

MINUTE ITEM

8/31/72  
RHM

16. FINDINGS OF STATUTORY COMPLIANCE WITH SUBSTANTIAL IMPROVEMENT CLAUSE, GRANTED LANDS, MARIN COUNTY; CITY OF MILL VALLEY - Grant 6-2d.

After consideration of Calendar Item 14 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT THE CITY OF MILL VALLEY HAS SUBSTANTIALLY IMPROVED THE LANDS GRANTED TO IT AS REQUIRED BY SECTION 1(g), CHAPTER 496, STATUTES OF 1959.
2. AUTHORIZES THE EXECUTIVE OFFICER TO NOTIFY THE CITY OF MILL VALLEY, THE SECRETARY OF THE SENATE, AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE COMMISSION HAS MADE AN INVESTIGATION OF SUBSTANTIAL IMPROVEMENT, AS REQUIRED BY THE GRANT STATUTE, AND FINDS THAT THE CITY OF MILL VALLEY HAS SUBSTANTIALLY IMPROVED THE LAND WITHIN THE TERMS OF SECTION 1(g), CHAPTER 496, STATUTES OF 1959.

Attachment:

Calendar Item 14 (3 pages)

FINDINGS OF STATUTORY COMPLIANCE WITH SUBSTANTIAL  
IMPROVEMENT CLAUSE--GRANTED LANDS

GRANTEE: City of Mill Valley.

LOCATION: Lands granted by Chapter 496, Statutes of 1959, as said lands are shown on a "Plat of the Grant to the City of Mill Valley" prepared and approved by the State Lands Commission on April 28, 1960, and recorded in the office of the Recorder of Marin County on May 10, 1960, as document 0216 in Can D.

PURPOSE: Determine whether the lands granted to the City of Mill Valley by Chapter 496, Statutes of 1959, have been substantially improved within the terms and meaning of the statute.

Section 1 (g) states:

"That within 10 years from the effective date of this act said lands shall be substantially improved by said city without expense to the State, and if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and rest in the State."

## REPORT OF INVESTIGATION:

On January 18, 1972, the Executive Officer authorized a study to determine if the above-mentioned granted lands have been substantially improved, as required by the grant statute. On February 9, 1972, the State Lands Division requested from the City such items as photographs, maps, and other graphic materials showing the extent of any improvements made within the ten-year period; a comprehensive detailed statement listing all expenditures and revenues for each of the ten years of the substantial improvement period; a general description of the City's method of accounting for trust funds and disbursements; a list of capital projects showing costs, dates, etc.; a narrative statement outlining any specific problems encountered in the development of the grant and reasons why the City feels the statute has been complied with; and any other pertinent or helpful material. On April 27, 1972, the City submitted a report generally supplying the requested information.

An on-site investigation of the granted lands was conducted on June 26, 1972.

All material gathered or submitted regarding this investigation is filed with the State Lands Division.

CALENDAR ITEM NO. 14. (CONTD)

FACTS SUPPORTING INVESTIGATION:

Section 1 (a) of the subject grant statute requires that said lands shall be held by the City in trust for the uses and purposes and upon the express conditions as follows:

"That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, . . . ."

In 1959, the granted tide and submerged land was a loop-shaped 18-acre slough surrounded by marsh and swampland mostly privately owned, which made it practically inaccessible from the landward side. There was no means to launch a boat on the tide and submerged lands without carrying the boat across the marsh, and there was little incentive to do that since the slough had water sufficient for canoeing only at higher stages of the tide. Large mudflats prohibited easy access from Richardson Bay. Hence because of lack of easy accessibility by land or water, use of the tide and submerged lands was negligible at the time of the grant. In 1965, the city dredged a harbor and channel to Richardson Bay which included most of the granted lands. In the meantime, the City School District had acquired some of the private lands adjacent to the grant for a school site, but in 1968 an exchange between City and City School District was accomplished, thereby adding 13 acres of land to the harbor area and enabling the use of both sides of the granted lands for harbor purposes.

In 1969, two piers, one with a float, an access ramp, and a fenced small boat dry storage area were constructed to facilitate access for sailing, canoeing and fishing. A graded crossing over the railroad and a paved road, named Sycamore Street, was constructed to connect the harbor with Camino Alto, a main thoroughfare through town.

In 1970, the City placed about 27 acres of dry fill over lands, including the remaining granted lands, westerly and adjacent to the harbor to provide a stable and level surface.

The City states that they have spent about \$200,000 during the past 13 years on the project but have not yet received any revenues since the project is not complete.

In September 1971, the Marin County Department of Environmental Health closed the harbor as a boating area because of water pollution resulting from the nearby Mill Valley Sewage Treatment Plant. Although public use is temporarily restricted, the physical

CALENDAR ITEM NO. 14. (CONTD)

improvements remain, and were used prior to the restriction, and continue to be used at the user's own risk. A regional sewage treatment facility is being planned to remove the pollution which will restore full use to the public.

The actual improvements to date, which are part of an overall development plan on file with the State Lands Division, have resulted in a small boat sailing basin, usable at all stages of the tide, about 3000 feet of accessible shoreline, free launching facilities, free parking and easy wheeled or pedestrian access to the harbor.

EXHIBITS: A. Site Map. B. Map of Granted Area.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CITY OF MILL VALLEY HAS SUBSTANTIALLY IMPROVED THE LANDS GRANTED TO IT AS REQUIRED BY SECTION 1 (g) CHAPTER 496, STATUTES OF 1959.
2. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE CITY OF MILL VALLEY, THE SECRETARY OF THE SENATE, AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE COMMISSION HAS MADE AN INVESTIGATION OF SUBSTANTIAL IMPROVEMENT, AS REQUIRED BY THE GRANT STATUTE, AND FINDS THAT THE CITY OF MILL VALLEY HAS SUBSTANTIALLY IMPROVED THE LAND WITHIN THE TERMS OF SECTION 1 (g) CHAPTER 496, STATUTES OF 1959.