

MINUTE ITEM

9/25/67

56. FINDING OF STATUTORY COMPLIANCE WITH SUBSTANTIAL IMPROVEMENT REQUIREMENT, GRANTED LANDS, PORT SAN LUIS HARBOR DISTRICT - W.O. 2106D.

During consideration of Calendar Item 25 attached, the following changes were read into the record by the Executive Officer:

In the third paragraph of the first page, it is stated that several upland parcels adjacent to the granted lands have been condemned. The use of the word "condemned" is erroneous, as the lands were acquired by negotiation.

In the fourth paragraph, the total present cost of the refurbishing of the pier is \$100,000 and the cost of the land fill is \$262,000 instead of \$160,000.

Appearances were made by the following:

Mr. Gerald C. Weaver, Attorney (with Crossman and Weaver), representing Robert Marre, an upland owner in the area, who requested deferment of action on the item, claiming that the investigation was not complete.

Mr. H. C. Grundell, Attorney for the Port San Luis Harbor District, who outlined the work that had been done to date in compliance with the terms of Chapter 302, Statutes of 1957.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE COMMISSION FINDS THAT THE PORT SAN LUIS HARBOR DISTRICT HAS COMPLIED WITH THE SUBSTANTIAL IMPROVEMENT REQUIREMENT CONTAINED IN SECTION 1(b), CHAPTER 302, STATUTES OF 1957.

Attachment

Calendar Item 25 (2 pages)

CALENDAR ITEM

W.O. 2206E

25.

GRANTED LANDS - FINDING OF STATUTORY COMPLIANCE
WITH SUBSTANTIAL IMPROVEMENT REQUIREMENT

GRANTEE: Port San Luis Harbor District

LOCATION: All salt marsh, tide lands, submerged lands and swamp and over-flowed lands within San Luis Bay, as described by Chapter 302, Statutes of 1957, San Luis Obispo County.

PURPOSE: Purpose of Commission action is to verify improvements made on the granted land as being "substantial compliance" under the terms of the grant statute. Section 1(b), Chapter 302, Statutes of 1957, states: "That said lands shall be substantially improved by said district within 10 years of the effective date of this act without expense to the State, ...If the State Lands Commission determines that the district has failed during said 10-year period to improve said lands as herein required, all right, title and interest of said district in and to all lands granted by this act shall cease and said lands shall revert and vest in the State."

FACTS
EVIDENCING
COMPLIANCE:

The Port San Luis Harbor District, the grantee, since receiving the grant above described, has actively pursued a course of action evidencing the district's intent to improve substantially the lands described in the grant. Several upland parcels adjacent to the granted lands have been condemned and purchased by the grantee at an expense of approximately \$500,000, for the purpose of obtaining maximum useful areas in which to realize development plans. A number of studies have been performed relating to master planning the harbor area. These studies were conducted by the U. S. Army Corps of Engineers and by private consultants.

Working in conjunction with the United States Army Corps of Engineers, the State Department of Harbors and Watercraft, and other public and private parties, the District has developed a master plan for the area. Phase I of this master plan includes a boat-launching and fueling facility, a fishing pier, and a parking lot. Most of the Phase I projects are complete or nearly completed. The Harbor District has filled a portion of the tide and submerged lands on the Bay, which now serves as a parking lot and access to the boat launching and fuel dock facility and to the public pier that is being rebuilt. The total cost to the District of the pier refurbishing and the boat-launching facilities is approximately \$160,000. In addition, private parties have invested about \$50,000 to date. According to the report submitted, the capital expenditures by the District for development of the granted and adjacent lands total \$907,890.

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In addition, the Harbor District, working in conjunction with the Division of Highways and the San Luis Obispo County Road Department, has participated in the development of an improved public road and bridge to provide better access to the Port.

Further plans for the development of this area under Phase I, as presented by the District and on file in the State Lands Division, include construction of public restrooms, fishing platforms, and fish-cleaning racks. Phases II, III, and IV will provide a break-water, additional land fill, and revetment for additional recreational, fishing, and administration facilities. Phase V, which will develop if there is sufficient economic demand, will provide deep-draft pier and berthing facilities, as well as appurtenant equipment for handling and storing cargo.

IT IS RECOMMENDED THAT THE COMMISSION FIND THAT THE PORT SAN LUIS HARBOR DISTRICT HAS COMPLIED WITH THE SUBSTANTIAL IMPROVEMENT REQUIREMENT CONTAINED IN SECTION 1(b), CHAPTER 302, STATUTES OF 1957.