

MINUTE ITEM

43. CASE NO. LBC-25199
LONG BEACH AMUSEMENT COMPANY VS.
CITY OF LONG BEACH, ET AL.
LOS ANGELES COUNTY SUPERIOR COURT
(Proposed compromise settlements)

W.O. 503.318
W.O. 2716.3

The attached Calendar Item 44 was presented to the Commission for information.

Attachment
Calendar Item 44 (1 page)

CALENDAR ITEM

INFORMATIVE

44.

Case No. LBC-25199
Long Beach Amusement Company vs.
City of Long Beach, et al.
Los Angeles County Superior Court
(Proposed compromise settlements)

W.O. 503.318
W.O. 2716.3

(Dispute as to boundary between tidelands owned by the City of Long Beach in trust for the State and two adjacent easement areas for street purposes. The Amusement Company, as the successor in interest to the easement grantor, alleges that the City uses the street easement areas for purposes other than streets.)

The Office of the Attorney General requested technical guidance by the Commission's staff on a proposed agreement settling the dispute, based on the following facts:

The City will receive certain benefits from the Agreement in its general municipal capacity as distinguished from its capacity as trustee for the State under the "tidelands trust". These benefits include fee title to those portions of said lands lying landward of the 1911 ordinary high tide line, as well as release from potential liability incurred in alleged misuse of said lands.

The Attorney General advised that legally it would be improper for the City to obtain such municipal benefits at the cost of giving up rights or properties held in trust for the State, which would be the case if the ordinary high tide line of 1911 were seaward of the line of ordinary high tide as it existed in a state of nature, or if the monies received by the City from the Long Beach Amusement Company for the use of certain filled tidelands seaward of the said 1911 line were less than the fair rental value for those lands.

The Division has advised the Office of the Attorney General that the 1911 line is in accordance with a staff suggestion submitted to the involved parties in 1957, and is in accord with a report by the State's expert consultant, Colonel Leeds, and that the consideration for the use of the filled tidelands represents a fair return based upon the value of the land as determined by staff appraisal.

It is the intention of the Office of the Attorney General to advise the City of Long Beach of its nonobjection to the proposed agreement.