



THE PORT  
OF LOS ANGELES  
Executive Director's  
Report to the

Board of Harbor Commissioners

**DATE: SEPTEMBER 3, 2014**

**FROM: REAL ESTATE**

**SUBJECT: ORDER NO. \_\_\_\_\_ - AUTHORIZING THE DISPOSAL OF  
ABANDONED VESSEL AT BERTH 162, WILMINGTON**

**SUMMARY:**

The City of Los Angeles Harbor Department (Harbor Department) is requesting that the Board of Harbor Commissioners (Board) declare a vessel abandoned that currently remains on Harbor Department property at Berth 162 in Wilmington, formerly occupied by Wilmington Marine Services, Inc. (WMS). The vessel, a 75-foot fiberglass fishing boat, has been at this site prior to the closure of WMS and bears no identifying numbers or marks. Attempts to locate the vessel owner have not been successful, despite notices posted at the premises for more than a year and the mailing of letters to possible owners. This action will formally allow proper and legal disposal of the abandoned vessel by the Harbor Department.

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners:

1. Declare the abandonment of the unidentified vessel pursuant to Port of Los Angeles Tariff No. 4, Item No. 1670;
2. Authorize the destruction and disposal of the vessel upon the expiration of the prescribed ten-day notification period; and
3. Adopt Order No. \_\_\_\_\_.

**DISCUSSION:**

Background/Context – WMS was granted Harbor Department property at Berth 161 in Wilmington for the operation and maintenance of a boat yard under Revocable Permit 93-21. Prior to the return of the premises on April 10, 2013, Dominic “Dinko” Bilicich, President and CEO of WMS, submitted a fully executed “Vessel Destruction and Disposal Agreement” which released all property at the premises, including abandoned vessels, to the Harbor Department unless there is reason to believe a third party may own it.

On June 11, 2013, the Wharfingers Division began standard procedures for abandoned vessels. All other abandoned vessels have been properly disposed of, except for the subject vessel, which has no numbers or identifying marks (Transmittal 1). No claims for the vessel have been received.

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Port of Los Angeles Tariff No. 4, Item No. 1670, allows the Board to declare a vessel abandoned if it is "in an unseaworthy or dilapidated condition upon tide and submerged lands in the Harbor District for a period of longer than 30 days without a watchman or other person being maintained upon or near and in charge of such property, and without the consent of the Board expressed by resolution." The vessel is unseaworthy and dilapidated after having been abandoned for over a year.

The facts supporting the abandonment include: the failure of any owner to contact the Harbor Department, despite the posting of notices at the site; the lack of care and maintenance to the vessel; and the extended length of time the vessel has remained unattended, all without authority to be stored on Harbor Department property. Costs for the disposal of the abandoned vessel will be borne by the Harbor Department since WMS filed for bankruptcy, and efforts to locate the owner were unsuccessful.

Upon Board approval of the Order (Transmittal 2), Harbor Department staff will have all debris, chemicals, fuel, and oil removed from the vessel and the vessel cleaned prior to disposal.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is approval for the disposal of a vessel deemed to be abandoned at Berth 162. The proposed action is being carried out pursuant to Tariff No. 4 and is therefore not considered a discretionary action pursuant to the California Environmental Quality Act (CEQA).

**ECONOMIC BENEFITS:**

This Board action will have no employment impact.

**FINANCIAL IMPACT:**

The abandoned vessel is not expected to have any salvage value due to its current condition and is not expected to be saleable in the marketplace; however, this Board Report serves as public notice that the abandoned vessel is for sale should a party express interest. Absent a sale, the contract for the removal of hazardous materials will cost \$4,000 and Construction & Maintenance Division staff will dispose of the boat using existing budgeted resources estimated at a cost of \$11,000. Costs for the disposal of the abandoned vessel will be borne by the Harbor Department because, as the landlord, the Harbor Department is responsible for disposing of all personal property WMS abandoned at the premises upon its eviction for failure to pay rent. To the extent WMS may be liable for the cost of disposal under the terms of its permit, collection attempts would be futile since WMS is now a defunct corporation. There will be no additional staff costs associated with the disposal, other than what has already been approved in the current Fiscal Year 2014/2015 adopted budgets.

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**CITY ATTORNEY:**

The Office of the City Attorney has reviewed and approved the Order as to form and legality.

**TRANSMITTALS:**

1. Photograph of Vessel
2. Order



JACK C. HEDGE  
Director of Real Estate

FIS Approval:  (initials)  
CA Approval:  (initials)



DAVID L. MATHEWSON  
Interim Deputy Executive Director

APPROVED:



EUGENE D. SEROKA  
Executive Director

EDS:DM:JH:RV:raw  
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BL491raw WMS Abandoned Vessel