

Assembly Bill No. 2179

CHAPTER 377

An act relating to tidelands and submerged lands.

[Approved by Governor September 25, 2010. Filed with
Secretary of State September 27, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2179, Monning. Tidelands and submerged lands: City of Santa Cruz and City of Long Beach.

Under existing law, the State Lands Commission has jurisdiction over tidelands and submerged lands of the state. Existing law authorizes grants to local entities of the right, title, and interest of the State of California in and to certain tidelands and submerged lands in trust for certain purposes.

This bill would grant to the City of Santa Cruz and the City of Long Beach, respectively, all the right, title, and interest of the state in certain trust lands pursuant to an agreement of the commission. The bill would require the cities to hold, operate, and manage, in trust for the benefit of the statewide public, the described trust lands in accordance with the common law public trust doctrine and specified statutory provisions.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Santa Cruz and the City of Long Beach.

The people of the State of California do enact as follows:

SECTION 1. (a) There is hereby granted and conveyed in trust to the City of Santa Cruz in the County of Santa Cruz all the right, title, and interest of the State of California in certain trust lands, acquired and held by the state, subject to the common law public trust and the city's statutory trust, pursuant to the agreement that was approved as Calendar Item 43 of the August 11, 2009, State Lands Commission meeting, and which are further described as follows:

(1) Volleyball Parcel, which consists of all that real property situated in the City of Santa Cruz, County of Santa Cruz, State of California, and being a portion of Parcel VII as said Parcel VII is described in Judgment and Decree Quieting Title No. 13476, recorded March 25, 1933, in Volume 236 of Official Records, Page 413, described as follows:

All that portion of said Parcel VII bounded easterly by the 1st Exception to said Parcel VII as said 1st Exception, being Westbrook Street, is described in said Judgment;

(2) West Lawn Parcel, which consists of all that real property situated in the City of Santa Cruz, County of Santa Cruz, State of California, and being a portion of Parcel VII as said Parcel VII is described in Judgment and Decree Quieting Title No. 13476, recorded March 25, 1933, in Volume 236 of Official Records, Page 413, described as follows:

All that portion of said Parcel VII bounded westerly by the 1st Exception to said Parcel VII as said 1st Exception, being Westbrook Street, is described in said Judgment, and bounded easterly by the 2nd Exception to said Parcel VII, as said 2nd Exception, being lands of the City of Santa Cruz, is described in said Judgment; and

(3) Trestle Easement, which consists of all that real property situated in the City of Santa Cruz, County of Santa Cruz, State of California, and being a part of the lands conveyed to Santa Cruz Seaside Company by deed recorded December 30, 1992, in Volume 5178, at Page 702, Santa Cruz County Records and being more particularly described as follows:

Commencing at the most southerly corner of the lands shown as "SANTA CRUZ SEASIDE CO. a Corporation by decree of quieting title Parcel 6, March 25, 1933, in 236-OR-413", said corner being a point on the northeasterly line of Third Avenue, as said lands and Avenue are shown on that certain map entitled "San Lorenzo River Flood Control Project", recorded August 24, 1964, in Volume 42 of Maps at Page 16 (Sheet 1 of 19), Santa Cruz County Records;

Thence from said Point of Commencement, along said northeasterly line of Third Avenue South $35^{\circ}27'50''$ West 15.07 feet; thence leaving said northeasterly line, North $59^{\circ}57'30''$ East 63.00 feet; thence South $74^{\circ}20'$ East 16.27 feet, more or less to a point on the northwesterly line of that certain land conveyed by C. Cappelmann and George Otto to the Santa Cruz Railroad Company in deed recorded September 7, 1878, in Book 27 of Deeds, at Page 200, Official Records of Santa Cruz County; thence along said northwesterly line, North $59^{\circ}57'30''$ East 94.86 feet to the Point of Beginning;

Thence from said Point of Beginning, leaving said northwesterly line of the Santa Cruz Railroad Company, South $13^{\circ}43'$ East 22.24 feet; thence South $77^{\circ}47'$ West 10.00 feet; thence South $69^{\circ}21'$ West 15.00 feet; thence South $62^{\circ}57'$ West 12.50 feet; thence South $55^{\circ}17'$ West 20.00 feet; thence South $30^{\circ}15'$ West 14.00 feet; thence South $24^{\circ}24'$ West 20.00 feet; thence South $30^{\circ}02'30''$ East 6.00 feet; thence North $59^{\circ}57'30''$ East 124.34 feet; thence South $30^{\circ}02'30''$ East 13.23 feet; thence South $9^{\circ}13'30''$ West 58.64 feet to the southeasterly line of said land conveyed to said Railroad Company; thence along said southeasterly line North $59^{\circ}57'30''$ East 146.81 feet, more or less, to the easterly boundary of said land conveyed to said Railroad Company, said easterly boundary being described in said deed to said Railroad Company as the middle of the San Lorenzo River; thence northerly along said easterly boundary 108 feet, more or less, to said northwesterly line of said land conveyed to said Railroad Company; thence along said northwesterly line South $59^{\circ}57'30''$ West 167.63 feet, more or less, to the Point of Beginning.

SUBJECT TO a reservation of an easement for railroad operating purposes, and appurtenances thereto pertaining, on, over, across, under, and through a strip of land 20 feet in width, lying 10 feet on each side of the center line of an existing railroad track, as said reservation is described in said deed recorded in Volume 5178, at Page 702, Official Records of said County.

(b) The lease of the lands described in subdivision (a), designated as PRC 8824, from the State Lands Commission to the City of Santa Cruz shall terminate on January 1, 2011.

(c) The City of Santa Cruz shall hold, operate, and manage, in trust for the benefit of the statewide public, the public trust lands described in subdivision (a) in accordance with the common law public trust doctrine and the terms, trusts, and conditions set forth in Chapter 342 of the Statutes of 1872 and Chapter 1291 of the Statutes of 1969.

SEC. 2. (a) There is hereby granted and conveyed in trust to the City of Long Beach in the County of Los Angeles all the right, title, and interest of the State of California in certain trust lands, acquired and held by the state, subject to the common law public trust and the city's statutory trust, pursuant to the agreement that was approved as Calendar Item 8 of the June 5, 1991, State Lands Commission meeting, which are further described as follows:

(1) Southern Parcel, which consists of land described as follows:
Southern parcel

Description: The land referred to herein is situated in the County of Los Angeles, State of California, and is described as follows:

That certain parcel of land, in the City of Long Beach, described as follows:

Beginning at the intersection of the easterly prolongation of the northerly line of lot "e" as shown on map of ocean front of the City of Long Beach, recorded in book 39 pages 18 to 33, inclusive of miscellaneous records, in the office of the county recorder of said county, and a line parallel with and 50.00 feet easterly of the easterly lines of lots "e" and "k" of said ocean front of the City of Long Beach; thence along said parallel line, South $00^{\circ}05'02''$ East, 405.24 feet; thence South $89^{\circ}54'58''$ West, 69.85 feet; thence South $00^{\circ}05'02''$ East, 40.00 feet to the true point of beginning; thence North $89^{\circ}54'58''$ East, 38.57 feet to a point on a nontangent curve concave to the southwest and having a radius of 29.50 feet, a radial line through said point bears North $47^{\circ}13'55''$ East; thence southerly along said curve through a central angle of $38^{\circ}56'41''$ an arc distance of 20.05 feet; thence South $03^{\circ}49'24''$ East 56.57 feet to the southerly line of that particular parcel of land described in deed recorded in book 44843, page 136 of official records in the office of said county recorder; thence along said southerly line North $89^{\circ}18'18''$ West, 231.02 feet; thence North $52^{\circ}02'37''$ East, 27.08 feet to the beginning of a curve concave southeasterly having a radius of 260.00 feet; thence northeasterly along said curve through a central angle of $37^{\circ}52'21''$ an arc distance of 171.86 feet to the true point of beginning.

Except that portion shown as Pine Avenue on map of said ocean front of the City of Long Beach.

Also except that portion of said land lying easterly of the easterly line of said lot “k” and/or its southerly prolongation; and

(2) Street Parcel, which consists of land described as follows:
Street parcel

A parcel of land in the City of Long Beach, in the County of Los Angeles, State of California, described as follows:

Beginning at the intersection of the easterly prolongation of the northerly line of lot “e” as shown on the map of ocean front of the City of Long Beach, recorded in book 39 pages 18 to 33, inclusive of miscellaneous records, in the office of the county recorder of said county, and a line parallel with and 50.00 feet easterly of the easterly lines of lots “e” and “k” of said ocean front of the City of Long Beach; thence along said parallel line South $00^{\circ}05'02''$ East, 405.24 feet; thence South $89^{\circ}54'58''$ West, 69.85 feet; thence South $00^{\circ}05'02''$ East, 40.00 feet; thence North $89^{\circ}54'58''$ East, 19.85 feet more or less to the southerly prolongation of the East line of said lot “k”, being the true point of beginning; thence North $89^{\circ}54'58''$ East 40 feet to the easterly line of the parcel of land described in deed recorded in book 44843, page 136 of official records in the office of the county recorder of said county; thence southerly along said easterly line 74.66 feet more or less to the southeasterly corner of said described parcel of land; thence along the southerly line thereof North $89^{\circ}18'18''$ West 40 feet to the southerly prolongation of the east line of said lot “k”; thence North $00^{\circ}05'02''$ West 74.12 feet more or less to the true point of beginning.

(b) The lease of the lands described in subdivision (a), designated as PRC 7545, from the State Lands Commission to the City of Long Beach shall terminate on January 1, 2011.

(c) The City of Long Beach shall hold, operate, and manage, in trust for the benefit of the statewide public, the public trust lands described in subdivision (a) in accordance with the common law public trust doctrine and the terms, trusts, and conditions set forth in Chapter 676 of the Statutes of 1911, Chapter 102 of the Statutes of 1925, Chapter 158 of the Statutes of 1935, and Chapter 138 of the Statutes of 1964 (First Extraordinary Session), as amended.

SEC. 3. The Legislature finds and declares that, because of the unique circumstances applicable only to the lands described in Sections 1 and 2 of this act, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.