

ASBUTE ITEM NO. 5
APPROVED

CALENDAR ITEM

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CONSIDERATION OF SUBSTANTIAL COMPLIANCE

GRANTEE/TRUSTEE:

City of Crescent City.

LOCATION:

Lands granted by Chapter 977, Statutes of 1963, as the lands are shown on "Map of the Grant to the City of Crescent City" prepared and approved by the State Lands Commission on July 28, 1964, and recorded May 16, 1965, in Book 4 of Maps at Page 218, Recorder's File No. 4128, Del Norte County.

PURPOSE:

To determine whether the City of Crescent City has substantially complied with the terms of Chapter 977, Statutes of 1963. This Statute amended Chapter 299 (1868), Chapter 137 (1870), and Chapter 1085 (1949).

Section 1 (j) provides that if the lands granted to the City by this act are not used for the additional purposes authorized by the 1963 amendment within a year, or if such use is discontinued thereafter, all right, title, and interest of the City in the lands shall cease and the lands shall revert to the State. The amendment of Section 1 (a)(1) calls for the City to use lands for purposes in which there is a general statewide interest, adding public recreation purposes, and the establishment, improvement and conduct of utilities, facilities, structures, buildings necessary or convenient for the promotion and accommodation of public recreation to purposes previously authorized.

REPORT OF INVESTIGATION:

In January, 1974, the State Lands Division began a study of the improvement to and uses made of the tide and submerged lands granted by the Legislature in trust to the City of Crescent City. In March, the City submitted a report that was reviewed by the staff of the Division.

An on-site investigation of the granted lands was conducted on January 28, 1975. Additional information on how the recreational facilities are publicized and made available to the statewide public was gathered from other sources.

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All materials submitted regarding this investigation are filed with the Division.

FACTS SUPPORTING INVESTIGATION:

An indoor swimming pool was under construction when a tidal wave struck on March 29, 1964 and temporarily halted construction. Later in 1964, the improvement on beachfront granted lands started. Beachfront improvements consisting of construction of streets, underground utilities, street lights, tree planting, earth fill and law, and flower planting, irrigation systems, construction of parks, playground, restrooms, and other recreational facilities has continued from 1964 until the present.

Noteworthy facilities constructed during the 10-year period were the pool and a children's playground. Located adjacent to the grant area is a Cultural and Convention center, which was completed in 1974.

On-site inspection of the lands verified that grant improvements are on the beachfront and in a park-like setting that stresses the area's marine, Indian and redwood heritage. Roadways, bikeways and parkways open up the area to the statewide public. According to City officials, tourism is their third-ranking industry. Chamber of Commerce pamphlets and other publications welcome visitors to all the facilities in the grant. Maps clearly mark access to them, to rock-fishing and boating areas. School buses bring children to the pool for swimming instruction from throughout the county and further point even in January it is utilized by tourists throughout the year. Local groups sponsor parades, contests, and shows to attract visitors to convention center and beachfront events.

In this instance the statute does not require that the lands granted be substantially "improved" -- only "used" for the purposes added by the 1963 amendment. The City has in fact invested considerable funds in improvements which enhanced the lands for recreational uses in the statewide interest.

During the 10-year period, a total of \$1,309,000 has been expended on the grant for capital improvements. This does not include cleanup operations, dredging and rock facing. In the final 13 months

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of the period, the expenditures were \$525,500. One-third was raised locally, and the balance came from the Federal Economic Development Administration.

Areas leased to private operations and revenues received from them in that period are very small in relation to the City's expenditures. The City is continuing to maintain and develop recreational assets of the area.

In conclusion, the City has promoted and accommodated the use of granted lands for recreational purposes in which there is a general state-wide interest, has spent substantial amounts of monies in improving the granted lands, and is operating in compliance with its trust obligations.

EXHIBITS: A. Map of Granted Area.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CITY OF CRESCENT CITY HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF CHAPTER 977, STATUTES OF 1963, SECTION 1 (j) AND 1 (a)(1).
2. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE CITY OF CRESCENT CITY, 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 OF CRESCENT CITY HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF CHAPTER 977, STATUTES OF 1963, SECTION 1 (j) AND 1 (a)(1).