

MINUTE ITEM

6/23/75
RCH (NGT)

21. STIPULATION IN CASE OF CITY OF LONG BEACH V. ROBERT MICHAEL O'MEARA AS TRUSTEE OF THE REYNOLD B. O'MEARA TRUST, ET AL., SOC 23520, AND PROPOSAL BY THE CITY OF LONG BEACH, LOS ANGELES COUNTY; W 503.661.

After consideration of Calendar Item 20 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT THE EXPENDITURE OF \$73,800.00 BY THE CITY OF LONG BEACH FROM ITS SHARE OF TIDELAND OIL REVENUES, FOR THE PURCHASE OF THE ABOVE DESCRIBED LOT OF O'MEARA IN THE EAST BEACH AREA OF THE CITY OF LONG BEACH IS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 138/64 1ST E.S.; SUBJECT TO THE CONDITION THAT THE PURCHASE CONFORM IN ESSENTIAL DETAILS TO THE INFORMATION HERETOFORE SUBMITTED TO THE COMMISSION;
2. AUTHORIZES THE STAFF AND OFFICE OF THE ATTORNEY GENERAL TO EXECUTE THE STIPULATION FOR SETTLEMENT AND DISMISSAL BETWEEN THE CITY OF LONG BEACH, O'MEARA AND THE STATE; AND
3. AUTHORIZES THE STAFF AND OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE FOREGOING.

Attachment:

Calendar Item 20 (3 pages)

A 58
S 31

CALENDAR ITEM

20.

6/75
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W 503.661

STIPULATION IN CASE OF
CITY OF LONG BEACH V. ROBERT MICHAEL O'MEARA
AS TRUSTEE OF THE REYNOLD B. O'MEARA TRUST,
ET AL., SOC 23520, AND PROPOSAL BY
THE CITY OF LONG BEACH

In 1970, the City of Long Beach filed a complaint to quiet title to Lot 5 in Block 45 of Resubdivision of Part of Alamitos Bay Townsite (City of Long Beach v. Robert Michael O'Meara, as Trustee of the Reynold B. O'Meara Trust, et al., SOC 23520).

Pursuant to section 6308 of the Public Resources Code, the State was named as a necessary party since (1) boundaries of granted tidelands and submerged lands were at issue, and (2) plaintiff had expended tideland trust revenues for maintenance of portions of the property as a public beach.

The above entitled action and six companion cases were consolidated for trial:

City of Long Beach v. Roger Mullinex
City of Long Beach v. Herbert McKim
City of Long Beach v. Hazel Hansen
City of Long Beach v. William P. Sheehan
City of Long Beach v. Catherine A. Daugherty
City of Long Beach v. Ray Crawford

In the course of pre-trial proceedings, the private parties admitted that the seaward boundary of their respective lots is the boundary described in Chapter 138, Statutes of 1964, First Extraordinary Session, and abandoned their contentions of a more seaward location of said boundary. The court found that the entire O'Meara parcel, including the improved portion thereof, was subject to public recreational easement of the type described in Gion v. City of Santa Cruz, 2 Cal. 3d 29 (1970). The State contended that said easement exists over only the unimproved portion of said parcel.

By stipulation, final judgment in the O'Meara case has not been entered in order to give the parties an opportunity to endeavor to settle the issue as to the extent of the Gion easement over the subject parcel. Private parties have indicated that they will appeal the trial court decision should settlement negotiations fail. Such appeals have already been filed in the McKim, Crawford and Sheehan cases.

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CALENDAR ITEM 20. (CONTD)

After evaluation of the facts and circumstances, the City of Long Beach and Robert Michael O'Meara, as Trustee for the Reynold B. O'Meara Trust, have agreed to complete compromise settlement of the case whereby the City will purchase the fee interest of the O'Meara Trust in the property for \$73,800.00. A copy of the stipulation providing for the settlement of the case is on file in the Offices of the State Lands Commission and incorporated herein by reference. The settlement is consistent with the State's contentions in the litigation. The City, the State, and private parties will join in executing a request for dismissal of the action. Approval of the State Lands Commission is necessary since the State is a party.

On April 27, 1967 the State Lands Commission determined that the expenditure of \$2,125,000 from the City of Long Beach's share of tideland oil revenues for acquisition of beach lots in the East and Central Areas of the City was in accordance with the provisions of Chapter 138, Statutes of 1964, 1st Extraordinary Session (provided that the purchases conform in essential details to the information submitted to the Commission).

Upon acquisition, the City stated the lots would be devoted to beach, game and other leisure and recreational activities. Specific authority for such acquisitions is set forth in Sections 6(d) and 6(f) of said Chapter 138.

At its May 27, 1975 meeting, the Commission authorized the City of Long Beach to purchase three such parcels, the Hansen parcels and the Mathews-Gates parcel. (Calendar Item No. 7).

The City is presently requesting a determination that the expenditure of \$73,800.00 from the City's share of tideland oil revenues for the acquisition of the O'Meara parcel (Lot 5, Block 45, Alamitos Beach Townsite) is proper pursuant to Section 6 of Chapter 138. The estimated value of the O'Meara parcel based upon an appraisal obtained by the City at the time of the 1967 Commission action was \$55,000.00. As a result of current settlement negotiations, the City retained an independent appraiser to make an appraisal of the present market value of the O'Meara property. That appraiser has completed his report and concluded that the 1975 value of the O'Meara property is \$73,800.00. The Trustee for the O'Meara Trust has agreed to the value and obtained judicial approval to sell the property at that price to the City. The City has submitted the current appraisal report to the staff for review. The staff has reviewed the report and has concluded that the amount reasonably reflects the present worth of the property.

The Office of the Attorney General has reviewed this matter and concurs with the staff's conclusion.

Exhibit A. Location Map.

CALENDAR ITEM 20. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

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