

Minute items ³⁷~~43~~, meetings of ^{4/7/81}~~2/9/82~~ amended
by minute item 11, meeting of 2/28/83 CP
Initials

MINUTE ITEM

This Calendar Item No. 43
was approved as Minute Item
No. 43 by the State Lands
Commission by a vote of 2
to 0 at its 2/9/82
meeting.

CALENDAR ITEM

43

1/28/82
W 503.1119-
W 503.1143
A. Scott
S. Wylie
C. Fossum

AMENDMENT OF MINUTE ITEM 37, PAGE 688 FOR COMMISSION MEETING OF APRIL 7, 1981

BACKGROUND:

At its meeting on April 7, 1981, the Commission, in Minute Item 37, authorized staff and the Office of the Attorney General to execute a series of BLA's and "Permits for Improvements" in settlement of litigation involving a series of lawsuits along a portion of Santa Monica State Beach which are listed on Exhibit "A" attached to that item. The "Permit for Improvements" was to be substantially in the form as on file in the offices of the Commission.

CURRENT SITUATION:

An additional lawsuit must be incorporated into the previously authorized settlement in order to cover the additional existing improved property in the area of litigation which was the subject of Minute Item 37, April 7, 1981 meeting.

As part of the above Minute Item 37, meeting of April 7, 1981, the Commission approved in form a "Permit for Improvements" as on file in the office of the Commission. The permit contained provisions which provided for a permit term of 20 years. During negotiations with many of the parties involved in these lawsuits it was agreed that an option would be offered to all parties for an additional five years provided that the original permittee, his or her spouse or children remain the owner of the upland property parcel, the option is exercised 90 days prior to the expiration of the original term and that fair market rental will be paid yearly. The exact language of this provision is contained in that amended "Permit for Improvements" currently

A 44
S 22

-1-

CALENDAR PAGE	<u>187</u>
MINUTE PAGE	<u>222</u>

CALENDAR ITEM NO. 43 (CONTD)

on file in the office of the Commission.
The amended permit will be used for all
improved parcels including the parcel being
added by this amendment to Minute Item 37.

AB 884: N/A.

EXHIBIT: B-25 Sketch of improved portions of subject
property and portion of upland parcel.

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTION IS IN FURTHERANCE OF SETTLEMENTS
IN LIEU OF LITIGATION, THEREFORE, CEQA DOES NOT APPLY.
2. AMEND MINUTE ITEM 37, PAGE 688, MEETING OF APRIL 7,
1981. TO ADD THE FOLLOWING TO EXHIBIT "A" LIST OF RELATED
SANTA MONICA STATE BEACH CASES.

PEOPLE V. BABBITT ET AL. - W 503.1141
LASC CASE NO. WEC 46988
1020 PALISADES BEACH ROAD
SANTA MONICA, CALIFORNIA

3. AMEND MINUTE ITEM 37, PAGE 688, MEETING OF APRIL 7,
1981, TO ADD THE ATTACHED SKETCH MARKED EXHIBIT "B-25"
TO EXHIBIT "B".
4. AMEND MINUTE ITEM 37, MEETING OF APRIL 7, 1981, RECOMMEN-
DATION 6.B. TO SUBSTITUTE THE AMENDED "PERMIT FOR IMPROVE-
MENTS" FOR THIS PERMIT REFERRED TO THEREIN.
5. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGMENT
AND RECORDATION ON BEHALF OF THE COMMISSION OF THAT
AMENDED "PERMIT FOR IMPROVEMENTS" CURRENTLY ON FILE
IN THE OFFICES OF THE COMMISSION.



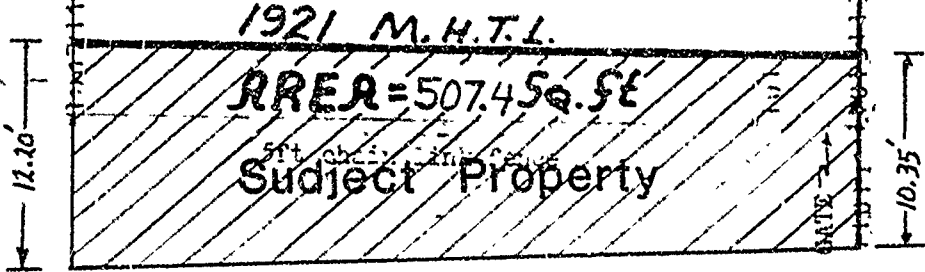
SCALE: 1"=10'

+1005
+1024
+102023
+1024021
+1024018
+10171017
+10251025

2 ft. chain link fence

5.5 ft. wooden fence

Upland Parcel



BEACH AREA

1921 M.H.T.L.

PHILLIPPA BABBITT
1020 PALLADIUM RD. S.W. ROAD
ADDRESS OF PARCEL No. 4292-310-003

EXHIBIT B-25

W 503.1141

CALENDAR PAGE	189
MINUTE PAGE	224