

MINUTE ITEM

This Calendar Item No. 35
was approved as Minute Item
No. 35 by the State Lands
Commission by a vote of 2
to 0 at its 6/30/88
meeting.

CALENDAR ITEM

A 58
S 29

35

06/30/88
W 503.1521
G 05-03
AD 78
R. Collins
Davis

AUTHORIZATION FOR SETTLEMENT OF LITIGATION AND
APPROVAL OF ALAMITOS BAY BOUNDARY SETTLEMENT AND
EXCHANGE AGREEMENT (NO. 10)
CITY OF LONG BEACH, LOS ANGELES COUNTY

During the 1960's and 1970's, the State Lands Commission and the City of Long Beach negotiated a series of boundary settlement agreements to clarify and resolve the public and private titles in the Alamitos Bay area in Long Beach. Such settlements are provided for by Chapter 1688, Statutes of 1965, and have been approved by the California Supreme Court in City of Long Beach v. Mansell (1970)3 C3d 462. The current settlement involves parcels on the bayward side of Ocean Boulevard on the Belmont Peninsula in the City of Long Beach.

The State and City contend that the private party (Rebhahns) have encroached upon trust lands by extending their home and front yard into Alamitos Bay. In 1982, the City and State filed suit against the Rebhahns for quiet title, ejectment, and trespass. The proposed agreement would settle this lawsuit.

The settlement is as follows:

The parties would agree upon the tideland boundary being that which has been used in the settlement of several other lawsuits in this area. The filled tideland area (Exhibit "A") in front of the Rebhahns' home, which extends bayward of this boundary, would be granted to the Rebhahns. In exchange, the Rebhahns would grant to the City, in trust for the State, an uplands parcel (Exhibit "B") of equivalent area and value which lies immediately west of the Rebhahn home on Ocean Boulevard

(ADDED 06/27/88 PGS. 219-219.6)-1-

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(see Exhibit "O"; hereof). The State Lands Commission also would make a finding that the tidelands parcel, which the Rebhahns are obtaining, is no longer necessary or useful for commerce, fisheries, and navigation, and is therefore freed from the common law public trust easement for commerce, fisheries, and navigation. It also would be agreed that the common law public trust easement is to attach to the uplands parcel (Exhibit "B") which is to be conveyed by the Rebhahns to the City.

In addition to this exchange of lands and boundary agreement, the City also is agreeing to lease an additional area in front of the Rebhahns' home for 25 years for the purpose of protecting the Rebhahn property from erosion. In addition to other standard conditions, this lease provides for a rental of \$.70 per square foot, as indemnification of the lessor from liability, and a \$500,000 public liability insurance policy.

This agreement is favorable to the City, the State's trustee, in that it will add a valuable upland parcel to the adjoining city marina and thus allow the City to expand its marina facilities into this area. This agreement has been approved as to form by the Office of the Attorney General.

AB 884: N/A.

EXHIBITS: A. Filled Parcel Land Description (Parcel 2).
B. Adjacent Parcel Land Description (Parcel 1).
C. Location Map.
D. Site Map.

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. AUTHORIZE THE EXECUTION OF THE ALAMITOS BAY BOUNDARY SETTLEMENT AND EXCHANGE AGREEMENT (AD 78), A COPY OF WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION.
3. FIND AND DECLARE THAT UPON THE EFFECTIVE DATE OF THE ABOVE-REFERENCED AGREEMENT:

CALENDAR ITEM NO. 35 (CONT'D)

- A. THE AREA OF HISTORIC TIDE AND SUBMERGED LANDS TO BE CONVEYED TO THE PRIVATE PARTY CONSTITUTES A RELATIVELY SMALL AREA WITHIN THE NATURAL BED OF ALAMITOS BAY AND HAS BEEN FILLED AND RECLAIMED AND HAS THEREBY BEEN EXCLUDED FROM THE PUBLIC CHANNELS AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION, AND FISHERIES, AND IS NO LONGER, IN FACT, TIDE OR SUBMERGED LANDS. SUCH LAND SHALL BE FREE FROM THE PUBLIC TRUST FOR COMMERCE, NAVIGATION, AND FISHERIES.
- B. THE LANDS DESCRIBED IN EXHIBIT "B" TO BE ACQUIRED, PURSUANT TO THIS AGREEMENT BY THE CITY AS TRUSTEE FOR THE PUBLIC, ARE GREATER THAN OR EQUAL IN VALUE TO THE LAND OR INTEREST IN LAND BEING CONVEYED TO PRIVATE PARTIES WITH THE FILLED TIDELAND PARCEL (EXHIBIT "A").
- C. THE LANDS BEING CONVEYED TO THE CITY, AS TRUSTEE, BY THE PRIVATE PARTIES, PURSUANT TO THIS AGREEMENT, ARE ACCEPTED AS AND SHALL BE SOVEREIGN PUBLIC TRUST LANDS AND, AS SUCH, ARE SUBJECT TO THE PUBLIC TRUST FOR COMMERCE, NAVIGATION, AND FISHERIES.
- D. THE SETTLEMENT OF THIS SOVEREIGN PROPERTY TITLE DISPUTE IS IN THE BEST INTERESTS OF THE PUBLIC AND STATE.
4. AUTHORIZE THE COMMISSION STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT.

EXHIBIT "A"
LAND DESCRIPTION

W 503.1521

A portion of the unsubdivided portion of the Part of Alamitos Bay Townsite in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 55 page 62 to 64, of Miscellaneous Records in the office of the County Recorder of said County described as follows:

Beginning at the intersection of the northeasterly line of the right-of-way of the Pacific Electric Railway with the northeasterly prolongation of the southeasterly line of Lot 16 in Block 51, of the Resubdivision of a Part of the Alamitos Bay Townsite, as per map recorded in Book 4 Page 75 and 76 of Maps of said County; thence along the said northeasterly line of said right-of-way North $57^{\circ}57'00''$ West 61.30 feet; thence North $32^{\circ}03'00''$ East 45.30 feet to the line of ordinary high tide of Alamitos Bay, said point also being the True Point of Beginning; thence continuing North $32^{\circ}03'00''$ East 28.11 feet; thence South $57^{\circ}57'00''$ East 61.30 feet to the intersection with the prolongation of said southeasterly line of said Lot 16; thence along said prolongation South $32^{\circ}03'00''$ West 12.48 feet to the intersection with the line of ordinary high tide of Alamitos Bay; thence along said last mentioned line North $72^{\circ}15'00''$ West 63.26 feet to the True Point of Beginning.

END OF DESCRIPTION

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EXHIBIT "B"
LAND DESCRIPTION

W 503.1521

A portion of the unsubdivided portion of the Part of Alamitos Bay Townsite in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 55 page 62 to 64, of Miscellaneous Records in the office of the County Recorder of said County described as follows:

Beginning at the intersection of the northeasterly line of the right-of-way of the Pacific Electric Railway with the northeasterly prolongation of the southeasterly line of Lot 16 in Block 51, of the Resubdivision of a Part of the Alamitos Bay Townsite, as per map recorded in Book 4 page 75 and 76 of Maps of Said County; thence along the said northeasterly line of said right-of-way North 57°57'00" West 61.30 feet; thence North 32°03'00" East 45.30 feet to the line of ordinary high tide of Alamitos Bay, said point also being the True Point of Beginning; thence along said last mentioned line North 72°15'00" West 30.96 feet; thence South 32°03'00" West 37.65 feet to said northeasterly line of said right-of-way; thence along said northeasterly line of said right-of-way South 57°57'00" East 30.00 feet; thence North 32°03'00" East 45.30 feet to the True Point of Beginning.

END OF DESCRIPTION

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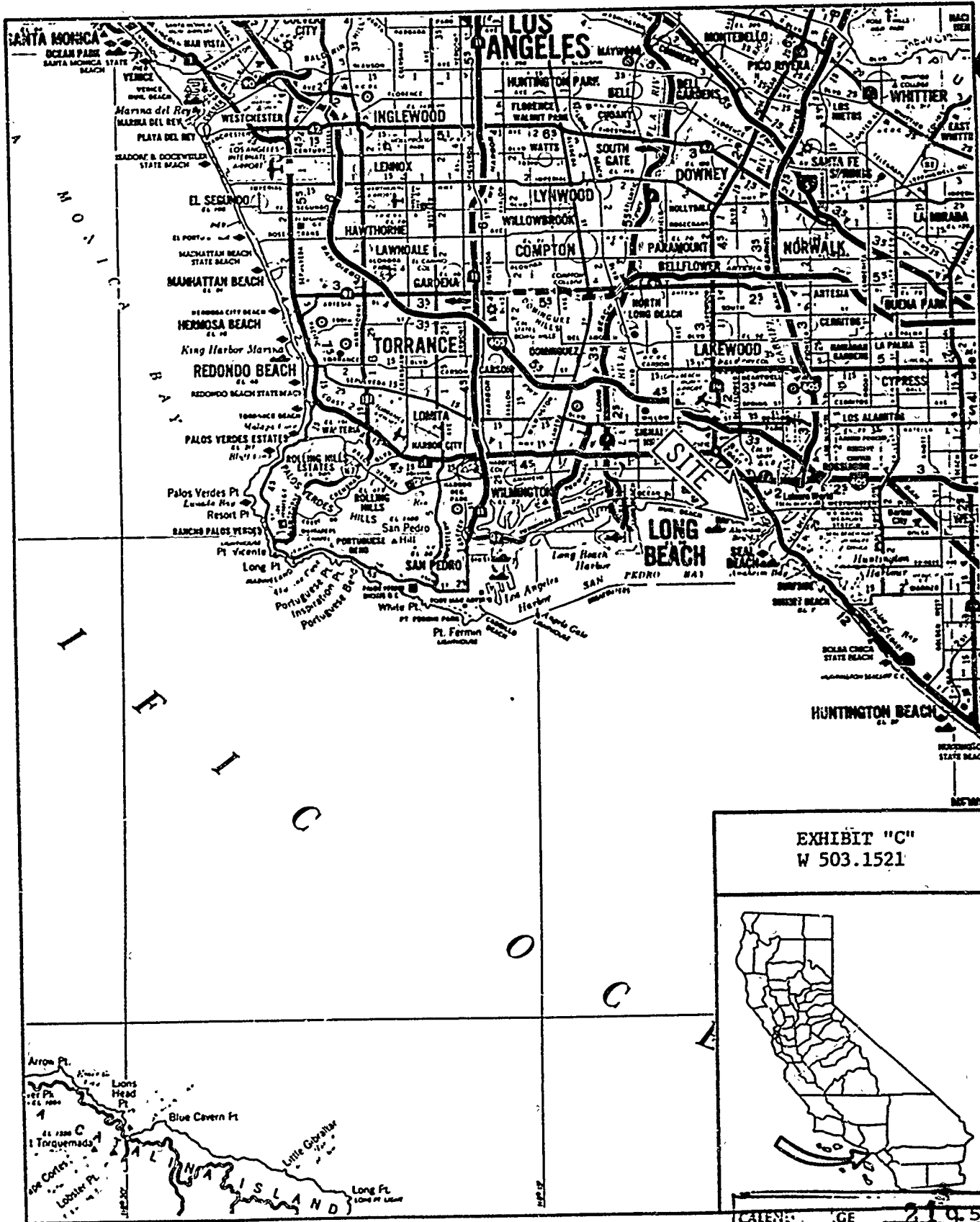


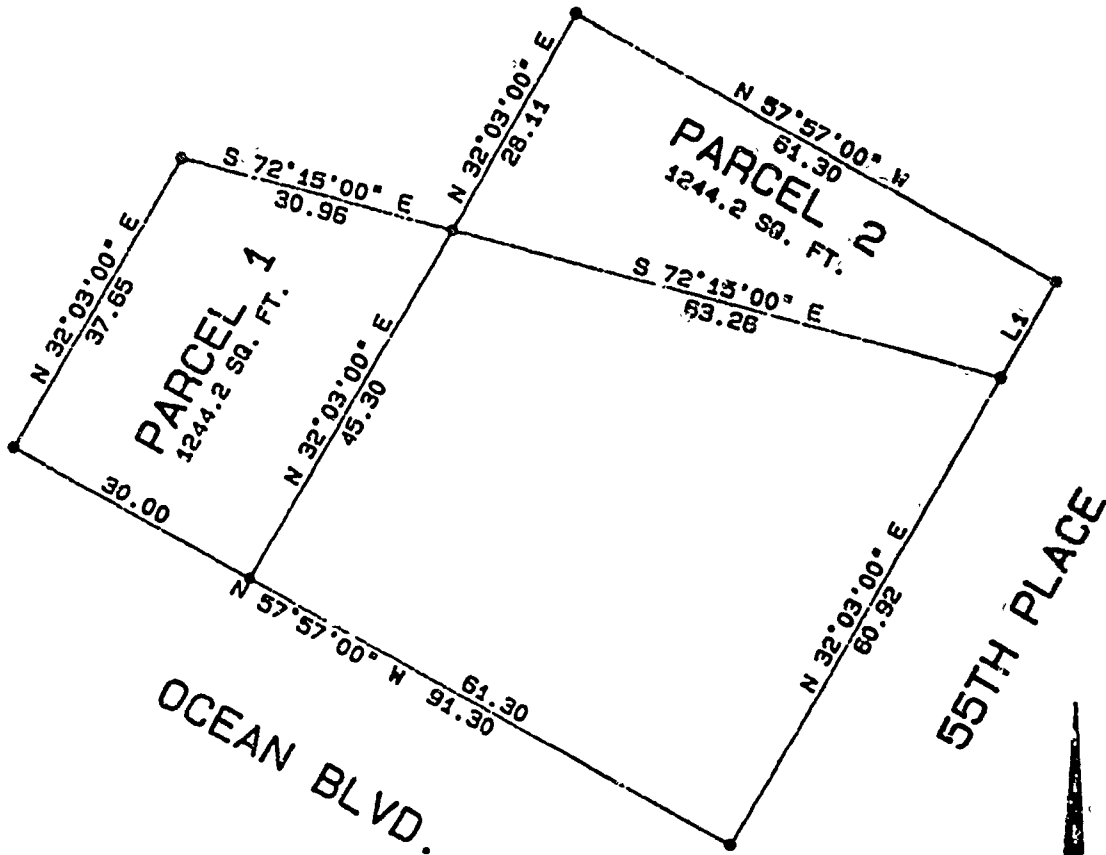
EXHIBIT "C"
W 503.1521



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EXHIBIT D

ALAMITOS BAY



OCEAN BLVD.

55TH PLACE



LINE	BEARING	DISTANCE
L1	N 32°03'00" E	12.48

SCALE: 1" = 20'

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