

MINUTE ITEM

This Calendar Item No. 32
was approved as Minute Item
No. 32 by the State Lands
Commission by a vote of 3
to 0 at its 4/25/85
meeting.

MINUTE ITEM

32

04/25/85
W 23178
Jaggese
Horn
Fossum

Proposed Settlement
City of Long Beach
Board of Harbor Commissioners
State of California

After approval of Minute Item 32, Carolyn Sutter, General
Manager, Tidelands Agency, City of Long Beach, appeared to
thank the Commission and staff for their efforts during the
resolution of this matter.

Chairman Cory thanked Ms. Sutter for her appearance.

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CALENDAR ITEM

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PROPOSED SETTLEMENT
CITY OF LONG BEACH,
BOARD OF HARBOR COMMISSIONERS,
STATE OF CALIFORNIA

The proposed settlement resolves issues of the status of City-owned lands within the Harbor District, as well as other City property, upon which trust revenues have been expended for acquisition, operation, maintenance or improvements. Long Beach believes that it holds fee title to and other interests in certain lands located within the Harbor District of the City in its proprietary capacity pursuant to the 1970 decree of the Superior Court in People of the State of California, et al v. City of Long Beach, a municipal corporation, et al, No. 649466 and People of the State of California, et al v. City of Long Beach, a municipal corporation, et al, No. 747562 (1970).

The City also claims to hold fee title to and other interests in certain uplands located within the City of Long Beach in its proprietary capacity by virtue of its having expended municipal funds to purchase or acquire such lands and interests.

The staff of the Commission contends that all of the property, interests in property and improvements hereon, located within the Harbor District in the City of Long Beach to which the City claims ownership in its proprietary capacity, were previously determined to be held by the City in its capacity as tidelands trustee by reason of the stipulated decree approved by the Legislature in Chapter 29, Statutes of 1956, in the Action filed in the Los Angeles Superior Court entitled People of the State of California, et al v. City of Long beach, a municipal corporation, et al, No. 649466 (1956 Act and Decree).

(ADDED 04/25/85)

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In order to avoid protracted and costly litigation to determine the true status of these lands, the staffs of the City and State have agreed to propose settlement by agreement of these and other issues involving the interrelationships of Chapter 29 of the Statutes of 1956, First Extraordinary Session, the Decree entered pursuant to that Act, Chapter 138 of the Statutes of 1964, First Extraordinary Session; the Settlement Agreement of October 27, 1966; the Decree entered on February 27, 1970 settling Los Angeles Superior Court cases No. 649466 and 747562; and the expenditure of tideland trust moneys to acquire, improve and/or operate and maintain properties for trust purposes which the City claims to own in its proprietary capacity and the expenditures of City general funds on tideland trust lands, assets and other matters.

The City, acting by and through its Board of Harbor Commissioners, has recently acquired certain lands in its tidelands trust capacity in order to construct a World Trade Center. City holds in its proprietary capacity other nearby lands which it proposes to dedicate as an asset of the tidelands trust in order to complete the assembly of all lands needed to accommodate the World Trade Center.

As an additional part of this settlement, City will transfer \$2,805,000 from the Harbor Revenue Fund of City, a tidelands trust fund, to the Tideland Operating Fund, also a tidelands trust fund, to be used for appropriate trust purposes.

The settlement agreement, as proposed, is on file in the Sacramento office of the State Lands Commission. This settlement has been reviewed and approved in substance by the City Attorney of Long Beach, by the Attorney General's Office and State Lands Commission staff, and it is the recommendation of the staff that the agreement be approved by the Commission.

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutory exempt project. The project is exempt because it involves settlements of title and boundary problems.

(ADDED 04/25/85)

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IT IS THEREFORE RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. FIND THAT THE SETTLEMENT IS IN THE BEST INTEREST OF THE STATE AND FOR THE IMPROVEMENT OF THE OPERATION AND MANAGEMENT OF THE PORT OF LONG BEACH AND LONG BEACH CITY TIDELANDS.
3. FIND THAT, CONSISTENT WITH THE TERMS OF THE AGREEMENT, THERE BE NO TRANSFERS OF FUNDS FROM THE HARBOR REVENUE FUND OF THE CITY TO THE TIDELAND OPERATING FUND OF THE CITY UNTIL THE AGREEMENT BECOMES EFFECTIVE BY ITS EXECUTION BY THE LAST OF THE SIGNATORIES THERETO.
4. AUTHORIZE THE EXECUTION AND RECORDATION OF THE SUBJECT AGREEMENT ON BEHALF OF THE COMMISSION BETWEEN THE CITY OF LONG BEACH, THE LONG BEACH BOARD OF HARBOR COMMISSIONERS AND STATE LANDS COMMISSION IN SUBSTANTIALLY THE FORM OF THE AGREEMENT ON FILE IN THE SACRAMENTO OFFICE OF THE STATE LANDS COMMISSION.
5. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE TERMS AND PROVISIONS OF THIS AGREEMENT INCLUDING APPEARANCES IN ANY LEGAL PROCEEDING TO FINALIZE THE AGREEMENT.

(ADDED 04/25/85)

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