MINUTE ITEM

2/22/73
FDU

16. APPROVAL OF SECOND AMENDMENT TO McGRATH-MACCO BOUNDARY SETTLEMENT AND EXCHANGE AGREEMENT WITH THE COMMISSION, CITY OF LONG BEACH, SECURITY PACIFIC BANK, McGRATH TESTAMENTARY TRUST AND MARINA PACIFICA, LONG BEACH, LOS ANGELES COUNTY - W 2716.700.

After consideration of Calendar Item 14 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. APPROVES THE SECOND AMENDMENT OF THE McGRATH-MACCO BOUNDARY SETTLEMENT AND EXCHANGE AGREEMENT AND ALL ACTS TO BE TAKEN BY THE CITY OF LONG BEACH, AS TRUSTEE, PURSUANT THERETO.

2. AUTHORIZES THE EXECUTION OF SAID SECOND AMENDMENT BY THE COMMISSION, CITY OF LONG BEACH, McGRATH TESTAMENTARY TRUST, SECURITY PACIFIC BANK, AND MARINA PACIFICA.

3. AUTHORIZES THE STATE LANDS DIVISION AND OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE ABOVE TRANSACTION INCLUDING, BUT NOT LIMITED TO, APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT BY SUCH TRANSACTION.

Attachment:
Calendar Item 14 (2 pages)

A 39
S 37

CALENDAR ITEM

2/73
FDU
W 2716.700

14.

SECOND AMENDMENT TO
McGRATH-MACCO BOUNDARY SETTLEMENT AND EXCHANGE
AGREEMENT WITH CITY OF LONG BEACH, SECURITY
PACIFIC BANK, McGRATH TESTAMENTARY TRUST AND
MARINA PACIFICA, LONG BEACH, LOS ANGELES COUNTY

On August 28, 1968, the Commission approved the McGrath-Macco Boundary Settlement and Exchange agreement as part of the resolution of certain title and boundary problems existing in the Alamitos Bay area of the City of Long Beach. The agreement was made pursuant to the provisions of Chapter 1688, Statutes of 1965, which requires Commission approval of such settlements.

The California Supreme Court in City of Long Beach v. Mansell, 3 Cal. 3d 462 (1970), sustained the validity of the statute and approved the agreement.

By said agreement, the City of Long Beach received as an asset of the tideland trust, parcels of real property abutting Cerritos Channel for future use as public parks and marinas. The City also received easements for convenient public access to said parcels across the McGrath property. The specific location of such access ways was left to future agreement between the City, McGrath and the State.

Since the time of the original agreement, the proposed development plans for the private property within the McGrath area has changed from what was originally contemplated. In addition, the private parties desire that the City's access rights be specifically defined. As a part of negotiations, the City has agreed to a specific definition of access rights and in return for this the McGrath Trust has agreed to provide additional real property to the City for the consolidation of the City parcels on both sides of Cerritos Channel and the reconfiguration of the City's Parcel Q which will add additional lands to the City parcel. As a part of the reconfiguration of Parcel Q, the City will give up two small slivers of property having a net area of approximately one-half acre.

More specifically, the agreement provides for the McGrath Testamentary Trust to convey to the City an additional net acreage of 1.6045 acres of real property which will increase the lineal footage of water frontage suitable for public wharves by 436.36 feet, and will allow for the increase of the number of future public boat slips from 92 to 120, plus an additional area suitable for the public boat slips adjacent to Parcel Q. The proposed amended agreement also provides for specific identification of roadways connecting the City trust parcels to allow public access thereto, and provides that Marina Pacifica will pay one-half of the cost of improving such access for paving and related work. The McGrath Trust agrees to do certain dredging and bulkheading work for the City as a part of the transaction and an access way from

A 39
S 37

Cerritos Channel to the McGrath property is relocated by the Second Amendment. The attached exhibits show the effects of the proposed amendment.

The proposed boundary settlement and exchange agreement is exempt from the provisions of Section 6371 of the Public Resources Code relating to environmental impact reports. It should be noted, however, that environmental impact reports concerning this project have been prepared by the City of Long Beach and an additional report has been prepared in the process of obtaining a U.S. Army Corps of Engineers permit for certain dredging work.

In respect to the development of the private lands under the amended agreement, it does not appear that the Coastal Zone Conservation Act is applicable because a building permit for such construction was issued by the City prior to November 8, 1972, and substantial construction was performed pursuant to said permit prior to that date. (See Section 27404 of said Act.) As far as the development of the City lands under said agreement are concerned, the City intends to make appropriate application to the South Coast Regional Commission in connection with City development.

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

EXHIBITS:
A. Site Map.
B. Former Proposed McGrath-Macco Development.
C. Marina Pacifica Development.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE SECOND AMENDMENT OF THE McGRATH-MACCO BOUNDARY SETTLEMENT AND EXCHANGE AGREEMENT AND ALL ACTS TO BE TAKEN BY THE CITY OF LONG BEACH, AS TRUSTEE, PURSUANT THERETO.

2. AUTHORIZE THE EXECUTION OF SAID SECOND AMENDMENT BY THE COMMISSION, CITY OF LONG BEACH, McGRATH TESTAMENTARY TRUST, SECURITY PACIFIC BANK, AND MARINA PACIFICA.

3. AUTHORIZE THE STATE LANDS DIVISION AND OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE ABOVE TRANSACTION INCLUDING, BUT NOT LIMITED TO, APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT BY SUCH TRANSACTION.