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AB-1392 State Lands Commission: grant of trust lands: City of Redwood City. (2019-2020)

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Assembly Bill No. 1392

CHAPTER 194

An act relating to the grant of public trust lands in the City of Redwood City.

[Approved by Governor August 30, 2019. Filed with Secretary of State August 30, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1392, Mullin. State Lands Commission: grant of trust lands: City of Redwood City.

(1) Under existing law, the State Lands Commission has jurisdiction over certain public lands in the state, including tidelands and submerged lands. Existing law authorizes the commission to enter into an exchange, with any person or any private or public entity, of filled or reclaimed tidelands or submerged lands or beds of navigable waterways, or interests in these lands, that are subject to the public trust for commerce, navigation, and fisheries, for other lands or interests in lands if the commission finds that specified conditions are met, as prescribed.

This bill would grant and convey in trust to the City of Redwood City, in the County of San Mateo, and to its successors, all of the rights, title, and interests of the state, acquired and held by the state acting by and through the commission, subject to the common law public trust, pursuant to a specified agreement approved by the commission, in specified lands known as the Maple Street Site (Trust Addition Lands), as described. The bill would require the City of Redwood City to hold these lands in trust for the same purposes and subject to the same conditions, restrictions, and requirements of certain other grants of public trust lands, as described, pursuant to a specified statute, as amended. The bill would require the City of Redwood City, on or before January 1, 2024, to submit to the commission a trust lands use plan describing any proposed development, preservation, or other use of the trust lands, and to, thereafter, submit to the commission for its approval any proposed changes to, amendments to, or extensions of the trust lands use plan. The bill would require the termination of an existing interim trust lease between the commission and the City of Redwood City covering those lands on January 1, 2020. By imposing new duties on a local government with regard to providing for the use and management of those trust lands, the bill would impose a state-mandated local program.

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

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Since the admission of California into the United States, certain tidelands and submerged lands have been, and are now held, in trust by the state for the benefit of all Californians for public trust purposes of navigation, commerce, fisheries, water-oriented recreation and public access, open space, scientific study, and ecological preservation.

(2) The state has a trusteeship duty to govern, administer, and control those lands for public trust purposes that benefit the statewide public.

(3) In fulfillment of its trusteeship duty and pursuant to Section 6307 of the Public Resources Code, the state, through the State Lands Commission, and the City of Redwood City entered into an agreement, known as the Title Settlement and Land Exchange Agreement for the Bradford Street Site, that resulted in a parcel of land known as the Maple Street Site (Trust Addition Lands) being impressed with the public trust.

(4) The state may, when the interests of the statewide public will benefit, delegate, grant, and convey in trust to local governments limited and defined areas of public trust lands along with the authority and responsibility to govern, control, improve, and develop those lands in the interests of all of the inhabitants of the state for public trust purposes.

(b) It is the intent of the Legislature, in enacting this act, to convey in trust to the City of Redwood City the state's right, title, and interest in a parcel of land known as the Maple Street Site (Trust Addition Lands).

SEC. 2. (a) There is hereby granted and conveyed in trust to the City of Redwood City, in the County of San Mateo, and to its successors, all of the rights, title, and interests of the State of California in certain trust lands, acquired and held by the state acting by and through the State Lands Commission, subject to the common law public trust pursuant to an agreement that was approved as Staff Report C83 of the June 21, 2018, State Lands Commission meeting, as those lands are described as follows:

(1) (A) All that real property situated in the City of Redwood City, County of San Mateo, State of California, being a portion of the Southwest $\frac{1}{4}$ of Section 17, Township 5 South, Range 3 West, Mount Diablo Meridian described as follows:

(B) Portions of Parcels One, Two, and Four of the lands conveyed to the City of Redwood City by Grant Deed recorded June 25, 2009, in Document No. 2009-083463, San Mateo County Records, and being further described as follows:

(i) Beginning at a point on the Southeasterly boundary of said Parcel Two from which the Southerly most corner bears, South 33° 39' 00" West, 376.92 feet distant; thence from said point of beginning and along the Southeasterly boundary of said Parcel Two.

(ii) North 33° 39' 00" East, 117.55 feet to the Northeasterly most corner of said Parcel Two; thence along the Northerly boundary of said Parcel Two.

(iii) South 83° 06' 05" West, 134.63 feet to the Northwesterly corner of said Parcel Two, also being the Southeasterly corner of Parcel Four per said deed; thence along the Easterly boundary of said Parcel Four.

(iv) North 19° 32' 24" East, 235.95 feet, plus or minus, to the Northeasterly corner of said Parcel Four on the Northerly bank of Steinberger Creek; thence along the Northerly boundary of said Parcel Four and the Northerly bank of said creek.

(v) North 75° 32' 00" West, 242.85 feet to an angle point therein; thence.

(vi) North 54° 26' 00" West, 10.83 feet, more or less, to the intersection of the Northerly projection of the line described as, "South 33° 39' West 1426.84 feet" in the Partition Deed recorded in Volume 2733 of Official Records, at Page 21, San Mateo County Records (2733-OR-21) with the Northerly bank of said creek; thence leaving the Northerly boundary of said Parcel Four and the Northerly bank of said creek, and along the Northerly prolongation of said line per 2733-OR-21.

(vii) South 33° 39' 00" West, 247.03 feet, more or less, to a point on the Southerly boundary of said Parcel Four and the Northerly boundary of said Parcel One; thence continuing along the Northerly prolongation of said line per 2733-OR-21.

(viii) South 33° 39' 00" West, 65.33 feet, to a point on a Southwesterly boundary of said Parcel One and the Northeasterly sideline of Maple Street; thence along the Southwesterly boundary of said Parcel One, and the Northeasterly sideline of Maple Street.

(ix) South 56° 21' 00" East, 22.02 feet, to the beginning of a tangent curve to the right; thence continuing along said boundary and sideline.

(x) Along said curve to the right having a radius of 75.00 feet, through a central angle of 50° 45' 04", for an arc length of 66.43 feet; thence leaving said boundary and sideline.

(xi) South 82° 59' 25" East, 357.92 feet to the Point of Beginning.

(2) Reserving therefrom the 20 foot wide easement for drainage and incidental purposes granted to the City of Redwood City and described in Resolution No. 7474, recorded November 14, 1975, in Book 6984 of Official Records at page 173, San Mateo County Records.

(b) The City of Redwood City shall hold these lands in trust for the same purposes and subject to all the conditions, restrictions, and requirements of Chapter 1359 of the Statutes of 1945, as amended or as may be amended from time to time.

(c) On or before January 1, 2024, the City of Redwood City shall submit to the State Lands Commission a trust lands use plan describing any proposed development, preservation, or other use of the trust lands. The City of Redwood City shall thereafter submit to the State Lands Commission for its approval any proposed changes of, amendments to, or extensions of the trust lands use plan.

(d) The interim trust lease covering these lands between the State Lands Commission and the City of Redwood City shall be terminated on January 1, 2020.

SEC. 3. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances regarding the development of property previously granted to the City of Redwood City pursuant to Chapter 1359 of the Statutes of 1945, Chapter 1394 of the Statutes of 1947, and Chapter 34 of the Statutes of 1954 (1st Extraordinary Session).

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.