

MINUTE ITEM

This Calendar Item No. 26
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 2
to 0 at its 4/28/83
meeting.

MINUTE ITEM
26

4/28/83
W 22171
Valentine

AUTHORIZATION TO
CONDUCT A PUBLIC HEARING
IN THE CITY OF BELMONT

During consideration of Calendar Item 26, attached, Mr. Doug DeYoung, Treasurer, Citizens for Orderly Growth, appeared and read a brief statement in support of a public hearing in Belmont. Mr. William Moore, Mayor, City of Belmont, appeared on behalf of the City, supporting the City's development plans for the area.

The Commission directed staff to submit a proposed agenda to the Commission before a decision on a public hearing was made.

Attachment:

Calendar Item 26.

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CALENDAR PAGE	_____
MINUTE PAGE	<u>766</u>

CALENDAR ITEM

26

4/28/83
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AUTHORIZATION TO CONDUCT
A PUBLIC HEARING
IN THE CITY OF BELMONT

A title dispute exists between the City of Belmont and the State, acting through the State Lands Commission. At issue is ownership of a 19-acre parcel of land located in Belmont, San Mateo County. The owner of record is the City of Belmont. The property is just east of the Bayshore Freeway near Ralston Avenue. It is depicted on the attached plat.

The land was originally conveyed by the State to the City's predecessors in interest by patents issued pursuant to surveys of what was purportedly swamp and overflowed lands. The characterization of the land was made notwithstanding the fact that in a natural condition the property was crossed by O'Neill Slough, then a tidal and navigable waterway of the State. Due to the existence of this waterway within the parcel, staff asserts that approximately six acres of the property are owned by the State in fee while claims of a public trust easement exist over other portions of the parcel. While not officially concurring in staff's analysis, the City, through its City Manager and elected officials, has entered into discussions with a view toward resolution of the dispute. The City has proposed settlement of the dispute in accordance with the following general terms. The area over which a State sovereign fee claim exists would be developed as a public park and recreation area including athletic fields, landscaping, bike and pedestrian paths and benches along the present site of O'Neill Slough. The southerly portion of the parcel, over which staff has asserted a public trust easement claim, would be cleared of State interest in exchange for payment of monies into the land bank trust fund, of which the Commission is the trustee. The southerly sub-parcel, consisting of approximately

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CALENDAR ITEM	137
DATE	767

CALENDAR ITEM NO. 26 (CONTD)

six acres, would then be leased by the City to a private corporation for hotel and associated commercial development. All property involved in the proposed transaction has been filled except for the present bed of O'Neill Slough which the State owns and would retain in fee.

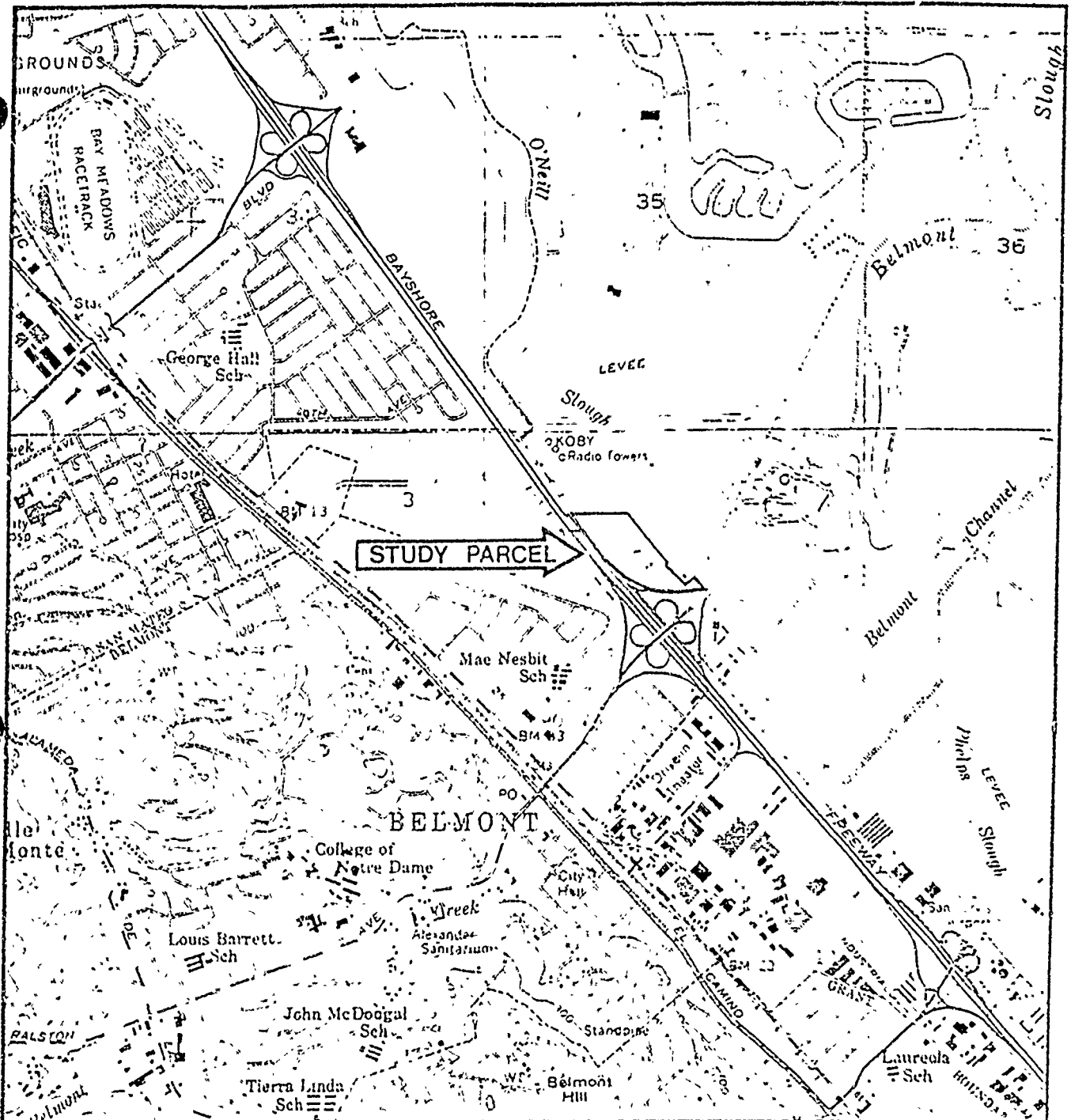
The development proposed in Belmont, of which the hotel and commercial project mentioned above is only a part, has engendered some local controversy. Staff is informed that meetings have been conducted by Belmont officials in response to this controversy. However, a portion of the local population remains dissatisfied with the proposed development. As a result, staff has received several letters from people in the Belmont area requesting that a public hearing be held prior to a decision by the State Lands Commission on any title settlement proposal.

AB 884: N/A.

EXHIBIT: A. Plat of Study Parcel.

THEREFORE IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE IF A PUBLIC HEARING SHOULD BE CONDUCTED TO RECEIVE THE OPINIONS OF LOCAL RESIDENTS ON THE FOLLOWING QUESTIONS:
 - a) IS THE PROPOSED PARK DEVELOPMENT THE MOST APPROPRIATE PUBLIC TRUST USE FOR THE STATE'S FEE OWNERSHIP;
AND
 - b) IS THE PROPOSED SETTLEMENT IN THE BEST INTEREST OF THE STATE.
2. IF A PUBLIC HEARING IS NEEDED IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE STAFF TO CONDUCT SUCH A HEARING AND TO SUBMIT A WRITTEN REPORT ON THE NEEDS FOR USE OF THE PUBLIC TRUST INTEREST IN THE PROPERTY ALONG WITH A RECOMMENDED COURSE OF ACTION FOR CONSIDERATION BY THE COMMISSION AT A LATER MEETING.



STATE LANDS COMMISSION

STUDY PARCEL

PORTION OF U.S.G.S. QUAD
SAN MATEO, REVISED 1980

PLOTTING APPROXIMATE



Prepared by: R.L. BELL

Date: 4-14-83 A: 20 S: 10

EXHIBIT A

Title Study: BELMONT ISLAND PARK

W22171

Z3 N37-38 E148

CALIF. MAP PRICE	199
MINUTE PRICE	760