

MINUTE ITEM

38. PROPOSED ANNEXATION BY THE CITY OF SANTA BARBARA, DESIGNATED AS SANTA BARBARA AIRPORT ANNEXATION - W.O. 2400.35.

Following presentation of Calendar Item 44 attached, Deputy Attorney General Ariel Hilton reported on legal questions previously referred to the Attorney General.

Mr. Stanley T. Tomlinson, City Attorney for Santa Barbara, appeared in support of the annexation.

In seconding the motion for approval of the staff recommendation, Commissioner Champion stated that his second to the motion should not be construed as an implied general approval of ocean-floor or strip annexation.

UPON MOTION MADE BY COMMISSIONER CRANSTON, AND SECONDED BY COMMISSIONER CHAMPION, THE FOLLOWING RESOLUTION WAS ADOPTED, WITH CHAIRMAN ANDERSON VOTING "NO":

THE COMMISSION AUTHORIZES THE EXECUTIVE OFFICER TO NOTIFY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT PURSUANT TO THE PROVISIONS OF SECTION 35313.1 OF THE GOVERNMENT CODE THE STATE LANDS COMMISSION HAS DETERMINED THE PRESENT VALUE OF THE SURFACE OF THE TIDE AND SUBMERGED LANDS PROPOSED TO BE ANNEXED UNDER RESOLUTION NO. 5071 IS \$328,000, WITH THE UNDERSTANDING THAT THIS IS NOT TO BE CONSIDERED AS AN IMPLIED GENERAL APPROVAL OF OCEAN-FLOOR ANNEXATION OR STRIP ANNEXATION.

Attachment

Calendar Item 44 (4 pages)

CALENDAR ITEM

44.

PROPOSED ANNEXATION BY THE CITY OF SANTA BARBARA, DESIGNATED AS SANTA BARBARA AIRPORT ANNEXATION - W.O. 2400.35.

In connection with Supplemental Calendar Item 30 of the State Lands Commission meeting of September 14, 1961, attached herewith, setting forth facts in respect to the proposed annexation of 238 acres of tide and submerged lands by the City of Santa Barbara, the State Lands Commission adopted the following resolution:

"The Executive Officer is authorized to inform the council of the City of Santa Barbara that the Commission protests the proposed annexation of the tide and submerged lands unless the proposed annexation is modified to include only the surface of the land of the ocean floor instead of 500 feet below the surface of the ocean floor.

"The Executive Officer is further authorized to request the office of the Attorney General to take whatever legal action is necessary, if any, to protect the interests of the State."

In accordance with the resolution, the Executive Officer, appeared before the Council of the City of Santa Barbara on September 26, 1961, and informed them of the resolution adopted by the State Lands Commission. Deputy Attorney General Ariel Hilton appeared on behalf of the office of the Attorney General and requested of the City Council that additional time be given to study the legal merits of the proposed annexation. Thereupon, the Council of the City of Santa Barbara adopted Resolution No. 5104, reading:

"Now, therefore, be it resolved by the council of the City of Santa Barbara:

1. That the protest hearing on the annexation proceedings of the Santa Barbara Municipal Airport Annexation under Resolution No. 5071 be continued by order of the council from September 26, 1961 to October 31, 1961 and from time to time thereafter and until the State Lands Commission has filed with the City Clerk of Santa Barbara its report of valuation under § 35313 of the Government Code;
2. In the event it appears, following the filing of such report of valuation by the Lands Commission as aforesaid, that the protests under said § 35313 are insufficient and the protest hearing be then closed, the council will then amend the description of the annexed territory for the purposes of the annexation ordinance to exclude from the territory to be annexed all property beneath the surface of the land of the ocean floor within the tide and submerged lands of the State of California."

Staff appraisal has fixed the value of the surface of the State-owned tide and submerged lands to be annexed at \$328,000.

CALENDAR ITEM 44. (CONTD.)

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT PURSUANT TO THE PROVISIONS OF SECTION 35313.1 OF THE GOVERNMENT CODE THE STATE LANDS COMMISSION HAS DETERMINED THE PRESENT VALUE OF THE SURFACE OF THE TIDE AND SUBMERGED LANDS PROPOSED TO BE ANNEXED IS \$328,000.

Attachment
Exhibit "A"

EXHIBIT "A"

SUPPLEMENTAL CALENDAR ITEM

30.

PROPOSED ANNEXATION BY THE CITY OF SANTA BARBARA, DESIGNATED AS SANTA BARBARA AIRPORT ANNEXATION - W.O. 2400.35.

On September 1, 1961, the State Lands Commission and the office of the Attorney General received notice that the City Council of the City of Santa Barbara proposes to annex certain territory designated as Santa Barbara Municipal Airport, together with certain tidelands (City Council Resolution 5071). Time and place for hearing of protests is set for September 26, 1961, at 2:00 p.m., Council Chambers, City Hall, De La Guerra Plaza, Santa Barbara, California.

By letter dated September 6, 1961, pursuant to Resolution No. 5088, the City Council of the City of Santa Barbara requested the State Lands Commission, in accordance with Government Code Section 35313.1, to make a valuation of the tidelands proposed to be annexed.

The tidelands proposed to be annexed consist of a corridor strip 300 feet wide, containing approximately 238 acres, extending southerly from the ordinary high water mark of the Santa Barbara Airport area a distance of approximately 6,900 feet, and thence extending at a right angle easterly a distance of approximately 27,700 feet where the corridor would join tide and submerged lands presently within the city limits of Santa Barbara.

The territory sought to be annexed includes only 500 feet below the land surface and the ocean floor. The area below 500 feet is not proposed to be annexed. A preliminary report from the office of the Attorney General indicates that exclusion of all property more than 500 feet below the land surface of the ocean floor would create horizontal stratification of governmental jurisdiction which is not known in law. In addition, it is felt that the Legislature never considered or intended that such a division of authority could be established.

Future State Lands Commission administrative problems would be minimized if the territory sought to be annexed were limited to the surface of the ocean floor, as proposed originally by the City of Santa Barbara, instead of to 500 feet below the surface.

In view of the late receipt of the City's valuation request (September 6) it has not been possible to complete a valuation report for consideration by the Commission at this meeting (September 14). Approval of any valuation report by resolution of the Commission is required by law.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO INFORM THE COUNCIL OF THE CITY OF SANTA BARBARA THAT IT WOULD NOT OPPOSE THE PROPOSED ANNEXATION OF THE TIDE AND SUBMERGED LANDS ON THE CONDITION THAT THE PROPOSED ANNEXATION BE MODIFIED TO INCLUDE ONLY THE SURFACE OF THE LAND OF THE OCEAN FLOOR INSTEAD OF 500 FEET BELOW THE SURFACE OF THE OCEAN FLOOR.

EXHIBIT "A" (CONTD.)

IT IS RECOMMENDED FURTHER THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO REQUEST THE OFFICE OF THE ATTORNEY GENERAL TO TAKE WHATEVER LEGAL ACTION IS NECESSARY, IF ANY, TO PROTECT THE INTERESTS OF THE STATE.