

MINUTE ITEM

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38. SETTLEMENT OF LITIGATION - BULLARD v. UNITED STATES OF AMERICA, STATE OF CALIFORNIA, CITY OF LOS ANGELES, ET AL. - Los Angeles Superior Court No. SOC-41005. (BLA 195)

Calendar Item 38 attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 38 (3 pages).

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SETTLEMENT OF LITIGATION - BULLARD v. UNITED STATES OF AMERICA, STATE OF CALIFORNIA, CITY OF LOS ANGELES, et al. - Los Angeles Superior Court No. SOC-41005. (BLA 195)

This item recommends settlement of this case by accepting and agreeing to a compromise boundary line separating private uplands and sovereign tidelands in the vicinity of San Pedro Bay in the City of Los Angeles. The terms and conditions of that settlement are contained in the "Boundary Line Settlement Agreement Regarding Lands in the Los Angeles Harbor Area, Los Angeles County, California," a copy of which is on file in the office of the State Lands Commission.

The lands subject to the agreement are a portion of the tidelands and submerged lands which were granted in trust to the City of Los Angeles for harbor and related purposes pursuant to Chapter 656, Statutes of 1911, as amended from time to time. No provision was made in the granting statute for identifying or surveying the precise area transferred to the City.

The present case began in 1975 when Bullard sued the United States, the State of California and the City of Los Angeles to quiet title to property located in the San Pedro area of Los Angeles which fronts upon the granted tidelands in San Pedro Bay referred to above. The purpose of the lawsuit was to ascertain the location of the last natural position of the mean high water line in the vicinity of the easterly portion of Block 24 as shown on the 1882 map of the town of San Pedro, so that a tideland boundary along the eastern side of Bullard's property could be determined. Contributing much to the uncertainty of the location of that boundary line were dredging and filling operations which had been conducted in the Bay generally since the latter part of the nineteenth century. More recently, dredger spoils have been used to fill the tidelands and submerged lands immediately adjacent to the subject property.

After considerable research in locating and analyzing maps, deeds, photographs and other materials bearing on the question of the position of the mean high water line, it became apparent to all parties to the lawsuit that the actual, true position of the mean high water line would be extremely

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difficult if not impossible to determine with absolute certainty. Following extensive negotiations, good faith efforts and a thorough investigation and evaluation, the City of Los Angeles, as trustee, and Bullard have agreed to a compromise tideland boundary concerning the property in question. That compromise boundary line is in close agreement with the bayward line of Block 24 as it is depicted on the original 1882 partition map drawn for the town of San Pedro, mentioned previously. The line is fully described and depicted in the Boundary Line Settlement Agreement.

Both the City Council and the Board of Harbor Commissioners of the City of Los Angeles, on the advice of the City Attorney's Office, have approved settlement of the lawsuit in accordance with the foregoing. The Settlement Agreement has been reviewed by the State Lands Commission staff and the Attorney General's Office, and both have found the compromise line to be a reasonable and fair representation of the last natural position of the ordinary high water mark. Settlement of the Bullard case along those lines and according to the Settlement Agreement would be prudent and advisable in light of the alternative of litigation which would be costly, prolonged and unpredictable.

Exhibit: A. Site Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE SETTLEMENT OF THE CASE OF BULLARD v. UNITED STATES OF AMERICA, STATE OF CALIFORNIA, CITY OF LOS ANGELES, ET AL., LOS ANGELES SUPERIOR COURT NO. SOC-41005, BY AUTHORIZING AN AGREEMENT SUBSTANTIVELY IN ACCORDANCE WITH THE "BOUNDARY LINE SETTLEMENT AGREEMENT," (BLA 195) ON FILE IN THE OFFICE OF THE COMMISSION.
2. AUTHORIZE THE STAFF AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO EXECUTE ALL DOCUMENTS AND TAKE ALL ACTION NECESSARY AND APPROPRIATE TO ACCOMPLISH THE FOREGOING.

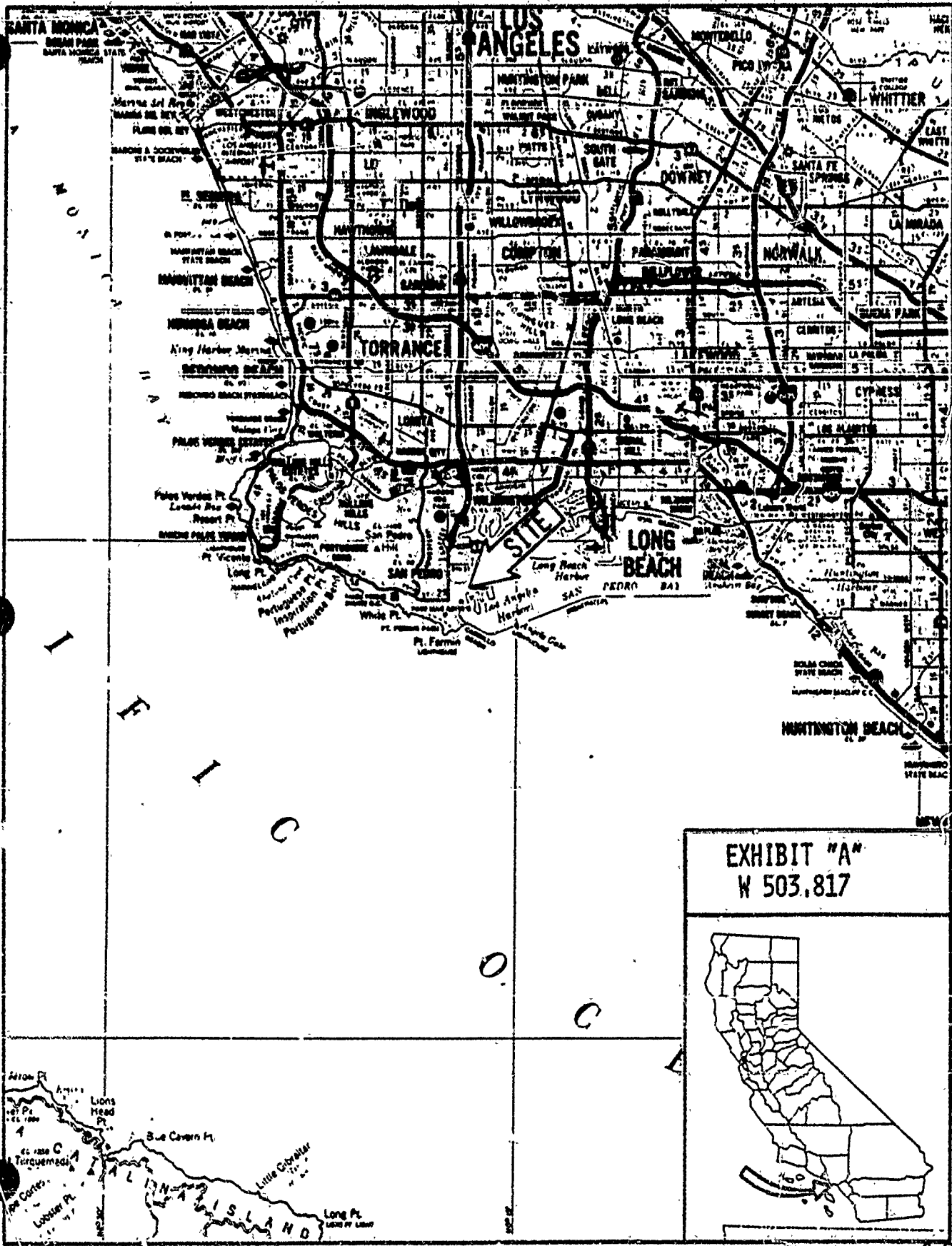


EXHIBIT "A"
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