

This subject is on page 20
of the minutes of the 3
meeting held on 12-20-78

CALENDAR ITEM

20.

12/78
G05-01.2
Rasmussen

AMENDMENT OF GRANT BOUNDARY
CITY OF AVALON

TRUSTEE: City of Avalon
P. O. Box 707
Avalon, California 90704

LOCATION: Granted tide and submerged lands within the corporate limits of the City of Avalon, Los Angeles County.

PURPOSE: To determine in accordance with Section 1(d) of Chapter 1884, Statutes of 1963, which tidelands the City of Avalon has not improved, is not using, and has no immediate plans to use and to determine, therefore, that these lands shall revert to the State.

BACKGROUND: Chapter 303, Statutes of 1943, granted tide and submerged lands to the City of Avalon, in trust, primarily to be used for harbor purposes. The grant was amended by Chapter 1884, Statutes of 1963, to authorize a variety of additional uses, mostly recreational. This amendment was necessary in order to allow tideland revenues to be spent for recreation-oriented facilities such as parks and playgrounds in conjunction with a \$2.5 million loan program. The loans were from the Small Craft Harbor Fund.

Section 1(d) of the 1963 Statute, contains the stipulation that if the lands, or any part thereof, granted to the city by this act are not used for the additional purposes authorized by the amendments of this section made at the 1963 Regular Session of the Legislature within 10 years from the effective date of such amendments, or if such use is discontinued thereafter, the rights, title, and interest of the city in and to said lands shall cease and said lands shall revert and rest in the State.

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INVESTIGATION: On September 12, 1975, the State Lands Commission requested from the city such items as photographs, maps, and other graphic material showing the extent of any improvements made within the ten-year period; 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 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 February 2, 1976, the city submitted a report generally supplying the requested information.

On March 22, 1976, staff conducted an on-site investigation accompanied by the Planning Director and the Superintendent of Public Works.

It was noted during the investigation that all the uses reported and observed are located within the harbor or on or near the shore. No evidence was presented by the trustee in the 1976 Report or in response to subsequent correspondence to indicate that the additional uses listed in the Statute occur anywhere but in the landward portions of the granted area. Since the grant to the city extends out to 3 miles from the 1945 ordinary high water mark, a considerable portion of the grant is not being used as required by the terms of the grant. There has been no mention in reports submitted or in discussions with city officials of any such uses for those lands in the future.

A reversion to the State of lands not being used or required by the trustee is mandated by Section 1(d) of the Grant Statute and would be consistent with Commission policy as approved in the 1976 Report on the Use,

Development and Administration of Granted
Tide and Submerged Lands.

COMMISSION ACTION:

The State Lands Commission at its October 27, 1977 meeting, found that the city had substantially improved the landward portion of its granted tide and submerged lands as required by Chapter 1884 of the Statutes of 1963.

The Commission also found that the City of Avalon..." has not improved, is not using and has no immediate plans to use certain seaward portions of the granted lands." In connection with this determination, staff was authorized to consult with the city as to the boundaries of the tidelands area which is needed and desired by the city which shall remain under city jurisdiction, and to report back to the Commission as to the lands which shall revert to the State.

REPORT OF STAFF DETERMINATION:

As previously mentioned, during the substantial compliance investigation, staff noted that the uses reported and observed were located within the harbor or on or near the shore.

After numerous letters and telephone calls to the city over a period of several months, staff met with the Avalon City Manager on March 15, 1978. At this time, the city expressed a desire to amend the seaward grant boundary to 1 mile offshore rather than to 500 feet as proposed by staff. Staff then asked for a more detailed, written substantiation for the city's request.

On April 21, 1978, staff received a letter from the City Manager informing them of the City Council's request for a 1 mile boundary with a very brief memo from the harbormaster to substantiate this request. In this memo the harbormaster gave 3 reasons for the city's request for a 1 mile offshore boundary. These were:

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1. To have control over the boats that anchor in the Avalon area,
2. To have authority over large Navy ships when they come into Avalon to anchor, and
3. To have control over the designated area where seaplanes can land and take off.

On May 25, 1978, staff wrote to the city requesting more substantiation. The power to police and control areas within the city limits is assured to the city regardless of tidelands ownership. With regard to the city's second reason, tidelands control does not guarantee any authority over Navy ships coming into Avalon. Lastly, the seaplane area is not part of the grant and, again, control of tidelands adjacent to the seaplane area could give the city no additional authority.

Another reason for the city's request which has been mentioned in previous discussions with the city is to control oil exploration activities. The city has been informed that the State Lands Commission would, of course, consider the city's opposition, however, since the minerals offshore were reserved to the State, the city would have no other interest in them.

After several attempts by staff to obtain further input from them, the city renewed its request for a 1-mile boundary in a letter dated November 9, 1978, and enclosed 2 photographs to illustrate the extent of moored boats on a typical summer weekend. On the basis of these photographs and the statements of the city, it appears that a 1,000 foot boundary would be more than adequate to assure that the city has control over watercraft in Avalon Bay and still fulfill the terms of the granting statute.

RECOMMENDATION:

The Commission's staff recommends amending the offshore boundary of the tidelands

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granted to the City of Avalon from 3 miles to 1,000 feet more or less as required by Section 1(d) of Chapter 1884 of the Statutes of 1963. The area landward of the 1,000 foot line is currently used and needed by the city for the activities authorized in the granting legislation. We have received insufficient substantiation that the city has any need for the area beyond 1,000 feet offshore.

- EXHIBITS:
- A. Location Map showing existing grant boundaries.
 - B. Map showing grant with proposed 1,000 foot offshore boundary.
 - C. Land description of grant reflecting proposed 1,000 foot offshore boundary.

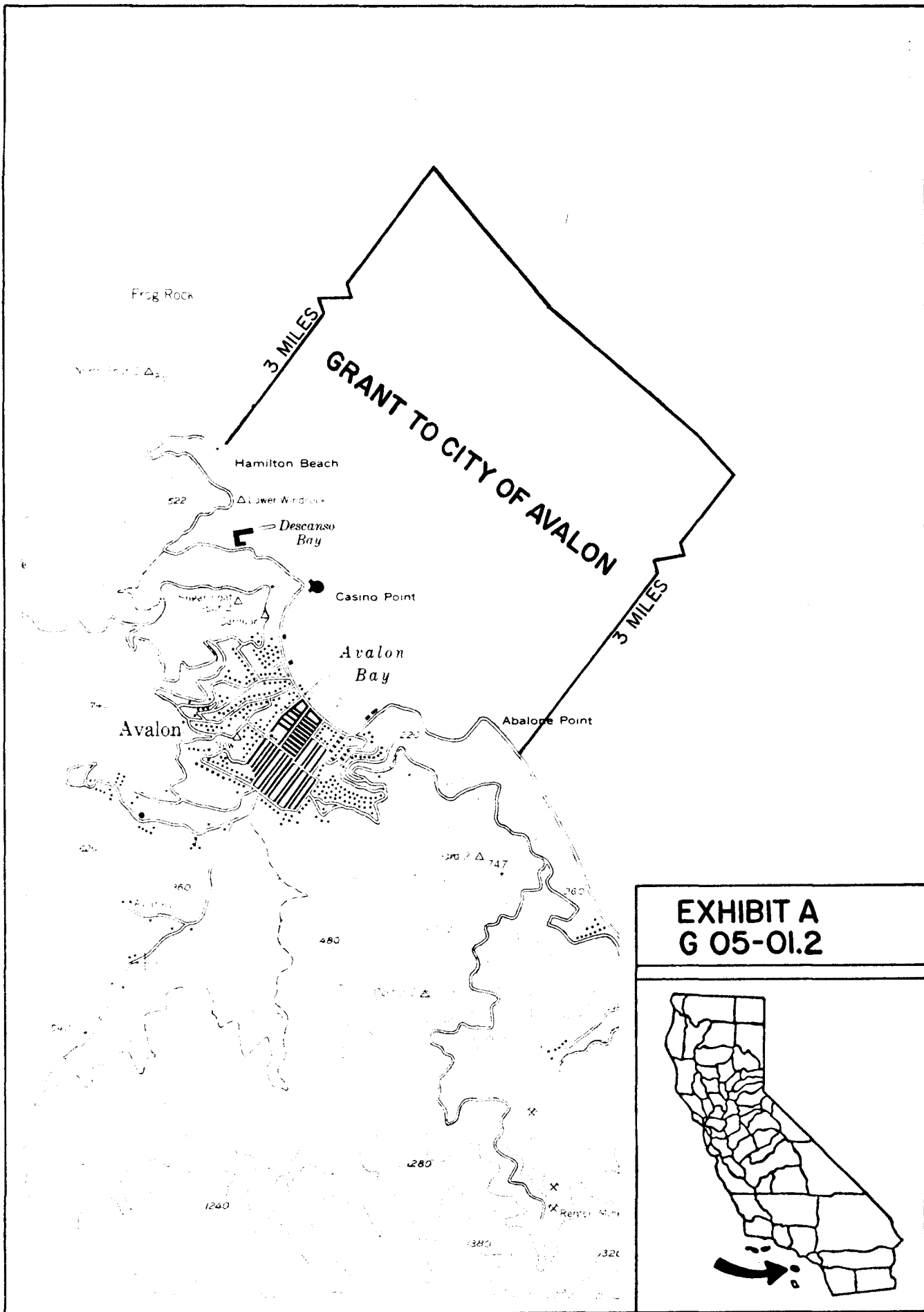
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE TIDELANDS AREA WHICH IS NEEDED AND USED BY THE CITY, AND WHICH SHALL REMAIN UNDER CITY JURISDICTION, IS THAT AREA WHICH EXTENDS TO 1,000 FEET, MORE OR LESS, OFFSHORE AS SHOWN IN EXHIBIT "B" ATTACHED AND DESCRIBED IN EXHIBIT "C" ATTACHED.
2. FIND THAT THE REMAINING AREA EXTENDING BEYOND THE 1,000 FOOT OFFSHORE BOUNDARY SHOWN IN EXHIBIT "B" ATTACHED AND DESCRIBED IN EXHIBIT "C" ATTACHED, HAS NOT BEEN IMPROVED BY THE CITY, IS NOT BEING USED BY THE CITY AND THERE ARE NO IMMEDIATE PLANS FOR THIS AREA TO BE USED BY THE CITY AND FIND, THEREFORE, THAT THESE LANDS SHOULD REVERT TO THE STATE.
3. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE CITY OF AVALON, THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE COMMISSION HAS A) MADE AN INVESTIGATION OF SUBSTANTIAL IMPROVEMENT AS REQUIRED BY THE GRANT STATUTE, AND HAS FOUND THAT THE CITY OF AVALON HAS SUBSTANTIALLY IMPROVED THE TIDELANDS AREA SHOWN IN EXHIBIT "B" ATTACHED AND DESCRIBED IN EXHIBIT "C" ATTACHED WITHIN THE TERMS OF SECTION 1(d) OF CHAPTER 1884 OF THE STATUTES OF 1963, AND B) MADE AN INVESTIGATION OF SUBSTANTIAL IMPROVEMENT AS REQUIRED BY THE GRANT STATUTE, AND HAS FOUND THAT THE CITY OF AVALON HAS NOT IMPROVED, IS NOT USING AND HAS NO PLANS TO USE

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THE TIDELANDS AREA OUTSIDE THAT SHOWN IN EXHIBIT "B" ATTACHED AND DESCRIBED IN EXHIBIT "C" ATTACHED ACCORDING TO SECTION 1(d) OF CHAPTER 1884, OF THE STATUTES OF 1963, AND THAT, THEREFORE, THESE LANDS HAVE REVERTED TO THE STATE.

4. FIND THAT SUCH ACTION IS WITHOUT PREJUDICE TO THE CITY OF AVALON AND DOES NOT CONSTITUTE AN OBSTACLE TO ANY FUTURE INTEREST OF THE CITY IN A NEW LEGISLATIVE GRANT.



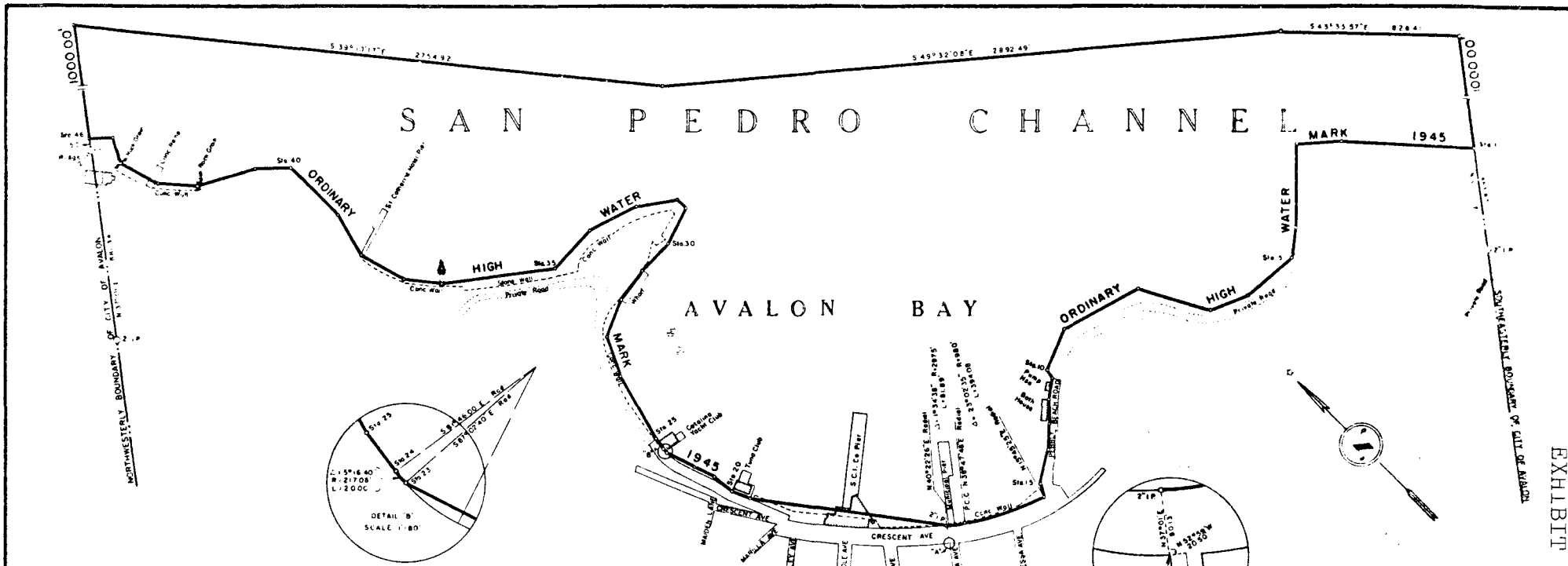


EXHIBIT "B"

ORDINARY HIGH			WATER MARK 1945		
STA	BEARING	DISTANCE	STA	BEARING	DISTANCE
1	N41°43'40"W	619.28'	24	N25°45'00"E	190.00'
2	N48°50'00"W	210.00'	27	N65°20'40"E	179.92'
3	S48°00'00"W	380.00'	28	N87°11'25"E	171.00'
4	S52°01'00"W	133.84'	29	EAST	168.00'
5	N84°44'20"W	269.33'	30	N71°30'00"E	186.00'
6	N64°32'00"W	185.00'	31	NORTH	56.00'
7	N28°00'00"W	350.00'	32	N54°30'00"W	200.00'
8	N73°00'00"W	385.00'	33	N71°30'00"W	238.00'
9	S47°50'00"W	200.00'	34	S87°40'00"W	236.03'
10	S15°38'30"W	44.66'	35	N52°08'10"W	537.25'
11	S53°41'00"W	92.12'	36	N38°13'10"W	177.71'
12	S45°49'00"W	144.28'	37	N16°13'50"W	226.85'
13	S47°54'00"W	89.80'	38	N14°50'10"E	216.21'
14	S58°03'00"W	180.11'	39	N0°58'00"W	288.63'
15	S2°50'00"W	64.00'	40	N45°20'00"W	167.00'
16	SEE PLAN		41	N61°13'30"W	276.11'
17	SEE PLAN		42	N40°45'30"W	192.15'
18	N37°02'20"W	934.85'	43	N16°44'00"W	192.34'
19	N23°03'00"W	87.31'	44	N27°09'00"E	119.89'
20	N0°18'30"W	102.61'	45	N49°29'40"W	116.97'
21	N18°35'00"W	102.62'	46		
22	N10°00'30"W	147.42'			
23	SEE PLAN				
24	N81°14'00"E	60.45'			
25	N15°00'00"E	330.00'			
26					

NOTE

Bearings and distances shown upon this map were taken from map entitled Ordinary High Tide Line of the Pacific Ocean, City of Avalon, Santa Catalina Island, California, surveyed November, 1945 by Patten and Boyle Consulting Engineers, Santa Ana, California. Basis of Bearings taken from Catalina Avenue as shown on map of tract no 3368, M B 37, pp 3 to 7

Recorded on December 22 1966, as Document N. 2070 File 2013

CERTIFICATION

I, Donald B. Davidson, Reg. Civil Eng. No 7663 certify that this plat was completed under my direction and that all monuments shown on these plats actually exist and their positions are shown correctly.

12-7-1966 *Donald B. Davidson*
Civil Eng., State Lands Division

Approved 14 December 1966

STATE LANDS COMMISSION

J. J. Hartley
Executive Officer

EXHIBIT "B"

MAP OF THE
GRANT TO CITY OF AVALON
CHAPTER 1884 STATUTES OF 1963
VICINITY OF SAN PEDRO CHANNEL
SANTA CATALINA ISLAND
LOS ANGELES COUNTY, CALIFORNIA

SCALE 1 INCH = 300 FEET
SHEET 1 OF 1 DEC., 1978

STATE OF CALIFORNIA
STATE LANDS COMMISSION STATE LANDS DIVISION

2773

EXHIBIT "C"

LAND DESCRIPTION

G 05-01.2

A parcel of tide and submerged land in the bed of Avalon Bay and San Pedro Channel, City of Avalon, Santa Catalina Island, County of Los Angeles, State of California, described as follows:

BEGINNING at the point of intersection of the southeasterly boundary of the City of Avalon and the ordinary high water mark as shown on the map entitled "Ordinary High Tide Line of the Pacific Ocean, City of Avalon, Santa Catalina Island, California," surveyed November 1945, by Patterson and Boyle Consulting Engineers, Santa Ana, California; thence along the ordinary high water mark as shown on said map the following courses:

1. N 41° 49' 40" W 619.58 feet;
2. N 48° 50' 00" W 210.00 feet;
3. S 46° 00' 00" W 380.00 feet;
4. S 52° 01' 00" W 133.84 feet;
5. N 84° 44' 20" W 269.33 feet;
6. N 66° 30' 00" W 185.00 feet;
7. N 28° 30' 00" W 350.00 feet;
8. N 73° 00' 00" W 385.00 feet;
9. S 67° 50' 00" W 200.00 feet;
10. S 15° 08' 50" W 44.66 feet;
11. S 53° 41' 00" W 92.12 feet;
12. S 45° 49' 00" W 144.28 feet;
13. S 47° 54' 00" W 89.80 feet;
14. S 58° 03' 00" W 160.11 feet;
15. S 26° 50' 00" W 64.00 feet; to the beginning of a curve from which point the radial line bears N 15° 45' 25" E; thence along said curve concave to the northeast, radius = 980 feet and $\Delta = 23^\circ 02' 35''$, a distance of 394.08 feet to a point on a compound curve, the radial line at said point bearing N 38° 47' 48" E; thence along a second curve, concave to the northeast, radius = 2975 feet, $\Delta = 1^\circ 34' 38''$, a distance of 81.89 feet; thence continuing along said ordinary high water mark the following courses:
16. N 37° 02' 20" W 934.85 feet;
17. N 23° 05' 00" W 87.31 feet;
18. N 6° 38' 30" W 102.81 feet;
19. N 18° 39' 00" W 102.62 feet;
20. N 18° 00' 50" W 147.42 feet; to the beginning of a curve, from which point the radial line bears S 87° 02' 40" E;

thence along said curve, concave to the east,
radius = 217.08 feet, $\Delta = 5^\circ 16' 40''$, a distance
of 20.00 feet; thence continuing along said ordinary
high water mark the following courses:

21. N $8^\circ 14' 00''$ E 60.45 feet;
22. N $15^\circ 00' 00''$ E 330.00 feet;
23. N $25^\circ 45' 00''$ E 190.00 feet;
24. N $65^\circ 20' 40''$ E 179.92 feet;
25. N $82^\circ 11' 25''$ E 171.00 feet;
26. East 168.00 feet;
27. N $71^\circ 30' 00''$ E 186.00 feet;
28. North 56.00 feet;
29. N $54^\circ 30' 00''$ W 200.00 feet;
30. N $71^\circ 30' 00''$ W 238.00 feet;
31. S $87^\circ 40' 00''$ W 236.00 feet;
32. N $52^\circ 08' 10''$ W 537.25 feet;
33. N $38^\circ 13' 10''$ W 177.71 feet;
34. N $16^\circ 13' 50''$ W 226.85 feet;
35. N $14^\circ 50' 10''$ E 216.21 feet;
36. N $0^\circ 38' 00''$ W 288.63 feet;
37. N $45^\circ 20' 00''$ W 167.00 feet;
38. N $61^\circ 13' 30''$ W 276.11 feet;
39. N $40^\circ 45' 30''$ W 192.15 feet;
40. N $16^\circ 46' 00''$ W 192.54 feet;
41. N $27^\circ 09' 00''$ E 119.95 feet;
42. N $45^\circ 29' 40''$ W, 116.97 feet; to the northwesterly boundary
of the City of Avalon; thence leaving said ordinary high
water mark and along said northwesterly boundary of the City
of Avalon, N $37^\circ 01' E$ 1000.00 feet; thence leaving said
boundary the following courses:
 43. S $39^\circ 10' 17''$ E 2,754.92 feet;
 44. S $49^\circ 32' 08''$ E 2,892.49 feet;
 45. S $43^\circ 35' 57''$ E 828.41 feet to the southeasterly boundary
of the City of Avalon; thence along said boundary S $37^\circ 01' W$
1000.00 feet to the point of beginning.

Basis of bearings taken from Catalina Avenue as shown on map of Tract No. 3368
filed in Map Book 37 at pages 3 to 7, Official Records of Los Angeles County.

END OF DESCRIPTION

Prepared *M. L. Draf* Checked *K. P. Juerron*

Reviewed *R. J. [Signature]* Date *10-3-78* Revised *12-6-78*

