

MINUTE ITEM

2/27/75
RSH

14. CONSIDERATION OF SUBSTANTIAL COMPLIANCE WITH THE TRUST FOR TIDE AND SUBMERGED LANDS GRANTED TO THE CITY OF IMPERIAL BEACH, SAN DIEGO COUNTY, UNDER CHAPTER 330, STATUTES OF 1961 - G 10-04.

After consideration of Calendar Item 12 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT THE CITY OF IMPERIAL BEACH HAS SUBSTANTIALLY COMPLIED WITH REQUIREMENTS OF CHAPTER 330, STATUTES OF 1961.
2. AUTHORIZES THE EXECUTIVE OFFICER TO NOTIFY THE CITY OF IMPERIAL BEACH, THE SECRETARY OF THE SENATE, AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE COMMISSION HAS MADE AN INVESTIGATION AS REQUIRED BY THE GRANT STATUTE, AND FINDS THAT THE CITY HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF SECTION 4, CHAPTER 330, STATUTES OF 1961.

Attachment:

Calendar Item 12 (4 pages)

CALENDAR ITEM

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12.

CONSIDERATION OF SUBSTANTIAL COMPLIANCE WITH
THE TRUST FOR TIDE AND SUBMERGED LANDS GRANTED TO
THE CITY OF IMPERIAL BEACH UNDER CHAPTER 330, STATUTES OF 1961

GRANTEE/TRUSTEE:

City of Imperial Beach.

LOCATION:

Lands granted by Chapter 330, Statutes of 1961, as shown on a "Map of the Grant to the City of Imperial Beach" prepared and approved by the State Lands Commission and recorded in the Office of the Recorder of San Diego County on November 23, 1962, as Document 200792, Miscellaneous Map 431.

PURPOSE:

Determine whether the City of Imperial Beach has substantially complied with Chapter 330, Statutes of 1961. Section 4 states:

"This grant is made upon the express condition that within 10 years from the effective date of this act the granted lands shall be substantially improved by the city without expense to the State and that 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 all said right, title and interest in the granted lands shall revert and rest in the State."

Section 4 also states:

"Nothing contained in this act shall preclude the city from accepting and expending any grant of funds from the State for the development of the granted lands for any public purpose not inconsistent with the trusts for commerce, navigation, and fishery."

REPORT OF INVESTIGATION:

On March 6, 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 since 1961; 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

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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 3, 1972, the City submitted a report generally supplying the requested information.

On June 30, 1972, staff conducted an on-site investigation accompanied by the City Manager and members of his staff. Staff also considered:

1. The effect of improvement of the uplands in conjunction with improvement of the granted lands.
2. The effect of the use of State funds from the Wildlife Conservation Board in the area. The City funded the initial cost of the Municipal Fishing Pier complex with \$291,000 from general obligation bonds, which were matched by approximately \$150,000 from the Board.

It was determined that (1) the City, in performing acts on or proximate to the granted lands, substantially furthered the public trust on a Statewide basis as distinguished from local interest; and (2) the statute does not preclude the City from accepting and expending any grant of funds from the State provided that accounting shows that the City itself spent substantial funds to carry out trust purposes on the lands.

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

FACTS SUPPORTING INVESTIGATION:

Section 1 of the statute grants the City the right to make improvements, betterments and structures of every kind for the development of commerce, navigation and fisheries, including a harbor and facilities incidental to a harbor; the construction of small boat harbors and similar recreational facilities; the construction of commercial and industrial buildings, plants

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and facilities; the construction of jetties at or near the mouth of the Tia Juana Estuary and groins at other areas for protection of the beach and for the improvement of the beach for recreational facilities not in conflict with the trusts under which this grant is made.

At the time of this investigation, the physical improvements to the granted lands consist of two groins and a "T" shaped fishing pier 1,200 feet long.

The fishing pier includes a snack bar, benches, fish cleaning sinks, bait tanks, restroom, and dock. On the upland, around the shore end of the pier, the City cleared title and purchased property to provide 130 parking spaces and restrooms for those using the pier, and to provide convenient access to the beach areas. Originally, under the auspices of the U. S. Army Corps of Engineers, five groins were planned. Two were constructed but were incorrectly aligned and hence proved ineffective. Further work was suspended. In February 1969, storm waves demolished one arm of the "T" at the seaward end of the pier and threw the debris into the stem of the pier, causing severe damage. This damage was repaired immediately.

The construction of this pier and concomitant shore facilities has enhanced and broadened the public use of the tidelands for recreation and fishing.

This City of 21,000 population committed \$291,000 of its own funds for improvements to the tidelands and related uplands. Since the City was not precluded from accepting a grant of funds from the State under Section 4 of the statute, an additional grant of \$150,000 was secured from the State Wildlife Conservation Board.

The City reports that 400,000 people annually use the pier, and that these facilities attract large numbers of both regional residents and visitors to the bay-border region.

These City facilities have provided urgently needed access to the Pacific Ocean at a place where a

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16-mile strip of beach is almost exclusively restricted by private or defense interests. These facilities are consistent with the terms of the grant, and have enhanced the lands for the use of all the citizens in the State.

EXHIBIT:

A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CITY OF IMPERIAL BEACH HAS SUBSTANTIALLY COMPLIED WITH REQUIREMENTS OF CHAPTER 330, STATUTES OF 1961.
2. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE CITY OF IMPERIAL BEACH, THE SECRETARY OF THE SENATE, AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE COMMISSION HAS MADE AN INVESTIGATION AS REQUIRED BY THE GRANT STATUTE, AND FINDS THAT THE CITY HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF SECTION 4, CHAPTER 330, STATUTES OF 1961.