

MINUTE ITEM

3/1/71
JS

18. REVERSION TO STATE OF GRANT TO CITY OF BURLINGAME ON FINDING OF NONCOMPLIANCE WITH STATUTORY SUBSTANTIAL IMPROVEMENT CLAUSE, CHAPTER 535, STATUTES OF 1915, SECTION 2 - Grant 14-2d.

After consideration of Calendar Item 9 attached, and upon motion duly made and carried, the following resolution was adopted:

THE STATE LANDS COMMISSION:

1. FINDS THAT THE CITY OF BURLINGAME HAS FAILED TO IMPROVE THE LAND GRANTED TO IT BY CHAPTER 535, STATUTES OF 1915, AS REQUIRED BY SECTION 2 OF THAT ACT, AND ALL JURISDICTION FORMERLY VESTED IN THE CITY BY VIRTUE OF SAID ACT REVERTED TO THE STATE.
2. AUTHORIZES THE EXECUTIVE OFFICER TO NOTIFY THE CHIEF CLERK OF THE ASSEMBLY, THE SECRETARY OF THE SENATE, AND THE CITY OF BURLINGAME, ACTING THROUGH ITS CITY ATTORNEY, THAT THE COMMISSION HAS FOUND THAT THE CITY OF BURLINGAME HAS NOT IMPROVED THE GRANTED LAND WITHIN THE TERMS OF SECTION 2 OF CHAPTER 535, STATUTES OF 1915, AND BY OPERATION OF SAID STATUTE SAID LAND HAS REVERTED TO THE STATE.

FURTHER, PURSUANT TO THIS FINDING, THE STATE LANDS DIVISION IS TO AUDIT THE ACCOUNTS, REVENUES, AND EXPENDITURES RELATED TO THE TIDELAND TRUST OF THE CITY OF BURLINGAME TO DETERMINE WHAT RIGHTS AND/OR OBLIGATIONS MAY EXIST WITH REGARD TO THE GRANTEE AND THIRD PARTIES, IF ANY, SO AS TO ENABLE THE STATE LANDS COMMISSION TO DETERMINE ANY FUTURE COURSE OF ACTION WITH RESPECT TO THE REVERTED TIDE AND SUBMERGED LANDS.

Attachment:

Calendar Item 9 (2 pages)

GRANT TO CITY OF BURLINGAME
FINDING OF NONCOMPLIANCE WITH STATUTORY SUBSTANTIAL IMPROVEMENT CLAUSE,
CHAPTER 535, STATUTES OF 1915, SECTION 2

GRANTEE: City of Burlingame.

LOCATION: Lands granted by virtue of Chapter 535, Statutes of 1915, lying in San Francisco Bay northwesterly of Coyote Point and fronting uplands in the City of Burlingame, including all right, title, and interest of the State of California held by said State by virtue of its sovereignty in and to all the salt marsh, tide and submerged lands, whether filled or unfilled, within the boundaries of the City as they existed in 1915, including minerals.

PURPOSE: To make a finding that the granted lands held by the City of Burlingame under Chapter 535, Statutes of 1915, have not been improved in accordance with Section 2 of the grant statute. The statute provides:

"The foregoing conveyance is made upon the condition that the City of Burlingame shall within five years from the time this act shall go into effect . . . issue its bonds for harbor improvement purposes in an amount of money not less than \$100,000 and shall within five years after this act shall go into effect . . . commence the work for such harbor improvement, and said work and improvement shall be prosecuted with such diligence that not less than \$100,000 shall be expended thereon within five years from the time this act shall go into effect If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed, to the city of Burlingame, shall revert to the State of California."

FACTS SUPPORTING FINDING:

The State Lands Division has been conducting extensive research of San Francisco Bay title and boundary problems in conjunction with the lawsuit entitled State v. County of San Mateo, et al., including Westbay Community Associates. This research has revealed that the conditions of said grant have never been met by the City of Burlingame. No bonds were ever issued by the City of Burlingame, and no harbor improvement has ever been undertaken in accordance with the terms of the grant. The aforementioned pending litigation and the negotiations concerning title and boundary problems require a determination as to the validity of the said grant at the present time.

CALENDAR ITEM 9. (CONTD.)

This matter has been discussed with various Burlingame city officials and reported by letter. The City was notified that, in the opinion of the State, the City of Burlingame has not complied with the terms of the grant statute relative to issuance of bonds for harbor improvement, and, in fact, did not accomplish that work.

IT IS RECOMMENDED THAT:

1. THE STATE LANDS COMMISSION FIND THAT THE CITY OF BURLINGAME HAS FAILED TO IMPROVE THE LAND GRANTED TO IT BY CHAPTER 535, STATUTES OF 1915, AS REQUIRED BY SECTION 2 OF THAT ACT, AND ALL JURISDICTION FORMERLY VESTED IN THE CITY BY VIRTUE OF SAID ACT REVERTED TO THE STATE.
2. THE EXECUTIVE OFFICER BE AUTHORIZED TO NOTIFY THE CHIEF CLERK OF THE ASSEMBLY, THE SECRETARY OF THE SENATE, AND THE CITY OF BURLINGAME, ACTING THROUGH ITS CITY ATTORNEY, THAT THE COMMISSION HAS FOUND THAT THE CITY OF BURLINGAME HAS NOT IMPROVED THE GRANTED LAND WITHIN THE TERMS OF SECTION 2 OF CHAPTER 535, STATUTES OF 1915, AND BY OPERATION OF SAID STATUTE SAID LAND HAS REVERTED TO THE STATE.

IT IS RECOMMENDED FURTHER THAT PURSUANT TO THIS FINDING THE STATE LANDS DIVISION AUDIT THE ACCOUNTS, REVENUES, AND EXPENDITURES RELATED TO THE TIDE-LAND TRUST OF THE CITY OF BURLINGAME TO DETERMINE WHAT RIGHTS AND/OR OBLIGATIONS MAY EXIST WITH REGARD TO THE GRANTEE AND THIRD PARTIES, IF ANY, SO AS TO ENABLE THE STATE LANDS COMMISSION TO DETERMINE ANY FUTURE COURSE OF ACTION WITH RESPECT TO THE REVERTED TIDE AND SUBMERGED LANDS.