

MINUTE ITEM

This Calendar Item No. 56
was approved as Minute Item
No. 56 by the State Lands
Commission by a vote of 3
0 at its 8-26-80
meeting.

CALENDAR ITEM

56.

8/80
W 22467
Stevenson
Taylor
PRC 5892

FURTHER CLARIFICATION AND AUTHORIZATION
REGARDING EXCHANGE AGREEMENT CONCERNING LANDS
IN AND ADJACENT TO VENTURA HARBOR,
COUNTY OF VENTURA, CALIFORNIA, AND
SETTLEMENT OF VENTURA PORT DISTRICT v.
STATE OF CALIFORNIA, VENTURA COUNTY
SUPERIOR COURT NO. 71695

This matter originally came before the Commission in July of this year at which time the Exchange Agreement and underlying transaction were approved by the Commission in their then-existing forms. The transaction was and still is, in essence, twofold: (1) the State will terminate its public trust easement interest over certain filled areas within the Ventura Port District boundaries in exchange for the State's acquisition of other District property of equal or greater value; (2) other water-covered lands subject to the State's claims will be leased to the District.

The element proposed to be added to the transaction is a rent-free Public Agency Lease back to the District of the parcel to be acquired by the State. The District has now consented to the construction of desirable improvements and the undertaking of all maintenance responsibility on that parcel. It has requested a 49-year term.

The form of the Exchange Agreement has been augmented to include this additional element and also has been amended to include other details and changes of a nonsubstantial or technical nature which will more fully carry out the intentions of the parties to the Agreement.

Litigation has been commenced with respect to this transaction, entitled Ventura Port District v. State of California, Ventura County Superior Court No. 71695. Settlement by way of stipulated judgment in that case is proposed consistent with and in light of the Exchange Agreement and underlying transaction.

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION:

1. APPROVE AND AUTHORIZE THE EXECUTION OF THE EXCHANGE AGREEMENT IN SUBSTANTIALLY THE SAME FORM AS THE PROPOSED AGREEMENT ON FILE WITH THE COMMISSION.

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(Added, 8/22/80)

CALENDAR ITEM NO. 56. (CONTD)

2. APPROVE AND AUTHORIZE THE EXECUTION OF A 49-YEAR PUBLIC AGENCY LEASE TO THE VENTURA PORT DISTRICT OF STATE LANDS TO BE ACQUIRED UNDER THE EXCHANGE AGREEMENT IN SUBSTANTIALLY THE SAME FORM AS THE PROPOSED LEASE ON FILE WITH THE COMMISSION.
3. APPROVE AND AUTHORIZE SETTLEMENT OF THE CASE OF VENTURA PORT DISTRICT v. STATE OF CALIFORNIA, VENTURA COUNTY SUPERIOR COURT NO. 71695, BY WAY OF STIPULATED JUDGMENT IN SUBSTANTIALLY THE SAME FORM AS THE PROPOSED JUDGMENT AND RELATED COURT DOCUMENTS ON FILE WITH THE COMMISSION.
4. AUTHORIZE AND DIRECT THE STAFF OF THE COMMISSION AND THE CALIFORNIA ATTORNEY GENERAL'S OFFICE TO TAKE ALL FURTHER NECESSARY AND APPROPRIATE ACTION, INCLUDING THE EXECUTION, FILING, AND/OR RECORDATION OF RELATED IMPLEMENTING DOCUMENTS AND COURT PAPERS AND THE APPEARANCE IN ANY LEGAL PROCEEDINGS, TO BRING ABOUT THE CONSUMMATION OF THIS TRANSACTION IN A MANNER CONSISTENT WITH THE FOREGOING.