

MINUTE ITEM NO. 4

APPROVED 1-25-76

MINUTE ITEM

1/15/76
TB

4. CONSIDERATION OF SUBSTANTIAL COMPLIANCE; CITY OF CARLSBAD -
G 10-01.

During consideration of Calendar Item 4 attached, Mr. William F. Northrop, Executive Officer, read into the record a telegram from Mayor Robert Frazie, City of Carlsbad, requesting that the matter be put over 60 days to give the City Council additional preparation time to present their position to the Commission. Mr. Northrop also referred to a letter from Senator John Stull, 38th District, dated January 14, 1976, expressing the same request. Both pieces of correspondence are on file in the office of the State Lands Commission and by reference made a part hereof.

Upon assurance from N. Gregory Taylor, Assistant Attorney General, that in granting the extension to the City of Carlsbad the State's legal position will not be jeopardized, Commissioner Bell moved and Commissioner Dymally seconded that the matter be deferred for 60 days.

Attachment:

Calendar Item 4 (2 pages)

CONSIDERATION OF SUBSTANTIAL COMPLIANCE

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."

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. Carlsbad was requested to report on improvements and expenditures on its granted lands. Ensuing discussions with Carlsbad and on-site inspection revealed that:

- A. There has been little or no improvement.
- B. Carlsbad does not intend to submit the requested report, and
- C. The City Council instructed the City Manager's Office to seek new legislative grant provisions extending deadline for substantial improvements.

ASSISTANCE TO CITY:

On July 2, 1974, Division staff advised the City as to customary procedures for seeking new grant provisions and provided several statutes to serve as models.

CALENDAR ITEM NO. 4 (CONTD)

NOTIFICATION OF FINAL DEADLINE:

On September 3, 1975, the City was informed that unless the Division received word from them indicating action was being taken on the proposed new grant provisions, a report on substantial improvement to the State Lands Commission would be made in January. To date, nothing further has been heard from the City of Carlsbad.

EXHIBIT: A, Map of Granted Area.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CITY OF CARLSBAD HAS FAILED TO SUBSTANTIALLY IMPROVE THE LAND 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.