

MINUTE ITEM

This Calendar Item No. 54
was approved as Minute Item
No. 84 by the State Lands
Commission at a vote of 3
to 0 at its 11/27/78
meeting.

CALENDAR ITEM

54.

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Collins
BLA 179

AMENDMENT OF ALAMITOS BAY BOUNDARY
AND EXCHANGE AGREEMENT NO. 8

Authorization of certain non-substantive technical corrections and revisions of the above Agreement and an extension, by 1 year, of the date by which the Agreement must be executed by all parties thereto.

At its June 22, 1978 meeting the Commission approved Calendar Item 34 which authorized the Executive Officer to execute, on behalf of the State Lands Commission, the above entitled Agreement. This Agreement provides for the exchange and conveyancing of certain lands within the Alamitos Bay area of the City of Long Beach, for the settlement of the fee interests of the respective parties, for the termination of the easement and public trust for commerce, navigation and fisheries as to certain portions of said lands, and for execution of all documents and maps necessary to accomplish the provisions of the Agreement in order to confirm, quiet title and exchange the respective interest of the City of Long Beach, as trustee, and of the private parties affected by the Agreement. For a more detailed summary of the Agreement and its background see the text of Calendar Item 34 of the Commission's June 1978 meeting.

Article 19.1 of the Agreement provides that the Agreement shall become effective on the first Monday after the last of the parties thereto deposit a properly executed counterpart in escrow and also provides that unless the Agreement becomes effective on or before January 1, 1979 the Agreement "shall be of no further force and effect whatsoever." While some parties have or are ready to execute the Agreement at this time (while formally approved by both, the city and State have not executed the Agreement), other parties are unwilling to execute until they have time to more thoroughly review the document or clear up certain outstanding problems. For this reason it is recommended that the Commission approve an extension by 1 year of the date by which the Agreement must be executed by the parties thereto.

Also, since the Commission's approval of the Agreement at its June meeting, further review of the Agreement by title experts for the purpose of preparing the more than 100 supporting documents has disclosed certain typographical errors, omissions, and minor ambiguities which should be

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corrected to eliminate any confusion which may result at some later date. None of the proposed corrections change the intent or purpose of the Agreement in its original form; therefore it is recommended that the Commission approve these corrections at this time.

A copy of the Agreement as approved by the Commission at its June 22, 1978 meeting, along with these proposed amendments are on file in the Office of the State Lands Commission and are incorporated herein by this reference.

The Office of the Attorney General and the Long Beach City Attorney concur in these opinions and have approved these amendments. The Long Beach City Council is expected to give its approval within the next few weeks.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE AMENDMENTS TO THE ALAMITOS BAY BOUNDARY SETTLEMENT AND EXCHANGE NO. 8.
2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE, ON BEHALF OF THE STATE LANDS COMMISSION OF THE STATE OF CALIFORNIA, THE ALAMITOS BAY BOUNDARY SETTLEMENT AND EXCHANGE NO. 8 AS REVISED.
3. AUTHORIZE THE EXECUTIVE OFFICER, THE STAFF OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER ACTION, INCLUDING BUT NOT LIMITED TO THE EXECUTION OF ALL DOCUMENTS, MAPS AND PLATS AND THE INSTIGATION AND DEFENSE OF LITIGATION, NECESSARY OR REQUIRED TO ACCOMPLISH THE TERMS AND PROVISIONS OF THE ALAMITOS BAY BOUNDARY SETTLEMENT AND EXCHANGE NO. 8 AS REVISED WITHOUT FURTHER AUTHORIZATION OF THE STATE LANDS COMMISSION.