

MINUTE ITEM

7/22/76
TB

47. CONSIDERATION OF SUBSTANTIAL IMPROVEMENT, TIDE AND
EMERGED LAND; COUNTY OF SONOMA - G18-00.

Mr. William P. Northrop, Executive Officer, reported that he was in receipt of a letter from Assemblyman Barry Keene and a telegram from the Sonoma County Board of Supervisors requesting that Calendar Item 47 be deferred for 30 days. Based on these requests, the item was put over for 30 days. The above-referred to correspondence is on file in the Office of the State Lands Commission and by reference made a part hereof.

Attachment:
Calendar Item 47 (3 pages)

CALENDAR ITEM

7/76

47.

TB

G18-00

CONSIDERATION OF SUBSTANTIAL IMPROVEMENT

TRUSTEE: County of Sonoma
Department of Regional Parks
County Administration Building
2555 Mendocino Avenue
Santa Rosa, California 95401

LOCATION: Tide and submerged lands, as said lands are shown in Exhibit "A".

BACKGROUND: Chapter 1064, Statutes of 1959, contains a provision which requires the County of Sonoma to "substantially improve" said tide and submerged lands within 10 years; that is by 1969.

It further stipulates that the County shall develop a plan for the improvement and development of said lands, and that the State Lands Commission shall determine that the plan, if implemented, would constitute substantial improvement; "Completion of the improvements thus conditionally approved, if completed within 10 years of the effective date of this act, and a determination of such completion by the Commission, shall constitute a conclusive determination that the lands have been 'substantially improved'."

A plan was submitted by the County and was approved by the Commission at its meeting of October, 1960.

PURPOSE: To make a finding whether the County of Sonoma has substantially improved the land granted to it in accordance with the approved plan.

SUBSTANTIAL IMPROVEMENT INVESTIGATION: Based on information submitted by the County, and confirmed in an on-site investigation, the staff of the State Lands Division found, in its report of June, 1975, that the majority of the improvement in the submitted and approved plan have not been completed.

It is acknowledged by Division staff, however, that failure by the County to implement its plan was due largely to factors over which it had little control. The proposed development had been dependent on the passage of a local bond issue.

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which was never approved by the voters. For this reason, Division staff met with County officials and it was agreed, in July 1975, that the County would seek a grant amendment so that the Commission would not be required to revoke the grant.

On June 4, 1976, however, the County withdrew the Assembly bill, and its Senate companion, which had been introduced in response to the above-mentioned agreement. Assembly bill 3360, which had been heard and amended in committee, would have been consistent with Commission policy and would have satisfactorily amended Chapter 1064, Statutes of 1959.

In view of the County's abandonment of efforts to amend its grant, the Commission would seem to have no choice but to carry out the provisions of the grant as written.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE COUNTY HAS NOT, PURSUANT TO SUBSECTION (h), CHAPTER 1064, STATUTES OF 1959, AND CHAPTER 799, STATUTES OF 1961, SUBSTANTIALLY IMPROVED THE LANDS GRANTED TO IT, AND ALL JURISDICTION FORMERLY VESTED IN THE COUNTY BY VIRTUE OF SAID ACTS REVERTS TO THE STATE.
2. FIND THAT SUBJECT TO THE PROVISIONS OF SECTION 6702 OF THE PUBLIC RESOURCES CODE, ACTION TAKEN BY THE COMMISSION TO REVOKE SAID GRANT OF TIDE AND SUBMERGED LANDS SHALL NOT IMPAIR OR AFFECT THE RIGHTS OR OBLIGATIONS OF THIRD PARTIES, INCLUDING LESSEES, LENDERS FOR VALUE, HOLDERS OF CONTRACTS CONFERRING A RIGHT TO THE USE AND OCCUPATION OF, OR THE RIGHT TO CONDUCT OPERATIONS UPON OR WITHIN SUCH LANDS, ARISING FROM LEASES, CONTRACTS, OR OTHER INSTRUMENTS LAWFULLY ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF SUCH REVOCATION.
3. AUTHORIZE NOTIFICATION OF THE COUNTY OF SONOMA AND THE HOLDERS OF ANY LEASES, CONTRACTS, OR OTHER INSTRUMENTS TO WHICH THE PROVISIONS OF SECTION 6701 OF THE PUBLIC RESOURCES CODE ARE APPLICABLE, THAT THE COMMISSION MAY EXERCISE ITS OPTION, WITHIN THE TIME LIMITS AND UNDER THE CONDITIONS SPECIFIED IN SECTION 6706 OF THE PUBLIC RESOURCES CODE TO SUCCEED TO THE INTEREST IN ANY SUCH INSTRUMENT OF THE COUNTY; OTHERWISE THE INTEREST OF THE COUNTY IN ANY SUCH INSTRUMENT THEN IN EFFECT SHALL CONTINUE DURING THE TERMS OR OTHER PERIOD OF TIME DURING WHICH SUCH INSTRUMENT SHALL REMAIN IN EFFECT, OR UNTIL SUCH TIME AS THE COMMISSION EXERCISES ITS OPTION.

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4. FIND THAT THE ACTION BY THE COMMISSION TO REVOKE THE GRANT TO THE COUNTY OF SONOMA SHALL IN NO WAY IMPAIR OR AFFECT THE RIGHT OF THE COUNTY TO APPLY TO THE COMMISSION FOR A NO-FEE PUBLIC AGENCY PERMIT FOR THE USE OF STATE TIDELANDS, WHETHER FORMERLY GRANTED OR NOT.
5. FIND THAT REVERSION TO THE STATE OF LANDS GRANTED TO THE COUNTY OF SONOMA BY CHAPTER 1064, STATUTES OF 1959, AS AMENDED, IN NO WAY AFFECTS LANDS HELD BY THE COUNTY BY VIRTUE OF CHAPTER 218, STATUTES OF 1943, AS SAID LANDS ARE SHOWN IN EXHIBIT "A" AS PARCEL 1 AND PARCEL 2.
6. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE COUNTY OF SONOMA, 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 STATUTES, AND FINDS THAT THE COUNTY OF SONOMA HAS NOT SUBSTANTIALLY IMPROVED THE GRANTED LANDS AND BY OPERATION OF CHAPTER 1064, STATUTES OF 1959 AND BY CHAPTER 799, STATUTES OF 1961, SAID LANDS REVERT TO THE STATE.
6. AUTHORIZE RECORDATION OF THIS MINUTE ITEM IN THE OFFICE OF THE COUNTY RECORDER, SONOMA COUNTY.