

MINUTE ITEM
This Calendar Item No. 42 was approved as Minute Item No. 42 by the State Lands Commission by a vote of 3 to 0 at its March 25, 1976, meeting.

CALENDAR ITEM

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G10-01.1

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CONSIDERATION OF SUBSTANTIAL COMPLIANCE
CITY OF CARLSBAD

TRUSTEE: City of Carlsbad
1200 Elm Avenue
Carlsbad, California 92008

LOCATION: Submerged State lands granted by Chapter 2064, Statutes of 1963, as said lands are shown in Exhibit "A", "Grant to the City of Carlsbad."

BACKGROUND: At the January meeting of the State Lands Commission, staff recommended that the Grant to Carlsbad be revoked for noncompliance. The City requested, by telegram, that the matter be deferred for 60 days to allow City elected officials to consider their needs and plans for the granted tide and submerged lands. The Commission agreed and asked staff to bring the matter back at the March meeting.

PURPOSE: To make a finding whether the City of Carlsbad has substantially improved the lands granted to it and therefore, has met the conditions set by Section 4 of the Statute, which states:

"This grant is made upon the express condition that within 10 years from the effective date of this act, the granted lands shall be substantially improved without expense to the State and that if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and all said right, title and interest in the granted lands shall revert and rest in the State."

SUBSTANTIAL IMPROVEMENT INVESTIGATION:

On January 22, 1974, the City of Carlsbad was notified that the State Lands Division staff was commencing a study to determine whether the granted lands had been substantially improved during the period 1963-1973. Ensuing discussions with Carlsbad, including on-site visits by Division staff, have resulted in agreement on the following:

- A. There has been no substantial improvement.

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- B. Carlsbad does not have any definite plans for improvement of the granted lands in the immediate future.
- C. The City Council has decided not to seek an amendment that would extend the date for substantial improvement.
- D. Should the grant of tide and submerged lands to Carlsbad revert to the State, it would be with the understanding there is no prejudice intended, and revocation of the grant at this time is not considered to be an obstacle to any future interests of the City of Carlsbad in a new legislative grant.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CITY OF CARLSBAD HAS NOT SUBSTANTIALLY IMPROVED THE LANDS GRANTED TO IT BY CHAPTER 2064, STATUTES OF 1963, AND ALL JURISDICTION FORMERLY VESTED IN THE CITY BY VIRTUE OF SAID ACT REVERTS TO THE STATE.
2. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE CHIEF CLERK OF THE ASSEMBLY, THE SECRETARY OF THE SENATE, AND THE CITY OF CARLSBAD THAT THE COMMISSION HAS FOUND THAT THE CITY OF CARLSBAD HAS NOT SUBSTANTIALLY IMPROVED THE GRANTED LANDS AND BY OPERATION OF CHAPTER 2064, STATUTES OF 1963, SAID LAND HAS REVERTED TO THE STATE.
3. AUTHORIZE RECORDATION OF THIS MINUTE ITEM IN THE OFFICE OF THE COUNTY RECORDER, SAN DIEGO COUNTY.