED TO EXECUTE APPROPRIATE WRITTEN INSTRUMENTS REFLECTING THE COMMISSION'S CONDITIONAL APPROVAL.

Attachment

Calendar Item 34 (2 pages)

CALENDAR ITEM

34.

CONSIDERATION OF SUBSIDENCE COST PROJECT, LONG BEACH - L.B.W.O. 10,099.

As reported to the Commission July 24, 1956 (Minute Item 1, pages 2750-51), Opinion No. 56/145 of June 29, 1956 by the Attorney General indicates that prior approval of the State Lands Commission is required for costs to be expended by the City of Long Beach to remedy and protect against the effects of subsidence of the land surface within the boundaries of the Long Beach Harbor District and within the boundaries of the Long Beach Tidelands situated outside of said Harbor District. The office of the Attorney General has also advised that the Commission may make a conditional prior approval of projects involving subsidence cost expenditures, subject to final approval of allowances after work has been completed and an engineering review and audit have been made, thus qualifying the ultimate audited expenditures for credit in accordance with Chapter 29 of the Statutes of 1956, 1st E.S.

The Commission has approved costs to be expended by the City of Long Beach, including subsidence remedial work, for the 1957-58 Fiscal Year on the "Navy Landing" project on February 11, 1958 (Minute Item 23, pages 3860-62, L.B.W.O. 10,052), and for the 1958-59 Fiscal Year on June 11, 1958 (Minute Item 23, pages 4126-4128, L.B.W.O. 10,075).

The marine work portion of the Navy Landing project (Phase II) has been reviewed by the staff and is considered to include "subsidence costs" as defined in Section 1(f) of Chapter 29, Statutes of 1956, 1st E.S., but not necessarily all of those costs as estimated by the City of Long Beach.

The City of Long Beach estimates the amount of \$2,057,420 to be expended on the surface-improvement portion of the Navy Landing project in the 1959-60 Fiscal Year. The surface improvement is not considered to contain subsidence costs. However, the staff considers it to be a proper expenditure of Tideland Trust Funds, to the extent that construction is confined to the Tidelands area.

IT IS RECOMMENDED THAT THE COMMISSION APPROVE SUCH COSTS PROPOSED TO BE EXPENDED BY THE CITY OF LONG BEACH, INCLUDING SUBSIDENCE REMEDIAL WORK, UNDER PROJECT AS INDICATED ON EXHIBIT "A" ATTACHED AND HEREBY MADE A PART HEREOF, FOR THE FISCAL YEAR JULY 1, 1959 TO JUNE 30, 1960; SUBJECT TO THE CONDITIONS, HOWEVER, THAT THE AMOUNTS, IF ANY, OF EACH OF THE ITEMS TO BE ALLOWED ULTIMATELY AS SUBSIDENCE COSTS, DEDUCTIBLE UNDER SECTION 5(a) OF CHAPTER 29, STATUTES OF 1956, 1ST E.S., WILL BE DETERMINED BY THE COMMISSION UPON AN ENGINEERING REVIEW AND FINAL AUDIT SUBSEQUENT TO THE TIME WHEN THE WORK UNDER ANY OF THESE ITEMS IS COMPLETED AND WHEN THE LOCATION OF THE ORDINARY HIGH WATER MARK HAS BEEN DETERMINED AS THE SHOREWARD LIMIT OF THE PROJECT; THAT THE WORK CONFORM IN ESSENTIAL DETAILS AS TO THE PLANS AND BACKGROUND MATERIAL AS SUBMITTED TO THE COMMISSION; AND THAT THE EXECUTIVE OFFICER, THE ASSISTANT EXECUTIVE OFFICER, OR THE SUPERVISING MINERAL RESOURCES ENGINEER BE AUTHORIZED TO EXECUTE APPROPRIATE WRITTEN INSTRUMENTS REFLECTING THE COMMISSION'S CONDITIONAL APPROVAL.

Attachment
Exhibit "A"

EXHIBIT "A"

LONG BEACH WORK ORDER NO. 10,099 - Project and Estimates Submitted by the City of Long Beach, NAVY LANDING.

<u>ITEM</u>	<u>WORK PROPOSED</u>	<u>CITY OF LONG BEACH ESTIMATED TOTAL PROJECT EXPENDITURES JULY 1, 1959 TO JUNE 30, 1960</u>	<u>ESTIMATED SUBSIDENCE COSTS</u>
1	NAVY LANDING Phase II (Marine Work) ("2nd Phase")	\$257,700*	\$99,730 (38.7%)

* This amount includes contract cost and engineering, inspection and surveying costs.

Note:

1. The term "1st Phase" consists of costs of preliminary work expended subsequent to review of preliminary plans and/or other adequate description. (Typical "1st Phase" costs are engineering design, contract administration and advertising, preparation of site by City of Long Beach forces.) For work within the same approved time period by excess of "1st Phase" approved costs over actual expenditures may be added to "2nd Phase" approvals after date of "2nd Phase" approvals.
2. The term "2nd Phase" consists of additional costs approved subsequent to review of detail construction plans, and/or other data sufficient to guide construction operations.