

MINUTE ITEM

10/3/74
RH

19. CONSIDERATION OF SUBSTANTIAL IMPROVEMENT OF GRANTED TIDE AND SUBMERGED LANDS IN THE CITY OF MORRO BAY, SAN LUIS OBISPO COUNTY, AS REQUIRED BY CHAPTER 70, STATUTES OF 1960 - G13-02.

After consideration of Calendar Item 20 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT THE CITY OF MORRO BAY HAS IMPROVED AND USED FOR ADDITIONAL PURPOSES THE LANDS GRANTED AS REQUIRED BY SECTIONS 1(a), 1(b), AND 1(h), CHAPTER 70, STATUTES OF 1960.
2. AUTHORIZES THE EXECUTIVE OFFICER TO NOTIFY THE CITY OF MORRO BAY, THE SECRETARY OF THE SENATE, AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE COMMISSION HAS MADE AN INVESTIGATION OF IMPROVEMENT AND USE FOR ADDITIONAL PURPOSES, AS REQUIRED BY THE GRANT STATUTE, AND FINDS THAT THE CITY OF MORRO BAY HAS MET THE CONDITIONS OF SECTION 1(a), SECTION 1(b), AND SECTION 1(h), CHAPTER 70, STATUTES OF 1960.

Attachment:

Calendar Item 20 (3 pages)

CONSIDERATION OF SUBSTANTIAL IMPROVEMENT OF
GRANTED TIDE AND SUBMERGED LANDS IN THE
CITY OF MORRO BAY AS REQUIRED BY CHAPTER 70, STATUTES OF 1960

GRANTEE: City of Morro Bay.

LOCATION: Lands granted by Chapter 1076, Statutes of 1947, and described in Chapter 70, Statutes of 1960, and shown on maps recorded in Book 1, Miscellaneous Maps, page 1, in the office of the County Recorder of San Luis Obispo County.

PURPOSE: Determine whether the lands granted to the County of San Luis Obispo and transferred later to its successor in interest, the City of Morro Bay, have been improved and used for the additional purposes required by the statute. Chapter 70, Statutes of 1960, amended Chapter 1076, Statutes of 1947, to add the underlined uses to Section 1(a):

"That said lands shall be used by said county, and its successors, only for the establishment, improvement and conduct of a harbor, 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, and for recreational use, public park, parking, highway, playground, and business incidental thereto;"

Section 1(b) of the amended Chapter 1076, Statutes of 1947, states, in pertinent part:

"That said lands shall be improved by said county without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation"

Section 1(h) of said Chapter 1076 states:

"If the lands, or any part thereof, granted to the county by this act are not used for the additional purposes authorized by the amendment of this section made at the 1960 First Extraordinary Session of the Legislature within 10 years from the effective date of said amendment, or if such use is discontinued thereafter, the authorization to use said lands for such additional purposes shall automatically terminate and lapse."

CALENDAR ITEM NO. 20. (CONTD)

REPORT OF INVESTIGATION:

On February 23, 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 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 June 29, 1972, the city submitted a report generally supplying the requested information. An on-site investigation of the granted lands was conducted on November 29, 1972. All material gathered or submitted regarding this investigation is filed with the State Lands Division.

FACTS SUPPORTING INVESTIGATION:

During the ten-year investigation period, the grant was under the jurisdiction of two governmental entities, the County of San Luis Obispo from July 1960, to May 14, 1965, and the City of Morro Bay from May 15, 1965, through June 30, 1970. Expenditures from county and city general funds have been necessary to support the tidelands trust property. Receipts and expenditures for the period during which the county had jurisdiction are contained in a memorandum from a Lands Commission auditor to the Executive Officer dated August 23, 1966. For the city alone, some \$395,570 of municipal funds were added to income in order to meet expenditures between May 14, 1965, and June 30, 1970. All totaled, according to the city report, \$909,720 were spent between 1960 and 1970. Expenditures exceeded revenues in each year.

The granted lands comprise 3300 acres, most of it water. A portion of the area was filled by the U. S. Army Corps of Engineers for use by the U. S. Navy during World War II. However, the Navy installation was removed and no improvements existed on any of the granted areas when granted.

The four square miles of ocean have not been "improved" but its use is not restricted, and it is a popular area for sportfishing and for large sailboat races. All of the granted waters of the bay are used for boating, fishing, scuba diving, clam digging, swimming, and other similar uses. Photographs and on-site visit confirm there are 19 land improvements wholly or partly within the grant facilitating additional uses of recreation, public park, parking, highway, playground and business incidental thereto. All of the uses are in the general Statewide interest and consistent with the conditions of the grant.

CALENDAR ITEM NO. 20. (CONTD)

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CITY OF MORRO BAY HAS IMPROVED AND USED FOR ADDITIONAL PURPOSES THE LANDS GRANTED AS REQUIRED BY SECTIONS 1(a), 1(b), AND 1(h), CHAPTER 70, STATUTES OF 1960.
2. AUTHORIZE THE EXECUTIVE OFFICE TO NOTIFY THE CITY OF MORRO BAY, THE SECRETARY OF THE SENATE, AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE COMMISSION HAS MADE AN INVESTIGATION OF IMPROVEMENT AND USE FOR ADDITIONAL PURPOSES, AS REQUIRED BY THE GRANT STATUTE, AND FINDS THAT THE CITY OF MORRO BAY HAS MET THE CONDITIONS OF SECTION 1(a), SECTION 1(b), AND SECTION 1(h), CHAPTER 70, STATUTES OF 1960.