

MINUTE ITEM

Calendar Item No. 28
was approved as Minute Item
No. 28 by the State Lands
Commission by a vote of 3
to 0 at its 4-23-76 3 ALBANDAR ITEM
meeting. 28

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CONSIDERATION OF SUBSTANTIAL COMPLIANCE
CITY OF PITTSBURG

BACKGROUND:

Two contiguous parcels of State-owned tide and submerged lands were granted in trust to the City of Pittsburg, in Contra Costa County, by acts of the Legislature, one in 1937, and the other in 1961.

The 1961 granting act provided that certain specified improvements must be made to those transferred lands within 10 years. In 1963, an act of the Legislature amended the 1937 grant, including the addition of a requirement that the lands within that grant be substantially improved.

OBJECTIVE:

To determine whether or not the City of Pittsburg has complied with the terms of the 1961 grant statute, and with the terms of the 1963 amendment to the 1937 grant act. Each statute provided that if the State Lands Commission determined the City failed to improve the lands as required, all right, title and interest of the City to the lands granted would revert and rest in the State.

1937 Grant (Chapter 214, Statutes 1937)

Chapter 1828, Statutes of 1963, added Section 8, providing that lands received under the 1937 statute shall have been, or shall be, substantially improved by the City within 10 years of the effective date of the amendment without expense to the State. Improvements useful for commerce, navigation and fishing, including construction of wharves, docks, piers and slips were permitted.

1961 Grant (Chapter 1835, Statutes 1961)

Section 1(g) requires the City to improve the lands substantially by the construction of a small craft harbor as approved by the Division of Small Craft Harbors within 10 years of the effective date of the statute.

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REPORT OF INVESTIGATION:

In March, 1972, the State Lands Division began a study to verify that the City of Pittsburg had substantially complied with the requirements of the statutes. Information was secured from various city officials, the State Department of Navigation and Ocean Development and Wildlife Conservation Board. Division staff made an on-site inspection. All materials regarding this investigation are filed with the Division.

IMPROVEMENTS ON THE 1937 GRANT:

Physical improvements on the grants were substantial. Parking lots, a restaurant and wharves were built early in the 38-year history of the 1937 grant. In Fiscal Year 1959-60, the City bought back the lease of the restaurant owner. The first boat slip and other developments were demolished for a two-lane boat launching site in Fiscal Year 1966-67.

The Wildlife Conservation Board leased a parcel from the City to construct a public fishing access. In Fiscal Year 1972-73 the City constructed a concrete bulkhead, removed dilapidated piers, converted temporary restrooms to permanent ones, built fish cleaning facilities and refurbished walkways, landscaping and the irrigation system. Improvements costing in excess of \$95,300 are located on the 1937 granted area.

IMPROVEMENTS ON THE 1961 GRANT:

The City received approval for a small craft harbor at the site of the 1961 grant from the then Division of Small Craft Harbors. The City borrowed from the Small Craft Harbor Fund and California Water Fund, making up the balance from City Funds.

The development included dredging, construction of 189 berths, equipment facility and break-water alterations costing \$504,500.

IMPROVEMENTS ON GRANTS ATTRACT STATE-WIDE PUBLIC:

The present physical improvements on the grants are attractive and well-maintained. The marina operates at capacity, utilizing its location at the mouth of the Delta to attract people from all over the State.

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Improvements on the 1961 grant enhance trust purposes on the adjacent 1937 grant. Members of the public using the launch ramp and fishing pier are frequently attracted by the City's access roads, marina, gasoline dock and other facilities.

In conclusion, the City has developed the lands for recreational and fishing purposes in which there is a general statewide interest, has committed substantial City funds in development and maintenance, and appears to be operating in substantial compliance with its trust obligations.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CITY OF PITTSBURG HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF CHAPTER 1835, STATUTES OF 1961, SECTION 1(g).
2. FIND THAT THE CITY OF PITTSBURG HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF SECTION 8, CHAPTER 214, STATUTES OF 1937, AS AMENDED BY CHAPTER 1828, STATUTES OF 1963.
3. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE CITY OF PITTSBURG, THE SECRETARY OF THE SENATE, AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE COMMISSION HAS MADE AN INVESTIGATION AS REQUIRED BY THE GRANT STATUTES, AND FINDS THAT THE CITY OF PITTSBURG HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF CHAPTER 1835, STATUTES OF 1961, SECTION 1(g) AND WITH THE TERMS OF SECTION 8, CHAPTER 214, STATUTES OF 1937, AS AMENDED BY CHAPTER 1828, STATUTES OF 1963.