

MINUTE ITEM
This Calendar Item No. 1
was approved as Minute Item
No. 1 by the State Lands
Commission by a vote of 3
to 0 at its 2-26-88
meeting.

CALENDAR ITEM

01

A 58

S 29

02/26/83
W 2716.700
W 10228
BLA 101
G-05-03
Taylor
Saggese.
Fossum

APPROVAL AND AUTHORIZATION FOR EXECUTION
OF THIRD AMENDMENT TO MCGRATH-MACCO
BOUNDARY SETTLEMENT AND EXCHANGE AGREEMENT (BLA 101)
BETWEEN BRACON CORPORATION, FIELDSTONE COMPANY
CITY OF LONG BEACH, AND THE STATE LANDS COMMISSION
INVOLVING LANDS IN THE CITY OF LONG BEACH,
COUNTY OF LOS ANGELES

APPLICANT: Mr. Bill Keiser, Deputy City Attorney
City of Long Beach
333 W. Ocean Boulevard
Long Beach, California 90802

On August 28, 1968, the Commission, by Minute Item No. 64, 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. By said agreement, the City of Long Beach received, as an asset of the tideland trust, parcels of real property abutting the 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 accessways was left to future agreement between the City, McGrath, and the State.

Because of unexpected delays resulting from litigation, the Commission approved the First Amendment to the McGrath-Macco Agreement which amendment extended the time in which to effectuate the 1968 agreement, by Minute Item #1 at its July 15, 1970 meeting.

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Thereafter, 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.

Since the time of the original agreement and the First Amendment, the proposed development plans for the private property within the McGrath area changed from what was originally contemplated. In addition, the private parties desired that the City's access rights be specifically defined. As a result of negotiations, the City agreed to a specific definition of access rights and in return for this, the McGrath Trust 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 added additional lands to the City parcel. As a part of the reconfiguration of Parcel Q, the City gave up two small slivers of property having a net area of approximately one-half acre. These modifications are reflected in the Second Amendment to the Agreement, approved by the Commission pursuant to Minute Item #16, at the Commission's February 22, 1973 meeting.

The present owner of the property, Bracton Corporation, which is a successor-in-interest to the private party signatories of the McGrath-Macco Settlement and Exchange Agreement and its Amendments, now proposes to convey its interest to the Fieldstone Company. As part of the present plans for development of the property, a resubdivision of the area is proposed (see Exhibit "A"). That resubdivision, which has been approved by the City of Long Beach, calls for relocation of the public accessways to the public trust parcels on the Carritos Channel (Exhibit "C"). In addition, the Private Parties will improve that access, a five-foot pedestrian walkway, connecting the Marine Stadium area to the trust parcels, a block wall separating the private property from the public trust parcels, and provide an additional emergency access roadway. A contribution by the Private Parties of an amount not to exceed \$200,000 for improvement of the trust parcels is provided for in the resubdivision. The Third Amendment (a copy of which is on file in the Sacramento office of the Commission) provides for the conveyance or dedication, and improvement of the accessways, construction of the block wall, and improvements by the City of the trust parcels. Finally, the amendment provides for approval of the City's plans for development of the trust parcels and the expenditure by the City of tideland trust revenues of up to \$500,000 pursuant to Chapter 138, Statutes of 1963.

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

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that: 1) its consideration of the amendment to the Agreement 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; and 2) its consideration of the expenditure of tideland oil revenues by the City is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA guidelines.

Authority: P.R.C. 21080.11.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

2. In taking action on this staff recommendation the Commission is acting pursuant to its authority pursuant to Chapter 138, Statutes of 1964, FIRST EX. SESSION and Chapter 1688, Statutes of 1965.

EXHIBITS:

- A. Spinnaker Bay Subdivision Map.
- B. Location Map.
- C. Map of Trust Parcels

IT IS 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. APPROVE AND AUTHORIZE EXECUTION OF THE THIRD AMENDMENT TO THE MCGRATH-MACCO AGREEMENT SUBSTANTIALLY IN THE FORM AS ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

(CALENDAR ITEM NO. 01 CONT'D)

3. FIND THAT THE COMMISSION'S CONSIDERATION OF THE EXPENDITURE OF TIDELAND OIL REVENUES BY THE CITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061, BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
4. FIND THAT THE PROPOSED EXPENDITURE OF UP TO \$500,000 BY THE CITY OF LONG BEACH FROM ITS SHARE OF TIDELAND OIL REVENUES FOR IMPROVEMENT OF THE TRUST PARCELS L, M, AND N IS IN ACCORD WITH CHAPTER 138, STATUTES 1964, FIRST EX.SESS., SECTIONS 6(c), 6(d) AND 6(f), SUBJECT TO THE CONDITIONS THAT THE PROJECT CONFORM IN ESSENTIAL DETAILS TO EXHIBIT 2 OF THE THIRD AMENDMENT ATTACHED HERETO AS EXHIBIT A, AND THAT THE CITY FILE A STATEMENT OF FINAL PROJECT COSTS WITH THE COMMISSION WITHIN 180 DAYS AFTER COMPLETION OF THE WORK.
5. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGEMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE MCGRATH-MACCO BOUNDARY SETTLEMENT AND EXCHANGE AGREEMENT AS AMENDED. AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.

**PLAN OF PUBLIC ACCESS CORRIDERS
 PROVIDED EITHER BY
 PUBLIC RIGHT-OF-WAY DEDICATION
 OR
 EASEMENT FOR PUBLIC OR EMERGENCY ACCESS PURPOSES**

SPINNAKER BAY

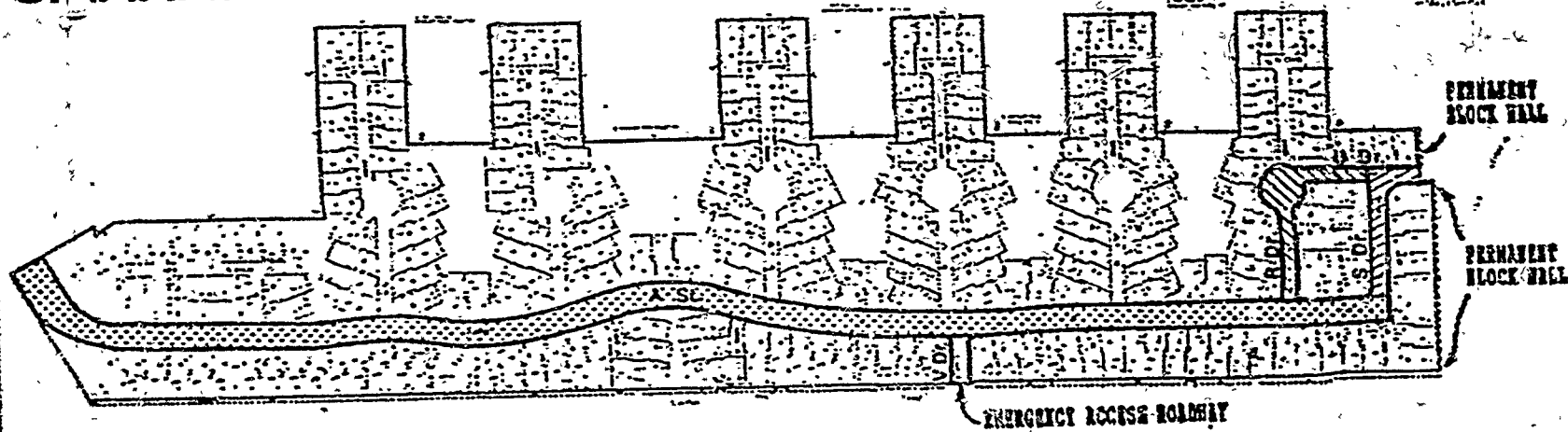


EXHIBIT "A"

PROPERTY INFORMATION	
TRACT NO.	45920
OWNER	
DATE OF DEED	
BOOK	
PAGE	
RECORDING OFFICE	
CITY	
COUNTY	
STATE	

**SITE PLAN
TENTATIVE TRACT
45920**

CALENDAR PAGE 05
 MINUTE PAGE 497




-  DEDICATED 46' WIDE PUBLIC RIGHT-OF-WAY
-  30' WIDE EASEMENT FOR PUBLIC ACCESS PURPOSES
-  24' WIDE EASEMENT FOR EMERGENCY ACCESS PURPOSES

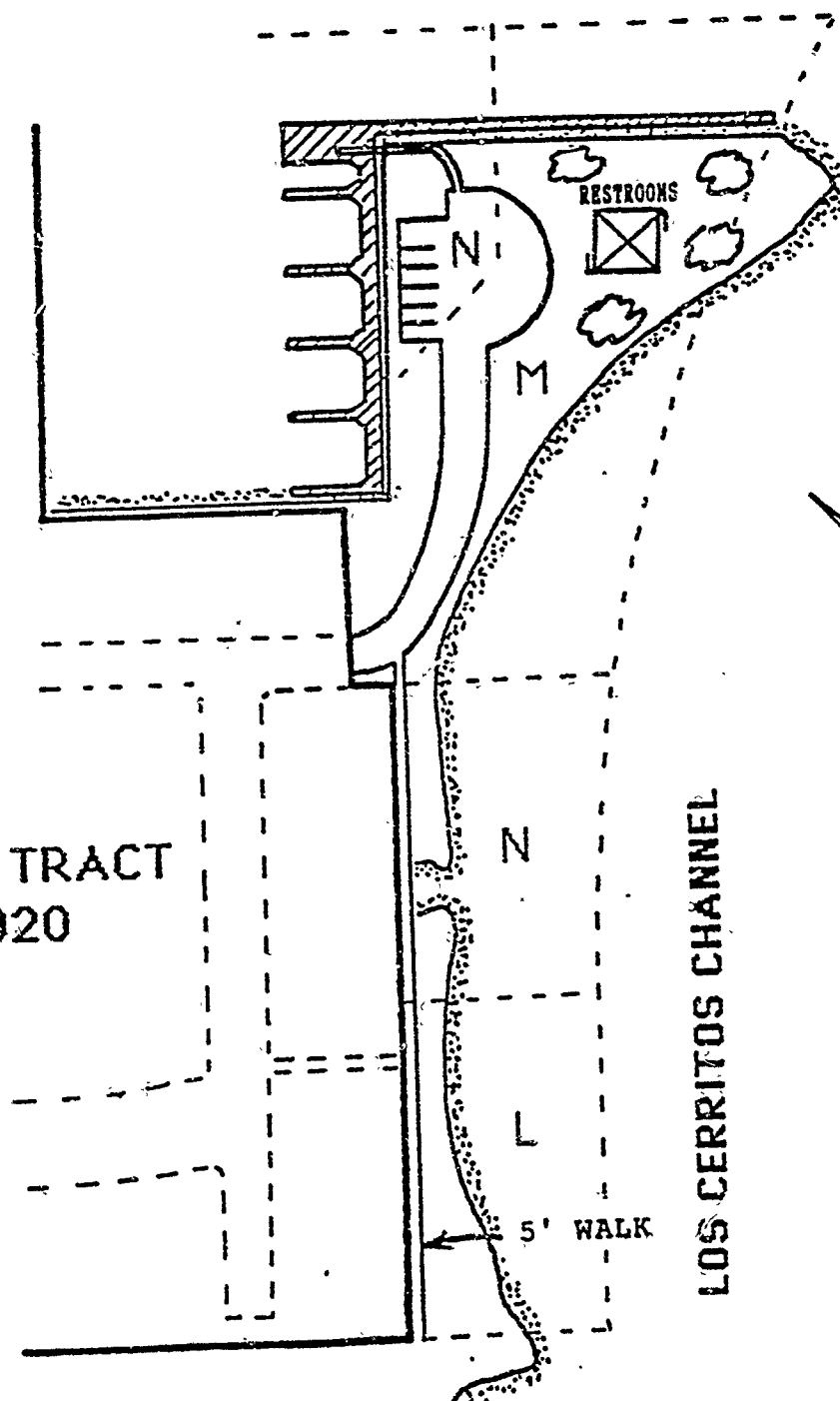


EXHIBIT "B"
 W2716.700



PROPOSED DEVELOPMENT PLAN

TENTATIVE TRACT
NO. 45920



SCALE 1" = 100'

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CITY-OWNED TRUST LANDS

PORTIONS OF MACCO-McGRATH PARCELS I, M, & N