

MINUTE ITEM

53

08/21/84
W 23344
J. Sokelsky
Louie
Levinson
SLL 130

APPROVAL OF A BOUNDARY SETTLEMENT
AND EXCHANGE CONCERNING LANDS LOCATED AT
SANTA CATALINA ISLAND, LOS ANGELES COUNTY

Calendar item 53, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 53.

(NON-SUBSTANTIVE REVISION 03/27/85)

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SANTA CATALINA ISLAND,
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In the process of negotiating various leases at Santa Catalina Island, staff has discovered several parcels of filled tidelands and submerged lands in the general vicinity of Empire Landing, Pebbly Beach and Jewfish Point. These parcels have been filled and used by the upland owners, the Santa Catalina Island Company, Southern California Edison Company, and their predecessors and permittees, in conjunction with quarry operations, fuel and freight off-loading facilities, and a municipal dumpsite. Some of these uses continue.

In order to determine the nature, extent and location of the State's claims in the subject areas, staff has conducted a thorough study of relevant geographic history and title information and has performed on-site inspections to verify information contained in surveys, maps and studies employed to make this determination. However, due to the lack of precise surveys in much of the area, inadequate surveying controls, and difficulty in establishing early topography due to rough terrain, considerable conflict between hydrographic charts, topographical maps, quad sheets and ground and aerial photography, the location of the mean high tide line as it last naturally existed in the subject areas is very uncertain.

Staff has further studied the value of the State's interests in the subject areas. This process has been completed taking into consideration the lack of recent comparable sales, and the unique ownership pattern on the island.

(NON-SUBSTANTIVE REVISION 3/27/85)¹-

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The Company and Edison have vigorously disputed the staff's evaluation of the existence, extent and value of the filled tidelands and submerged lands claimed by the State. It has been their contention that there have not been significant additions to the shoreline as a result of their activities.

Staff has engaged in negotiations with the Company and Edison to settle this dispute. State ownership of several narrow strips of real property of little current utility along the shore of the island, often located in remote areas without public access by land, would be of little value to the public. Staff believes that the State and the public will be best served by consolidation of the State's interests into a single parcel at Jewfish Point, which will be more useful for Public Trust purposes and will have public access by road from the City of Avalon.

An agreement has been reached which will embody this concept and which will result in settlement of the boundary and title issues in the subject areas. All parties have agreed that it is in the best interests of the State and the public, the Company, and Edison, to resolve these title and boundary disputes by compromise settlement, thereby avoiding the substantial costs, time requirements, and uncertainties of litigation.

The net result of the Agreement is as follows:

1. Company has agreed to relinquish all right, title and interest it may have in the approximately 20 acres claimed by the State at Jewfish Point clearing any title uncertainty to this area. Further, in exchange for interests to be acquired from the State, the Company will convey to the State all right, title and interest in and to an upland parcel of approximately one acre adjacent to the 20-acre site at Jewfish Point and an easement for public access in and across that privately-owned road from the Avalon city limits to the State's parcel at Jewfish Point. The Company will covenant to maintain that road for public use at no cost to the State.

As a result, the State will have clear title to a consolidated parcel of approximately 21 acres at Jewfish Point, along with public access to the parcel by road from Avalon. (The Company will terminate all outstanding leases in the areas quitclaimed to the State.)

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2. In exchange for these interests, pursuant to PRC Section 6307 the State will convey to the Company and Edison all right, title and interest in and to several relatively small parcels of filled tidelands and submerged lands at Empire Landing, Pebbly Beach and the municipal dumpsite.
3. The State will agree that upon recordation of the Agreement and the Conveyances called for therein, those filled tidelands and submerged lands quitclaimed by the State to the Company and Edison will be freed from the Public Trust for navigation and fishing.
4. Staff has concluded that the value of the private interests that the State will receive pursuant to this agreement is equal to or greater than the value of the State's interest being conveyed to the Company and Edison.
5. That line, which as a result of this proposed exchange, will be the boundary which separates State interests from Company and Edison interests in the subject areas, will be fixed and permanent and not subject to fluctuation. That line lies at or above the present mean high tide line.

A copy of the Boundary Settlement and Exchange Agreement is on file in the offices of the State Lands Commission.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a statutory exempt project. The project is exempt because it involves settlements of title and boundary problems.

Authority: P.R.C. 21080.11.

EXHIBIT: A. Site Map.

CALENDAR ITEM NO. 53 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO 14 CAL ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO PRC 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. FIND THAT THE EXCHANGE AGREEMENT BETWEEN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, AND THE SANTA CATALINA ISLAND COMPANY, WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION, IS IN THE BEST INTERESTS OF THE STATE, FOR THE ACCOMPLISHMENT OF PUBLIC TRUST PURPOSES, AND APPROVE THE SAME.
3. AUTHORIZE EXECUTION AND ACCEPTANCE ON BEHALF OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, OF THE EXCHANGE AGREEMENT AND CONVEYANCES CALLED FOR THEREIN AND RECORDATION OF SAID AGREEMENT AND CONVEYANCES IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY.
4. FIND THAT THE VALUE OF THE PRIVATE INTERESTS THAT THE STATE WILL RECEIVE PURSUANT TO THE PROPOSED EXCHANGE AGREEMENT IS EQUAL TO OR GREATER THAN THE VALUE OF THE STATE'S INTEREST IN THOSE LANDS TO BE CONVEYED BY THE STATE TO THE COMPANY AND EDISON PURSUANT TO SAID AGREEMENT.
5. FIND THAT THOSE PARCELS OF FORMER TIDELANDS AND SUBMERGED LANDS WHICH WILL BE CONVEYED BY THE STATE TO THE COMPANY AND EDISON PURSUANT TO THE PROPOSED EXCHANGE AGREEMENT HAVE BEEN FILLED AND RECLAIMED AND HAVE THEREBY BEEN EXCLUDED FROM THE PUBLIC CHANNELS AND ARE NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING, AND ARE NO LONGER, IN FACT, TIDELANDS OR SUBMERGED LANDS, AND UPON RECORDATION OF SAID AGREEMENT, SHALL BE FREE FROM THE PUBLIC TRUST FOR COMMERCE, NAVIGATION, AND FISHERIES.
6. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY OR APPROPRIATE TO EFFECTUATE THE EXCHANGE AGREEMENT.
7. FIND THAT THE CONVEYANCES CALLED FOR IN THE EXCHANGE AGREEMENT ARE SOLELY FOR THE PURPOSE OF PERFECTING TITLE TO THE PROPERTY THEREIN DESCRIBED, AND DO NOT INVOLVE A CHANGE IN OWNERSHIP, PURSUANT TO SECTION 62(b) OF THE CALIFORNIA REVENUE AND TAXATION CODE.

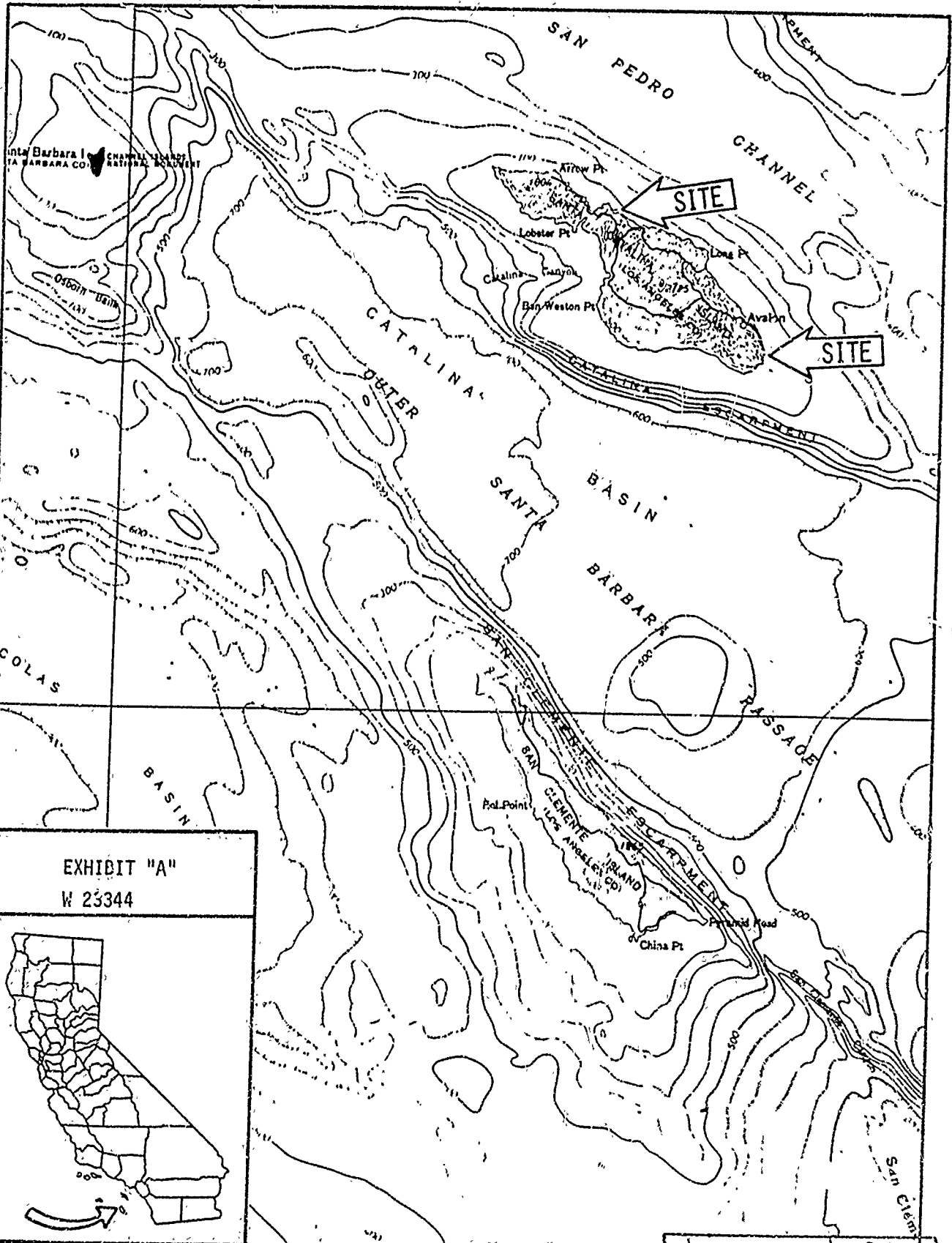


EXHIBIT "A"
W 23344

