

MINUTE ITEM

This Calendar Item No. C25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 3
at its 6-30-92
Meeting.

CALENDAR ITEM

A 49

C 2 5

S 28

06/30/92
AD 174
BLA 268
BLA 65
W 5662
Minnick
Fossum
A. Scott
Wegge
Saggese

BOUNDARY LINE AGREEMENT

PARTIES:

Playa Sol Oceanfront Properties
7301 Vista del Mar, Suite A-109
Playa del Rey, California 90293

City of Los Angeles
Attn: Patricia V. Tubert, Deputy
City Attorney
1700 City Hall East
200 N. Main Street
Los Angeles, California 90012

The proposed boundary line agreement is being entered into for the purpose of compromising and settling title and boundary disputes between the State of California (acting by and through the State Lands Commission and the Office of the Attorney General), the City of Los Angeles and Playa Sol Oceanfront Properties a California Partnership, in and to tide and submerged lands along the Pacific Ocean in the City of Los Angeles, Los Angeles County.

The State may enter into such boundary line agreement pursuant to the provisions of Section 6357 of the P.R.C. Chapter 926, Statutes of 1979, provides that the City of Los Angeles may establish the boundaries of lands granted by the Legislature, effective upon approval by the State Lands Commission.

CALENDAR ITEM NO. C 2 5 (CONT'D)

BACKGROUND:

Certain portions of the disputed area were tide and submerged lands at the time California was admitted to the Union and to which the State held title by virtue of its sovereignty. Pursuant to Chapter 77, Statutes of 1917, the California Legislature granted to the City of Venice all of the State's right, title and interest in and to all of the State's tide and submerged lands within the City's boundaries. As successor to the City of Venice and through annexation, the City of Los Angeles was granted the same right, title and interest to the tide and submerged lands by Chapter 1513, Statutes of 1945. The State Lands Commission is vested with all jurisdiction and authority remaining in the State as to tide and submerged lands granted to local agencies as stipulated in Section 6301 of the P.R.C. Playa Sol Oceanfront Properties is the record owner of fee title to the uplands; said uplands were originally included in the Rancho La Ballona.

The Ordinary High Water Mark constitutes the boundary between the uplands and the tide and submerged lands of the City of Los Angeles and the State of California, which is the location of the Mean High Tide Line prior to artificial accretion or filling. Considerable uncertainties exist as to the location of the Ordinary High Water Mark due to the insufficient historical evidence that is available and interpretation problems regarding various aspects of natural and artificial influences in the vicinity of the subject property since statehood. Thus, a dispute exists between the the State of California and the City of Los Angeles on one hand and Playa Sol Properties on the other regarding their respective rights and interests in the Playa Sol property.

The State Lands Commission, at their meeting of August 26, 1965, approved BLA 65 which authorized a fixed boundary with the then upland owner. This document was approved by Minute Item 34 (Calendar Item 29) but never executed. Subsequent research has also provided additional information regarding the historic location of the beach and public use of the sandy area of the beach at the subject property. Therefore, staff recommends that the Commission rescind and repeal its authorization of BLA 65.

After a thorough investigation and analysis of both current and historic data, the parties have agreed on the location of the Ordinary High Water Mark in its last natural position (depicted on Exhibit "A"). All parties mutually agree that it is in their best interest to determine, describe and permanently fix the Ordinary High Water Mark and common boundary by agreement.

A dispute also exists as to the extent, area, and true boundaries of the public access and public beach easements which the City and State claim exist on and over the Playa Sol property by virtue of implied dedication. In addition to permanently fixing the boundary between the public trust, tide and submerged lands of the State/city, and the private property in the disputed area, the proposed agreement confirms, relocates, and compromises claims of public access and public beach use easements.

The agreement stipulates the following:

1. The common boundary between sovereign tide and submerged lands and the adjacent upland within the Playa Sol property will be located, described, and permanently established. All parties agree that the common boundary represents the last natural location of the mean high tide line and therefore constitutes the Ordinary High Water Mark.
2. Playa Sol Oceanfront Properties will quitclaim to the City of Los Angeles and the State of California all the right, title, and interest in and to the lands lying westerly of the agreed boundary line. The City and State will accept the quitclaim of these lands in trust for the public.
3. The City of Los Angeles and the State of California will quitclaim all sovereign right, title, and interest in and to the lands lying easterly of the agreed boundary line.
4. Playa Sol Oceanfront Properties will grant to the public a non-exclusive public easement, for access to the ocean and for use as a public beach over a portion of the upland property, including a 12-foot dedicated walkway (ocean front walk) and 72 feet waterward therefrom, to the agreed boundary line as shown on Exhibit "A" hereof, and more particularly described in Exhibit "F" of the proposed Boundary Line Agreement on file at the Sacramento office of the State Lands Commission.
5. Playa Sol Oceanfront Properties will grant to the public a non-exclusive easement of no less than ten feet in width and no less than twelve feet in height for access between Pacific Avenue and the easterly boundary of the property which is subject to the public easement for public access

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and public beach purposes. This easement is described in the Boundary Line Agreement; however, all parties recognize that Playa Sol Oceanfront Properties may request a relocation of this easement within specified limits subject to the approval of the City of Los Angeles.

In addition all parties agree that:

1. Playa Sol Oceanfront Properties owns the subsurface of the property subject to the public easement for public access and public beach purposes and may make subsurface use providing it does not interfere with the public easement. Surface use is subject to State and local approval and stipulations as set forth in the Boundary Line Agreement regarding the upland party's responsibility for surface conditions and maintenance.
2. Marine Walk, as dedicated on the 1905 Resubdivision of a Portion of Playa Del Rey Townsite, recorded in Book 7, Page 130 of Maps, in the Los Angeles County Recorder's Office, and accepted by the Los Angeles Board of Supervisors July 17, 1905, does not need to be improved if a non-exclusive public walkway is constructed at some other location within the property subject to the public easement for public access and public beach purposes and also subject to conditions as specified in the Boundary Line Agreement regarding width and location.
3. Playa Sol Oceanfront Properties will survey, monument, and prepare a Record of Survey of the boundary agreement upon close of escrow, staff of the Commission will assist and review this action at the applicant's expense.

EXHIBITS:

- A. Sketch map of the agreement
- B. 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. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. RESCIND THE AUTHORITY TO EXECUTE BLA 65 APPROVED BY MINUTE ITEM 34 AT THE AUGUST 26, 1965 STATE LANDS COMMISSION MEETING.

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3. APPROVE THE PROPOSED BOUNDARY LINE AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND PLAYA SOL OCEANFRONT PROPERTIES, A CALIFORNIA PARTNERSHIP (AD 174/BLA 268) AND AUTHORIZE ITS EXECUTION ACCORDING TO THE TERMS DESCRIBED HEREIN AND SUBSTANTIALLY IN THE FORM ON FILE AT SACRAMENTO OFFICE OF THE STATE LANDS COMMISSION.
4. AUTHORIZE THE COMMISSION'S STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY TO COMPLETE AND FINALIZE AND ENFORCE THE AGREEMENT.

EXHIBIT "A"

NOTE.

- 1.) BLOCK "B" IS REFERENCED TO THE "SUBDIVISION OF A PORTION OF PLATA DEL RIT TOWNSHIP, RECORDED IN BOOK 7, PAGE 130 OF MAPS, IN THE LOS ANGELES COUNTY RECORDERS OFFICE.
- 2.) THE OFFSHORE OWNERSHIP BOUNDARY IS DETERMINED ACCORDING TO THE DECREE ENTERED BY THE UNITED STATES SUPREME COURT IN UNITED STATES V. CALIFORNIA ORIGINAL NO. 3 ON JANUARY 31, 1966 382 US 418.
- 3.) THE AREA DEPICTED BY MATCHING IS THE SUBJECT OF AN IRREVOCABLE OFFER TO DEDICATE RECORDED MAY 14, 1944 AS INSTRUMENT NO. 13421 IN THE CITY OF LOS ANGELES IN RESOLUTION NO. 10000 AUGUST 17, 1944 AS INSTRUMENT NO. 13133 OFFICIAL RECORDS OF LOS ANGELES COUNTY.
- 4.) THIS MAP CORRESPONDS TO EXHIBITS "B" THROUGH "C" AND IS FOR ILLUSTRATIVE PURPOSES ONLY.

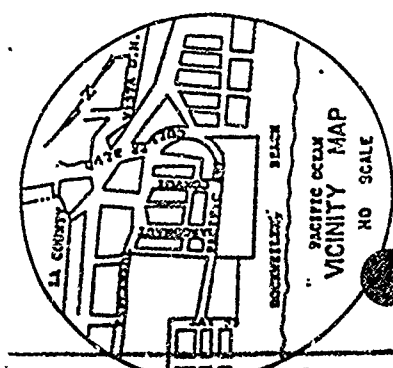
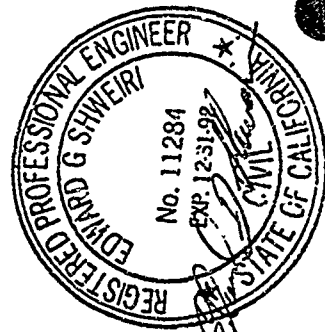
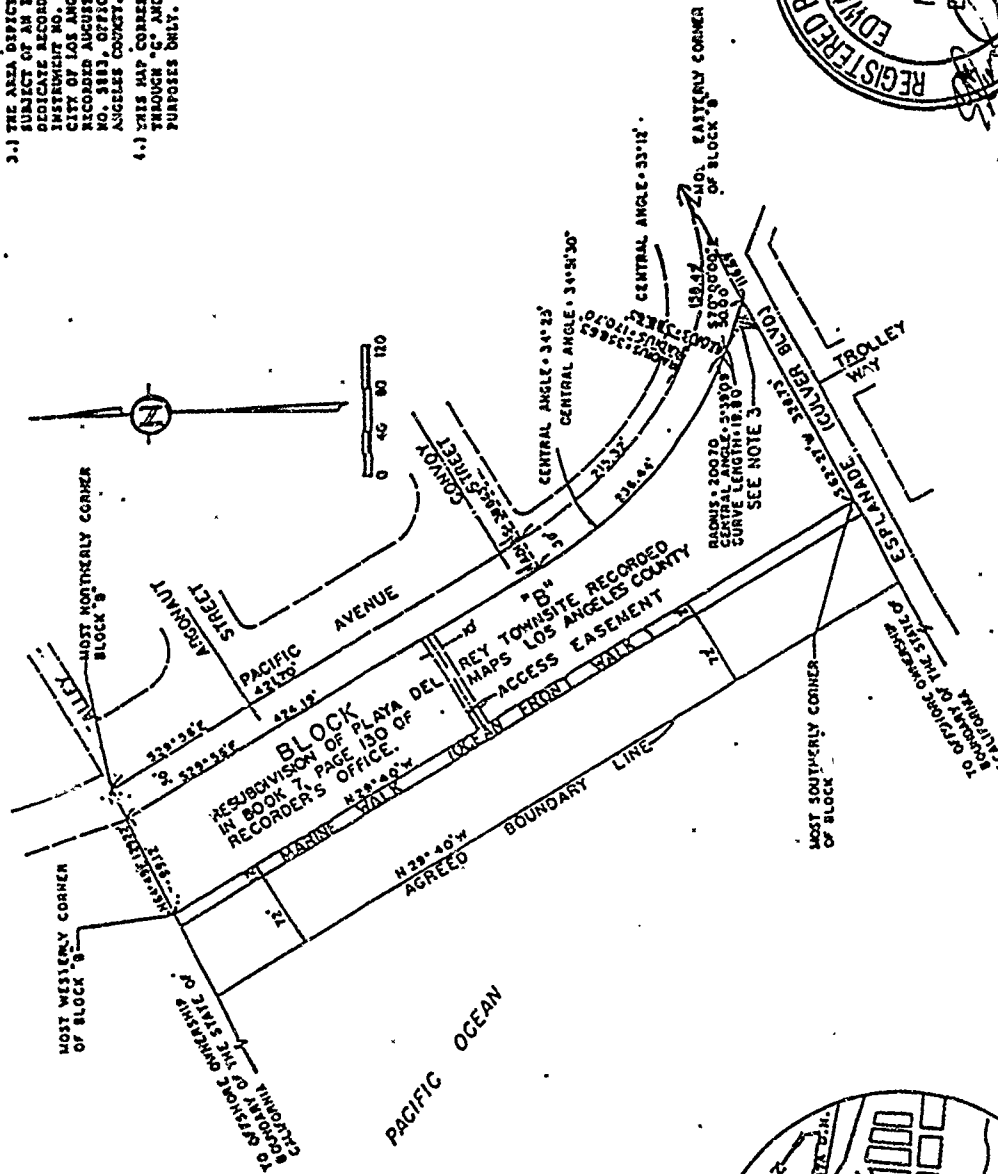




EXHIBIT "B"
W 5662

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