

# Senate Bill No. 1577

## CHAPTER 286

An act to add Section 5.6 to Chapter 74 of the Statutes of 1978, relating to resources.

[Approved by Governor September 7, 2012. Filed with Secretary of State September 7, 2012.]

### LEGISLATIVE COUNSEL'S DIGEST

SB 1577, Committee on Natural Resources and Water. Resources: public trust lands: City of Newport Beach.

(1) Existing law grants to the City of Newport Beach all tide and submerged lands, whether filled or unfilled, bordering upon and under the Pacific Ocean or Newport Bay, as described, subject to specified conditions.

This bill would grant and convey in trust to the City of Newport Beach in the County of Orange all the right, title, and interest of the State of California, subject to the city's statutory trust, acquired and held by the state pursuant to a specified agreement approved by the State Lands Commission, as described.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Newport Beach.

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

SECTION 1. Section 5.6 is added to Chapter 74 of the Statutes of 1978, to read:

Sec. 5.6. (a) There is hereby granted and conveyed in trust to the City of Newport Beach in the County of Orange all the right, title, and interest of the State of California, subject to the city's statutory trust, acquired and held by the state pursuant to the agreement that was approved as Calendar Item 73 of the September 1, 2011, State Lands Commission meeting, and which is further described as follows:

A PARCEL OF FILLED TIDE AND SUBMERGED LAND AND A PORTION OF SWAMP AND OVERFLOWED LANDS LOCATION NUMBER 3089 PATENT TO JAMES McFADDEN ON MAY 16, 1892, SITUATE IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF 15TH STREET (100 FEET WIDE) AND THE UNITED STATES GOVERNMENT BULKHEAD LINE BETWEEN STATION NUMBER 118 AND STATION NUMBER 119, AS SHOWN ON THE MAP ENTITLED "HARBOR LINES —NEWPORT BAY, NEWPORT

BEACH, CALIFORNIA," DATED MARCH 20, 1936, FILE NUMBER 958, APPROVED BY THE UNITED STATES SECRETARY OF WAR ON MAY 2, 1936, A COPY OF WHICH IS ON FILE IN THE OFFICES OF THE COASTAL PROJECTS SECTION, ENGINEERING DIVISION, UNITED STATES ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH  $10^{\circ}40'10''$  WEST 109.82 FEET TO A POINT WHICH IS 160.00 FEET NORTHERLY FROM THE NORTHEASTERLY CORNER OF LOT 4, BLOCK 115 OF TRACT NO. 234 AS PER MAP FILED IN BOOK 13, PAGES 36 AND 37 OF MISCELLANEOUS MAPS, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE NORTH  $79^{\circ}20'30''$  WEST 146.30 FEET; THENCE SOUTH  $10^{\circ}39'30''$  WEST 140.00 FEET TO A LINE PARALLEL WITH AND 20.00 FEET NORTH OF THE NORTHERLY LINE OF SAID BLOCK 115; THENCE ALONG SAID PARALLEL LINE NORTH  $79^{\circ}20'30''$  WEST 165.12 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED IN THE CITY OF NEWPORT BEACH RESOLUTION NO. 4532, RESOLUTION ORDERING VACATION, RECORDED AUGUST 20, 1956, IN BOOK 3618, PAGE 210 OFFICIAL RECORDS, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE ALONG THE EASTERLY LINE OF SAID LAND DESCRIBED IN SAID DEED SOUTH  $10^{\circ}39'12''$  WEST 20.00 FEET TO THE NORTHERLY LINE OF SAID BLOCK 115; THENCE ALONG SAID NORTHERLY LINE SOUTH  $79^{\circ}20'30''$  EAST 20.00 FEET TO THE NORTHWEST CORNER OF LOT 10, BLOCK 115 OF SAID TRACT NO. 234; THENCE ALONG THE WESTERLY LINE OF SAID LOT 10 SOUTH  $10^{\circ}39'12''$  WEST 99.79 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF BALBOA BOULEVARD (100 FEET WIDE); THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE NORTH  $79^{\circ}19'20''$  WEST 128.80 FEET TO THE CENTERLINE OF 16TH STREET (40 FEET WIDE, PORTION NOW ABANDONED); THENCE ALONG SAID CENTERLINE NORTH  $10^{\circ}38'49''$  EAST 70.87 FEET; THENCE NORTH  $79^{\circ}15'11''$  WEST 236.74 FEET; THENCE NORTH  $10^{\circ}44'49''$  EAST 199.43 FEET TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 168.54 FEET, A RADIAL BEARING TO SAID CURVE BEARS NORTH  $15^{\circ}20'21''$  EAST; THENCE SOUTHWESTERLY 143.27 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $48^{\circ}42'13''$  TO THE BEGINNING OF A COMPOUND CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 373.41 FEET, A RADIAL BEARING TO SAID POINT BEARS NORTH  $33^{\circ}21'52''$  WEST; THENCE SOUTHWESTERLY 79.01 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $12^{\circ}07'24''$  TO THE BEGINNING OF A COMPOUND CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 239.54 FEET, A RADIAL BEARING TO SAID POINT BEARS NORTH  $45^{\circ}29'16''$  WEST; THENCE SOUTHWESTERLY 94.65 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $22^{\circ}38'22''$  TO THE BEGINNING OF A COMPOUND CURVE CONCAVE

SOUTHEASTERLY HAVING A RADIUS OF 113.22 FEET, A RADIAL BEARING TO SAID CURVE BEARS NORTH 68°07'38" WEST; THENCE SOUTHWESTERLY 22.09 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°10'47"; THENCE SOUTH 10°41'35" WEST 54.92 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF BALBOA BOULEVARD; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE NORTH 79°22'58" WEST 225.76 FEET; THENCE NORTH 10°37'02" EAST 219.64 FEET TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 52.74 FEET, A RADIAL BEARING TO SAID CURVE BEARS SOUTH 15°22'54" WEST; THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY 93.91 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 102°01'22" TO A POINT OF CUSP WITH A NONTANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 72.54 FEET, A RADIAL BEARING TO SAID CURVE BEARS SOUTH 00°47'02" EAST; THENCE NORTHWESTERLY 42.46 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33°31'53" TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 72.01 FEET, A RADIAL BEARING THROUGH SAID POINT BEARS NORTH 32°44'52" EAST; THENCE SOUTHWESTERLY 54.01 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42°58'25" TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 81.24 FEET, A RADIAL BEARING THROUGH SAID POINT BEARS SOUTH 10°13'33" EAST; THENCE SOUTHWESTERLY 38.37 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°03'38" TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF 18TH STREET (40 FEET WIDE); THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE NORTH 10°36'36" EAST 82.47 FEET TO SAID U.S. BULKHEAD LINE; THENCE ALONG SAID BULKHEAD LINE SOUTH 79°22'11" EAST 1280.68 FEET TO THE POINT OF BEGINNING CONTAINING 6.958 ACRES, MORE OR LESS.

(b) There is hereby granted, conveyed, and confirmed in trust to the City of Newport Beach in the County of Orange all the right, title, and interest of the State of California, subject to the city's statutory trust, those lands quieted in the City of Newport Beach, as trustee, and located waterward of the ordinary high tide line between 18th and 19th Streets, as permanently fixed in SCC #40434, filed April 17, 1942, Orange County Recorder's Book 1145, page 172.

(c) The lease of the lands described in subdivision (a), from the State Lands Commission to the city shall terminate on January 1, 2013.

(d) The city shall hold, operate, and manage, in trust for the benefit of the statewide public, the public trust lands described in subdivisions (a) and (b) in accordance with the common law public trust doctrine and the terms, trusts, and conditions set forth in Chapter 78 of the Statutes of 1978, as amended by Chapter 728 of the Statutes of 1994, Chapter 317 of the Statutes

of 1997, Chapter 745 of the Statutes of 2001, and Chapter 361 of the Statutes of 2004.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances applicable only to the land described in Section 1 of this act.