

MINUTE ITEM

40

40

CALENDAR ITEM

meeting

40.

1/78

G 01-07.1

Horton

CONSIDERATION OF SUBSTANTIAL COMPLIANCE

TRUSTEE: Peralta Community College District
300 Grant Avenue
Oakland, California 94610

BACKGROUND AND LOCATION:

The lands presently administered by Peralta Community College District on the campus of Laney College include part of the salt marsh, tide and submerged lands first granted in trust to the City of Oakland, Alameda County in 1909. Starting in 1922 the city bulkheaded off an 80 foot wide channel to direct the flow of water from Lake Merritt to the Estuary of San Antonio, filled in 70 acres and in 1960 built public recreation facilities on part of the lands. Five years later the Legislature permitted the city to convey a described portion to the college district.

PURPOSE OF THE GRANT TO THE DISTRICT:

Chapter 1737, Statutes of 1965, authorized the transfer, sale and conveyance for the construction, maintenance, development and operation of a community college. The transfer was subject to the trust for commerce, navigation and fisheries; the city or district was required to maintain the channel between the lake and estuary.

REPORT OF INVESTIGATION:

In January 1976, Staff of State Lands Commission began a study of the improvement and uses made of the lands to determine whether or not the district had complied with the terms of the grant, otherwise the lands would revert and rest in the State.

The district submitted a report on its development and operation of the lands, and Commission Staff visited the site and photographed improvements. Additional history was secured from the Alameda County Flood Control and Water Conservation District.

A 13

S 9

CALENDAR ITEM NO. 40. (CONTD)

Not all lands which the city was permitted to sell were included in the sale to the district in 1967. For a period of time it appeared that a corner of a campus building might have been built on lands still retained by the city, but this question was resolved when the district located records showing these trust lands were conveyed by a second quitclaim, in 1971. The city also sold lands adjoining the granted area to the district.

PHYSICAL IMPROVEMENT:

Major campus buildings are west of the granted area, except for the edge of Building "E". To the east of the grant are a football field, baseball diamond and corporation yard. On the grant, the district built tennis courts and basketball courts. The channel for carrying water was enlarged. Shore birds gather next to the improved waterway, and students may cross the sloping grass covered areas by paths and footbridge. Parking areas are south of Eighth Street, which was rerouted, leaving the main campus to pedestrian traffic.

CHANNEL MAINTENANCE:

Between 1965 and 1972 the city operated a tidegate manually to let water in and out of the lake, and cleaned out the culverts under street crossings. The city, U. S. Government, college district and Alameda County Flood Control District funded a new flood control facility that also combined a pumping station to provide lake water level control and lake flushing, a bridge and pedestrian subway at a cost of \$1,904,782, including the street realignment.

OTHER SOURCES OF FUNDS AND EXPENDITURES ON GRANTED LANDS:

Funding for improvements to Laney Campus as a whole, from State and Federal sources and a local bond issue amounted to \$25,500,000. District expenditures in 1972 and 1973 on the portion within the tidelands grant, for parking lot improvement, channel improvement, tennis and basketball courts, landscaping

CALENDAR ITEM NO. 40. (CONTD)

and bridge were \$406,329. Some additional funds were spent for utilities, roads, paths, fencing, a baseball field, and on planning and engineering fees.

BENEFITS TO THE STATEWIDE PUBLIC:

Development of the grant serves the statewide public. Circulation of water through the estuarine system and Lake Merritt is fostered by district policies. Physical education and recreational activities were constructed for use by the public, as well as student population, which has a median age of 35 years. Six cities are represented on the board.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE PERALTA COMMUNITY COLLEGE DISTRICT, ALAMEDA COUNTY HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF CHAPTER 1737, STATUTES OF 1965, SECTIONS 1 and 4.
2. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE PERALTA COMMUNITY COLLEGE DISTRICT, 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 DISTRICT HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF CHAPTER 1737, STATUTES OF 1965, SECTIONS 1 AND 4.