

26. BOUNDARY SETTLEMENT AGREEMENT WITH CITY OF LONG BEACH, SAN GABRIEL RIVER IMPROVEMENT CO., MARINA PACIFICA, WELLS FARGO MORTGAGE INVESTORS, FIRST AMERICAN TITLE INSURANCE COMPANY, AND THOSE OTHER PARTIES WHICH EXECUTE THE AGREEMENT--ALAMITOS BAY BOUNDARY SETTLEMENT AGREEMENT NO. 9, LOS ANGELES COUNTY - W 2716.724.

After consideration of Calendar Item 25 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. APPROVES THE ALAMITOS BAY BOUNDARY SETTLEMENT AGREEMENT NO. 9 (BLA 143) AND AUTHORIZES ITS EXECUTION ON BEHALF OF THE COMMISSION; THE AGREEMENT BEING ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.
2. MAKES THE FINDINGS AND DETERMINATIONS REQUIRED BY SECTION 2b OF CHAPTER 1688, STATUTES OF 1965, CONTAINED IN PARAGRAPH 19 OF ALAMITOS BAY BOUNDARY SETTLEMENT AGREEMENT NO. 9; SUCH FINDINGS AND DETERMINATIONS TO BE EFFECTIVE AT THE TIME AND AS PROVIDED IN THE AFOREMENTIONED AGREEMENT.
3. AUTHORIZES THE STATE LANDS DIVISION ON BEHALF OF THE COMMISSION TO TAKE ALL FURTHER ACTION AND EXECUTE ALL DOCUMENTS, MAPS OR PLATS NECESSARY OR REQUIRED TO ACCOMPLISH THE TERMS AND PROVISIONS OF THE ALAMITOS BAY BOUNDARY SETTLEMENT AGREEMENT NO. 9.
4. AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL TO REPRESENT THE COMMISSION IN ANY AND ALL MATTERS INCLUDING BUT NOT LIMITED TO LITIGATION CONCERNING ALAMITOS BAY BOUNDARY SETTLEMENT AGREEMENT NO. 9.

Attachment:

Calendar Item 25 (2 pages)

BOUNDARY SETTLEMENT AGREEMENT WITH CITY OF LONG BEACH,  
 SAN GABRIEL RIVER IMPROVEMENT CO., MARINA PACIFICA,  
 WELLS FARGO MORTGAGE INVESTORS, FIRST AMERICAN TITLE  
 INSURANCE COMPANY, AND THOSE OTHER PARTIES WHICH  
 EXECUTE THE AGREEMENT--ALAMITOS BAY BOUNDARY SETTLEMENT  
 AGREEMENT NO. 9, LOS ANGELES COUNTY

By Chapter 102, Statutes of 1925, and Chapter 158, Statutes of 1935, as amended and supplemented, the State granted to the City of Long Beach in trust all tide and submerged lands located within the boundaries of the City. These statutes failed to define the boundaries of land conveyed. The Legislature in 1957 passed Chapter 2000 of the Statutes of that year requiring the State Lands Commission to survey, monument and plat the lands conveyed by the aforementioned statutes.

In the course of investigation of title and boundary problems in the Alamitos Bay area of Long Beach, it was determined that special legislation was required to solve the problems presented. Such legislation was enacted by the Legislature and is now Chapter 1688, Statutes of 1965. The validity of this legislation was upheld, and the type of boundary settlement agreement involved in the current transaction was approved by the California Supreme Court in the case of City of Long Beach v. Mansell, 3 Cal. 3d 462. This transaction is a further step in the completion of the resolution of title and boundary problems in the Alamitos Bay area.

The proposed agreement No. 9 concerns lands immediately southwesterly of the Pacific Coast Highway between the Los Cerritos Channel and an area just northerly of Second Street in the Alamitos Bay area of the City of Long Beach. Private title in the area affected by the agreement is by virtue of a portion of the area being located within the perimeter description of State Tide Land Location No. 137 (a Patent having been issued as a result). The portion of Los Cerritos Channel within the agreement area was not included within the perimeter description of the Tide Land Location, and therefore is owned free of any private interest by the City of Long Beach, in trust, pursuant to the aforementioned statutory conveyances. Because of extensive physical changes in the area caused by man and failure to perpetuate an agreed location of the boundaries of said Tide Land Location, there is considerable doubt and uncertainty as to the location of the boundary of the Tide Land Location along Los Cerritos Channel. The proposed agreement fixes the location of the boundary of the tideland patent along the affected portion of Los Cerritos Channel in accordance with a resurvey of said Tide Land Location made by the State Lands Division. In consideration for the boundary agreement and termination of the public trust easement of commerce, navigation and fisheries over lands included within the patented lands located within the Tide Land Location, the private parties will convey to the City, as trustee pursuant to the

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statutory conveyances, lands between the agreed boundary and proposed bulkhead line of Los Cerritos Channel, a ten foot wide easement on top of said bank for public access, an area for a restroom, shower and utility building, another area for public parking of at least 32 parking stalls and an access way from all of these facilities to Pacific Coast Highway. (The areas to be conveyed by the private parties to the City have a total acreage of 1.14 acres.) As a result of this transaction, the City will obtain public access to the entire length of Los Cerritos Channel within the agreement area and intends to develop this area with approximately 32 public boat slips to help alleviate the shortage of such ships in the Alamitos Bay area.

The settlement agreement also provides for the State Lands Commission pursuant to the directive set forth in Section 2b of Chapter 1688 to find that certain privately-owned lands within the settlement area are no longer subject to the easement of commerce, navigation and fisheries.

This agreement is exempt from the provisions of Section 6371 of the Public Resources Code relating to environmental impact reports. This matter has been reviewed by the Office of the Attorney General and has received the concurrence of that office.

EXHIBITS:      A. Site Map.                      B. Agreement Maps.

IT IS RECOMMENDED THAT THE COMMISSION:

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