

CALENDAR ITEM

99

A Statewide

02/20/15

S Statewide

S. Pemberton

CONSIDER SPONSORING STATE LEGISLATION TO AMEND THE CITY OF PITTSBURG GRANTING STATUTE TO ADD A LEGAL LAND DESCRIPTION AND DELETE A REQUIREMENT THAT THE STATE LANDS COMMISSION SURVEY AND RECORD A LAND DESCRIPTION OF THE TRUST LANDS IN THE OFFICE OF THE COUNTY RECORDER

SUMMARY:

This proposed legislation would amend the City of Pittsburg (City) granting statute to add a legal description of the City's granted lands and delete a requirement that the State Lands Commission (Commission) survey and record a plat and legal description of the trust lands in the office of the Contra Costa County Recorder.

EXISTING LAW:

SB 551 (DeSaulnier), Chapter 422, statutes of 2011 repealed a grant of public trust land made in 2006 by the state to the City and enacted a new grant of public trust land that includes land in the 2006 grant plus land annexed to the City in 2009. Section 10(a) of Chapter 422 requires the Commission to survey, monument, and record a plat and a metes and bounds description of the public trust lands legislatively granted to the City in the office of the Contra Costa County Recorder.

BACKGROUND:

Commission staff has completed the record of survey and land description that depict and describe the location and extent of the sovereign tide and submerged lands granted to the City. Both documents were approved by the Commission at its meeting on October 14, 2014 (Calendar Item C100).

The record of survey was recorded with the Contra Costa County Recorder's Office on December 11, 2014, as required by Chapter 422. The legal description, however, cannot be recorded because the County Recorder determined that a metes and bounds description, on its own, is not a recordable instrument, as opposed to a grant deed or quitclaim deed. Without the ability to record the legal description of the City's granted lands, the Commission cannot comply with existing law.

CALENDAR ITEM NO. 99 (CONT'D)

STAFF RECOMMENDATION:

Commission staff recommends that the Commission sponsor legislation in the 2015-16 legislative session to amend the City's granting statute to add the legal description of the City's granted lands as prepared by Commission staff and delete the requirement that the Commission survey and record a plat and legal description of the trust lands.

EXHIBITS:

- A. Proposed bill language.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. Sponsor legislation in the 2015-16 legislative session to amend the City's granting statute to add the legal description of the City's granted lands as prepared by Commission staff and delete the requirement that the Commission survey and record a plat and legal description of the trust lands.

EXHIBIT A

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An act to amend Section 2 of, and to repeal Sections 9 and 10 of, Chapter
422 of the Statutes of 2011, relating to tidelands.



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

SECTION 1. Section 2 of Chapter 422 of the Statutes of 2011 is amended to read:

Sec. 2. (a) For the purposes of this act, the following definitions shall apply:

(1) "Act" means Sections 2 to ~~10~~, 8, inclusive, of the act enacting this section. Chapter 422 of the Statutes of 2011, as amended from time to time.

(2) "Commission" means the State Lands Commission.

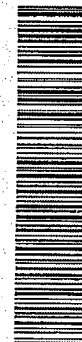
(3) "Public trust doctrine" means the common law doctrine, as enunciated by the court in National Audubon Society v. Superior Court (1983) 33 Cal.3d 419, and other relevant judicial decisions, specifying the state's authority as sovereign to exercise a continuous supervision and control over the navigable waters of the state, the lands underlying those waters, and nonnavigable tributaries to navigable waters, including the maritime or water dependent commerce, navigation, and fisheries, and the preservation of lands in their natural state for scientific study, open space, wildlife habitat, and water-oriented recreation.

(4) "State" means the State of California.

(5) "Trustee" means the City of Pittsburg, a municipal corporation.

(6) "Trust lands" means all tidelands and submerged lands, whether filled or unfilled, situated within the boundaries of the City of Pittsburg including those lands annexed to the City of Pittsburg pursuant to Section 56740 of the Government Code on December 31, 2009, ~~as surveyed, monumented, and recorded pursuant to Section 10 of this act, except as provided in Section 9 of this act.~~ described in subdivision (b).

(7) "Trust revenues" means all revenues received from trust lands and trust assets.



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(8) "Trust lands use plan" or "plan" means the trust use land plan required to be submitted by the trustee to the commission pursuant to Section 4 of this act.

(9) "Trust lands use report" means the trust lands use report of its utilization of the trust lands required to be submitted by the trustee pursuant to Section 5 of this act.

(b) There is hereby granted in trust to the City of Pittsburg, and to its successors, all of the rights, title, and interest of the state, held by the state by virtue of its sovereignty in and to all tide and submerged lands, whether filled or unfilled, situated in the City of Pittsburg, County of Contra Costa, including those lands annexed to the City of Pittsburg pursuant to Section 56740 of the Government Code on December 31, 2009, ~~as surveyed, monumented, and recorded pursuant to Section 10 of this act, except as provided in Section 9 of this act.~~ follows:

A parcel of tide and submerged lands lying in the bed of Suisun Bay, Mallard Slough, New York Slough, and Middle Slough, adjacent to Rancho Los Medanos as shown on official government plat approved October 27, 1869, County of Contra Costa, State of California, described as follows:

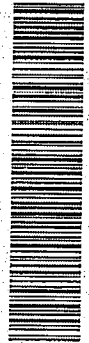
BEGINNING at a point lying distant N 30°05'42" E 7.625.11 feet from a 3 inch brass disk stamped "P3716+33.00 1991EBMUD" (PID AA3823), said point also being the intersection of the west line of said Rancho Los Medanos, with the High Water Line of Mallard Slough as shown on sheet 7 of that Record of Survey filed in Book 63 LSM, Page 15, records of Contra Costa County; thence along said High Water Line N 63°31'38" E 669.05 feet to the northwest corner of Parcel 4 as described in Document number 99-0103318-00, Official Records of said County; thence along the northerly line of said Parcel 4 the following twenty three (23) courses:



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- (1) N 69°21'39" E 465.80 feet;
- (2) N 83°23'36" E 358.60 feet;
- (3) S 77°52'40" E 792.40 feet;
- (4) S 69°20'14" E 440.34 feet;
- (5) N 88°19'00" E 224.89 feet;
- (6) S 63°46'16" E 316.46 feet;
- (7) S 59°07'13" E 135.65 feet;
- (8) S 67°11'02" E 280.72 feet;
- (9) S 71°39'54" E 457.22 feet;
- (10) S 84°57'45" E 452.19 feet;
- (11) N 72°37'04" E 702.59 feet;
- (12) N 89°44'36" E 236.33 feet;
- (13) S 78°31'08" E 126.59 feet;
- (14) S 44°27'58" E 86.96 feet;
- (15) S 49°12'56" E 257.83 feet;
- (16) S 68°00'58" E 325.22 feet;
- (17) N 50°01'50" E 197.79 feet;
- (18) N 58°11'26" E 256.73 feet;
- (19) N 88°20'52" E 47.60 feet;
- (20) S 46°43'20" E 176.08 feet;
- (21) S 75°54'34" E 270.99 feet;
- (22) N 82°23'30" E 172.65 feet;
- (23) S 86°56'16" E 62.96 feet;



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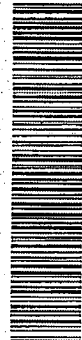
thence leaving said northerly line S 14°36'55" W 20.37 feet to the westerly end of Boundary Line Agreement 20 as described in that certain agreement recorded in Book 4206, Page 55, Official Records of said County; thence along said agreed line the following five (5) courses:

- (1) N 87°35'03" E 1,686.49 feet;
- (2) N 70°38'29" E 1,113.75 feet;
- (3) N 72°16'59" E 527.03 feet;
- (4) S 88°52'30" E 1,100.86 feet;
- (5) S 72°22'00" E 663.78 feet;

thence leaving said Boundary Line Agreement N 21°46'14" E 51.58 feet to the point of beginning of PRC 2528.9 as shown on that certain Record of Survey filed in Book 22 LSM, Page 27, records of said County; thence S 59°20'58" E 47.45 feet to Station A as shown on said map; thence along the Ordinary High Water Mark (stipulated) as shown on said map the following three (3) courses:

- (1) S 59°20'58" E 548.05 feet;
- (2) S 15°25'48" E 311.55 feet;
- (3) S 2°34'08" E 510.71 feet;

thence leaving said Ordinary High Water Mark (stipulated), along the Ordinary High Water Mark taken from plat referred to in grant description (Hooper's addition 1903) Chap. 214, Stats. 1937 as shown on the survey of the mean high tide line on the southerly bank of the New York Slough within tideland grant to Pittsburg on file at the Sacramento office of the California State Lands Commission under CB 582; thence along said Ordinary High Water Mark the following nine (9) courses:



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- (1) S 76°00'08" E 39.66 feet;
- (2) S 88°11'14" E 45.16 feet;
- (3) N 83°49'05" E 17.05 feet;
- (4) S 71°17'27" E 12.72 feet;
- (5) S 42°25'40" E 19.07 feet;
- (6) S 18°55'08" E 39.68 feet;
- (7) S 4°57'05" E 78.03 feet;
- (8) S 0°49'30" W 42.70 feet;
- (9) S 2°38'48" E 15.85 feet;

thence leaving said Ordinary High Water Mark, along the shoreline from old surveys as shown on the City of Pittsburg water front survey on file at the Sacramento office of the California State Lands Commission under CMF 2635 the following thirteen (13) courses:

- (1) S 31°14'44" E 66.45 feet;
- (2) S 47°48'44" E 52.31 feet;
- (3) S 12°19'44" E 32.52 feet;
- (4) S 72°26'44" E 36.00 feet;
- (5) S 36°54'44" E 34.41 feet;
- (6) S 52°20'44" E 34.93 feet;
- (7) S 72°26'44" E 13.00 feet;
- (8) S 34°14'44" E 69.53 feet;
- (9) S 41°26'44" E 11.67 feet;
- (10) S 62°38'44" E 23.49 feet;



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(11) S 74°09'44" E 33.21 feet;

(12) S 52°35'44" E 38.27 feet;

(13) S 61°13'44" E 51.39 feet;

thence leaving said shoreline from old surveys, along the 1938 Mean High Water as shown on said map the following eight (8) courses:

(1) S 69°26'44" E 72.07 feet;

(2) S 36°50'44" E 46.62 feet;

(3) N 78°46'16" E 74.31 feet;

(4) S 41°08'44" E 67.73 feet;

(5) S 15°55'44" E 68.49 feet;

(6) S 50°33'44" E 89.32 feet;

(7) S 69°58'44" E 126.09 feet;

(8) S 71°1.0'44" E 26.84 feet;

thence leaving said shoreline N 17°42'08" E 73.17 feet to the westerly end of Boundary Line Agreement 203 as described in Exhibit A of that certain Boundary Settlement Agreement recorded in Book 10760, Page 340, Official Records of said County; thence along said agreed line the following nineteen (19) courses:

(1) S 57°1'43" E 100.43 feet;

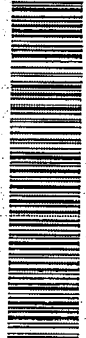
(2) S 19°36'20" E 19.85 feet;

(3) S 55°56'46" E 50.16 feet;

(4) S 73°45'38" E 52.39 feet;

(5) S 26°13'59" E 53.25 feet;

(6) S 10°02'33" E 51.86 feet;



- (7) S 25°10'48" E 67.42 feet;
- (8) N 83°27'09" E 40.80 feet;
- (9) S 16°14'22" W 17.46 feet;
- (10) S 33°57'18" E 17.89 feet;
- (11) N 85°47'24" E 64.90 feet;
- (12) S 69°24'02" E 32.39 feet;
- (13) S 38°16'16" E 47.54 feet;
- (14) S 88°49'15" E 29.53 feet;
- (15) S 57°14'58" E 70.11 feet;
- (16) S 76°27'55" E 80.08 feet;
- (17) S 66°48'09" E 109.66 feet;
- (18) N 78°33'56" E 19.85 feet;

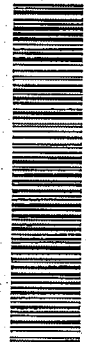
(19) S 82°01'31" E 42.75 feet to the easterly end of said agreed boundary line;
thence S 17°50'38" W 8.70 feet to a point on the 1951 Mean High Tide Line as shown
on that map titled Survey of the Ordinary High Water Mark on the Southerly Bank of
the San Joaquin River Vicinity of Antioch on file at the Sacramento office of the
California State Lands Commission under CB 564; thence along said 1951 Mean High
Tide Line the following forty eight (48) courses:

- (1) S 72°57'36" E 34.13 feet;
- (2) S 59°34'29" E 73.06 feet;
- (3) S 29°21'28" E 18.36 feet;
- (4) S 74°58'54" E 42.45 feet;
- (5) S 60°49'57" E 49.24 feet;



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- (6) S 58°54'45" E 158.81 feet;
- (7) S 36°52'12" E 30.00 feet;
- (8) N 65°46'20" E 22.93 feet;
- (9) S 68°28'38" E 152.64 feet;
- (10) S 40°54'52" E 19.85 feet;
- (11) S 75°57'50" E 49.48 feet;
- (12) S 55°42'46" E 53.26 feet;
- (13) S 75°57'50" E 119.57 feet;
- (14) S 85°25'26" E 25.08 feet;
- (15) S 29°44'53" W 24.19 feet;
- (16) S 72°56'12" E 105.65 feet;
- (17) S 53°18'37" E 63.60 feet;
- (18) S 13°05'31" W 44.15 feet;
- (19) S 43°36'15" E 29.00 feet;
- (20) S 14°37'15" E 47.54 feet;
- (21) S 80°04'26" E 40.61 feet;
- (22) N 37°14'07" E 62.80 feet;
- (23) S 87°30'35" E 69.07 feet;
- (24) S 81°58'20" E 78.77 feet;
- (25) S 62°28'48" E 134.18 feet;
- (26) S 34°19'05" E 59.55 feet;
- (27) S 67°19'25" E 198.87 feet;
- (28) N 68°06'29" E 45.19 feet;



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- (29) S 74°23'20" E 70.60 feet;
- (30) S 65°15'55" E 97.99 feet;
- (31) N 74°17'29" E 33.24 feet;
- (32) S 63°56'47" E 50.09 feet;
- (33) S 58°34'13" E 84.38 feet;
- (34) S 46°21'50" E 59.41 feet;
- (35) S 58°31'42" E 193.46 feet;
- (36) S 53°07'48" E 85.00 feet;
- (37) N 39°17'31" E 14.21 feet;
- (38) S 79°59'31" E 34.53 feet;
- (39) N 39°48'20" E 7.81 feet;
- (40) S 59°22'13" E 88.32 feet;
- (41) S 47°10'29" E 55.90 feet;
- (42) S 58°44'37" E 235.13 feet;
- (43) S 53°33'40" E 133.00 feet;
- (44) S 65°10'12" E 73.82 feet;
- (45) S 56°53'19" E 82.38 feet;
- (46) S 21°30'07" W 35.47 feet;
- (47) S 14°37'15" E 23.77 feet;
- (48) S 40°25'38" E 35.47 feet to the intersection with the Ordinary High Water.

Mark Dec. 1929 as shown on said map; thence along said Ordinary High Water Mark the following twenty one (21) courses.

- (1) S 32°25'51" W 19.34 feet;



(2) S 72°11'15" E 30.01 feet;

(3) S 75°40'46" E 114.54 feet;

(4) S 72°10'47" E 55.71 feet;

(5) S 60°40'43" E 114.03 feet;

(6) S 73°45'47" E 362.08 feet;

(7) N 74°34'23" E 47.02 feet;

(8) N 27°35'14" E 156.30 feet;

(9) S 65°25'39" E 135.03 feet;

(10) S 58°25'46" E 163.04 feet;

(11) S 75°55'52" E 137.03 feet;

(12) N 76°19'17" E 107.03 feet;

(13) N 69°04'08" E 83.02 feet;

(14) N 88°53'58" E 64.03 feet;

(15) S 81°49'46" E 101.47 feet;

(16) S 70°27'43" E 100.08 feet;

(17) S 75°05'58" E 72.02 feet;

(18) S 68°05'53" E 212.06 feet;

(19) S 69°30'48" E 857.96 feet;

(20) S 79°25'43" E 192.80 feet;

(21) N 10°47'10" E 82.24 feet to the westerly end of Boundary Line Agreement

160 as described in agreement recorded in Book 6730, Page 245, Official Records of said County; thence along said agreed line the following four (4) courses:

(1) S 76°34'47" E 242.15 feet;



(2) S 86°22'22" E 242.82 feet;

(3) S 86°21'03" E 96.96 feet;

(4) N 76°54'26" E 325.77 feet to the end of said Boundary Line Agreement;

thence along the 1951 Mean High Tide Line as shown on that map titled Survey of the Ordinary High Water Mark on the Southerly Bank of the San Joaquin River Vicinity of Antioch on file at the Sacramento office of the California State Lands Commission under CB 564 the following ten (10) courses:

(1) S 82°31'52" E 24.39 feet;

(2) N 61°11'25" E 45.65 feet;

(3) N 75°48'35" E 89.74 feet;

(4) N 85°20'03" E 49.16 feet;

(5) N 71°25'03" E 122.38 feet;

(6) N 77°19'59" E 223.44 feet;

(7) N 64°05'41" E 38.91 feet;

(8) N 88°41'53" E 44.01 feet;

(9) N 63°26'10" E 67.08 feet;

(10) N 55°25'35" E 89.87 feet;

thence leaving said Mean High Tide Line N 34°48'13" E 163.29 feet to a point on the South line of Parcel No. 302-B as described in Stockton City Council Resolution No. 9041, recorded in Book 207, Page 55, Official Records of said County, said point being the beginning of a nontangent curve to the right, having a radius of 2,714.09 feet, having a radial bearing of N 17°51'00" E; thence along said curve through a central angle of 8°49'26", an arc distance of 417.99 feet to a point on the shore line 1930, as



shown on that certain map titled Tide & Submerged Land East of Pittsburg in Sections 10-14-15, T. 2 N., R. 1 E., M.D.B.&M. surveyed for C.A Hooper & Co. on file at the Contra Costa County Surveyors Office as T-529; thence along said shore line the following twelve (12) courses:

(1) S 61°06'24" E 521.79 feet;

(2) S 50°12'24" E 449.80 feet;

(3) S 44°19'24" E 303.39 feet;

(4) S 51°43'24" E 29.00 feet;

(5) S 55°48'53" E 705.27 feet;

(6) S 53°49'24" E 181.66 feet;

(7) S 70°22'24" E 563.65 feet;

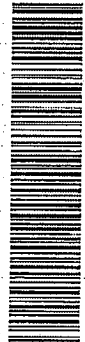
(8) S 78°04'24" E 1427.06 feet;

(9) S 53°17'24" E 158.75 feet;

(10) S 4°41'24" E 173.67 feet;

(11) S 39.0 02'24" E 166.19 feet;

(12) N 45°53'06" E 7.61 feet to the intersection with the westerly line of the Contra Costa canal spillway right-of-way, as said westerly line is shown on that certain Record of Survey filed in Book 100 LSM, Page 30, records of said County; thence northerly along the northerly prolongation of said westerly line 1,285 feet, more or less, to the centerline of New York Slough; thence along the centerline of said slough, as described in Exhibit A of that Certificate of Completion filed as Document number 90-0249590, Official Records of said County, westerly and northwesterly 4,400 feet, more or less, to the intersection with the centerline of Middle Slough; thence



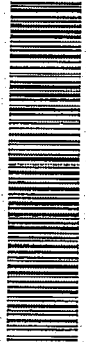
northerly along the centerline of Middle Slough, as described in Exhibit A of Pittsburg City Ordinance No. 595, passed by the City Council November 25, 1968, 7,500 feet, more or less, to the end of said centerline; thence N 45° W 3,500 feet, more or less, to the northerly boundary of said County as described in said City Ordinance; thence southwesterly along said County line as described in said City Ordinance 7,300 feet, more or less, to the northeast corner of that parcel described in Exhibit B of the Mirant Power Plant Annexation to the City of Pittsburg, filed in 2008-0142559, Official Records of said County; thence northwesterly along the curved County Limits Line between Solano and Contra Costa Counties, as described in said annexation, 12,900 feet, more or less, to the intersection with the northerly prolongation of the westerly boundary of said Rancho Los Medanos, as described in said annexation; thence southerly along said northerly prolongation 2,260 feet, more or less, to the POINT OF BEGINNING.

Excepting therefrom any portions of validly patented lands within Swamp and Overflowed Lands Location number 3471 (Mallard Island), patented August 10, 1905, and any portions lying landward of the Ordinary High Water Mark of the shoreline and inland sloughs of Browns Island.

SEC. 2. Section 9 of Chapter 422 of the Statutes of 2011 is repealed.

~~Sec. 9. The lands identified as Browns Island, Commission Lease Number PRC 4966 CPN Pipeline, and Commission Lease Number PRC 8736 Trans Bay Cable LLC are not included as trust lands for purposes of this act.~~

SEC. 3. Section 10 of Chapter 422 of the Statutes of 2011 is repealed.



~~Sec. 10. (a) On or before January 1, 2014, the commission shall survey, monument, and record a plat and a metes and bounds description of the trust lands in the office of the county recorder in the county or counties in which the lands are located. Upon recordation, the survey, monuments, plat, and metes and bounds description shall be binding upon the state, the grantee, and their successors in interest.~~

~~(b) The cost of the survey and recordation shall be paid by the trustee.~~

~~(c) The requirements of Section 6359 of the Public Resources Code do not apply to the trust lands granted pursuant to this act.~~



LEGISLATIVE COUNSEL'S DIGEST

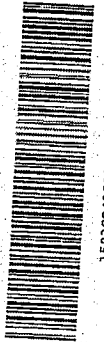
Bill No.

as introduced, _____.

General Subject: State tidelands transfer: City of Pittsburgh.

Existing law provides for a grant of specified tidelands and submerged lands from the state to the City of Pittsburgh, subject to specified conditions, and requires that the trust lands be held by the City of Pittsburgh as trustee, for the benefit of all people of the state for purposes consistent with the public trust doctrine, including the protection of maritime or water dependent commerce, navigation, and fisheries, and the preservation of the lands in their natural state for scientific study, open space, wildlife habitat, and water-oriented recreation. Existing law required the State Lands Commission, by January 1, 2014, to survey, monument, and record a plat and a metes and bounds description of the trust lands subject to the grant.

This will would amend those provisions to include that above-described metes and bounds description of the trust lands subject to the grant and would repeal the obsolete provisions requiring the commission to complete that survey.

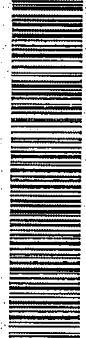


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Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local
program: no.



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