

MINUTE ITEM

This Calendar Item No. 24
was approved as Minute Item
No. 24 by the State Lands
Commission by a vote of 2
to 0 at its 3/28/79
meeting.

CALENDAR ITEM

24.

3/79
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GRANTED LANDS - CONSIDERATION OF SUBSTANTIAL
COMPLIANCE WITH ACTS GRANTING CERTAIN LANDS,
SALT MARSH, AND TIDELANDS OF THE STATE OF
CALIFORNIA TO THE CITY OF OAKLAND AND
PERMITTING ADDITIONAL USES OF THE LANDS

TRUSTEE: City of Oakland
14th and Washington Streets
Oakland, California 94612

BACKGROUND AND LOCATION:

The lands presently administered by the City of Oakland include part of the lands, salt marsh and tidelands of the north arm of the estuary of San Antonio in the vicinity of Lake Merritt, Alameda County, first granted to the city under Chapter 390, Statutes of 1909. Two amendments to the grant provided additional uses of the lands.

Chapter 15, Statutes of 1960, authorized the city to use granted lands for the acquisition, construction, development and maintenance of public recreation facilities for public exhibitions, meetings and parking. If the lands were not used for the additional purposes authorized within 10 years from the effective date of the amended statute, or if such use was discontinued thereafter, the authorization to use the lands for the additional purposes would terminate and lapse.

Prior to expiration of the deadline the Legislature enacted Chapter 1737, Statutes of 1965, permitting the city to transfer, sell, or convey to Peralta Community College District certain lands between 10th Street on the northeast and the Southern Pacific right-of-way on the southwest, to be improved within 10 years as provided. The lands which may be so transferred, sold and conveyed are described as portions of salt marsh, tide and submerged lands granted to the

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city by Chapter 390, Statutes of 1909,
and by Chapter 654, Statutes of 1911.

FINDINGS ON LANDS ADMINISTERED BY THE DISTRICT:

On January 26, 1978, the State Lands Commission found that the Peralta Community College District had complied with the conditions of the 1965 Act. Laney College Campus with sports facilities and park-like area was constructed on a portion of the lands transferred by the city. The city, the district and other public agencies had enlarged and maintained a channel for the flow of water between Lake Merritt and the Estuary of San Antonio, as required.

PURPOSE OF INVESTIGATION:

This report concerns the city's development and use of other lands granted under Chapter 390 Statutes of 1960, and whether any compensation received by the city for conveyance of the central portion of the granted lands to the district was used for purposes of general statewide interest.

CONDUCT OF INVESTIGATION:

In March, 1972, the State Lands Commission's staff made a formal request to the city for a report covering significant items for the 10-year period following effective date of Chapter 15, Statutes of 1960. The city's report, in 1973, covered tideland development until that time, except for improvements made by the district. Questions involving both the district and city were deferred until the 10-year follow up of the district grant. When Commission staff contacted the district to determine its substantial compliance, city officials assisted in establishing details of land transactions. The city provided additional information on the compensation received from the district and current uses on trust land remaining to the city. Commission staff visited the sites and photographed improvements and uses.

PHYSICAL IMPROVEMENTS AND RECREATIONAL USES:

The trust area lying northeasterly of 12th Street consists of the southeastern open

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lake portion of Lake Merritt, which is used extensively for aquatic activities, bicycling and jogging. Between 12th and 10th streets a small children's play area, public park, garden and restroom were developed and continue to operate. There are no revenues from the above granted areas; and expenditures for maintenance of the area are under the city's general park and recreation program.

Prior to the transfer to the District, the area between 10th and 8th Street was used as a parking lot for the auditorium and exposition buildings, softball fields, and children's fishing pier. A public heliport, including ticketing and waiting room building was built in 1961 and remained until 1965. Youell Stadium was built in 1962 between Nimitz Freeway and 7th Street at a cost of \$490,000. Expenses from 1962-69 totaled \$36,000 and estimated revenues were \$154,000 in the stadium area.

Non-recreational development between the Embarcadero and the harbor were Kaiser Sand and Gravel Batching Plant built in 1964 and the Embarcadero Bridge, built in 1967 at a cost of \$381,000 obtained from gas tax and traffic safety funds. Granted lands lying between Western Pacific Railroad and Southern Pacific mainline are presently being used as a training facility for the fire department.

In 1969 land was cleared and exploratory work commenced on the present Lake Merritt Estuary Park located on the west side between the Embarcadero and the harbor. Lands adjoining the grant were also improved in a complex of park and recreation areas, boat launch ramp, floats, fishing pier, restrooms and parking. Operating costs are met by the city and no fees are charged. The original cost was \$680,000 funded by State recreation bond moneys, California Boating and Waterways grants and federal beautification funds.

Staff also observed the channel at several points between Lake Merritt and the harbor area. The flood control facility that combines

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a pumping station to provide lake water level control and lake flushing results in an attractive lake and waterway in a well-maintained urban setting. While a cold winter has cut down on recreational boating activities, numerous egrets and other water fowl foraged along the channel banks.

LAND TRANSACTIONS:

The City of Oakland sold approximately 41.5 acres of land and buildings to the district in 1967. This included approximately 21 acres of trust lands that Chapter 1737, Statutes of 1965, permitted to be sold subject to certain conditions and other lands of the city. (By quitclaim in 1971 the city completed transfer of the former 8th Street on the new Laney College Campus to the district). The amount of \$406,300 was allocated by the city as the portion of the land price within the tidelands grant area. The city expended these and additional funds on the following 2 projects that are of general statewide interest:

1. Seventh Street extension, Phase II. This street project was required as the college construction closed off the original streets in the area. The portion spent on right-of-way design and construction originating from city funds was \$391,500.
2. Bay Park Refuge. This was a park built by the city on San Leandro Bay at a cost of \$270,143. The city leased the refuge to the East Bay Regional Park District for operation and maintenance as a regional facility. The development is located on portions of salt marsh and tidelands granted to the city under Chapter 654, Statutes of 1911, and ungranted State submerged lands now leased to the Park District by State Lands Commission. Total cost of the 2 projects exceeds the city's compensation for the trust lands.

BENEFITS TO THE STATEWIDE PUBLIC:

Development of lands serves the statewide

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public. City residents do not receive reduced charges or other preferential treatment. Present recreational and park facilities are all open during daylight hours for use by the public in general. Compensation received from sale of a portion of the granted lands was also applied to projects of general statewide interest on public trust lands.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CITY OF OAKLAND HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF CHAPTER 15, STATUTES OF 1960, SECTION 1.80, AND CHAPTER 1737, STATUTES OF 1965, SECTION 1.
2. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE CITY OF OAKLAND, THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE ASSEMBLY THAT THE COMMISSION HAS MADE AN INVESTIGATION AS REQUIRED BY THE GRANT STATUTE AND FINDS THAT THE CITY HAS SUBSTANTIALLY COMPLIED WITH THE TERMS OF CHAPTER 15, STATUTES OF 1960, SECTION 1.80, AND CHAPTER 1737, STATUTES OF 1965, SECTION 1.

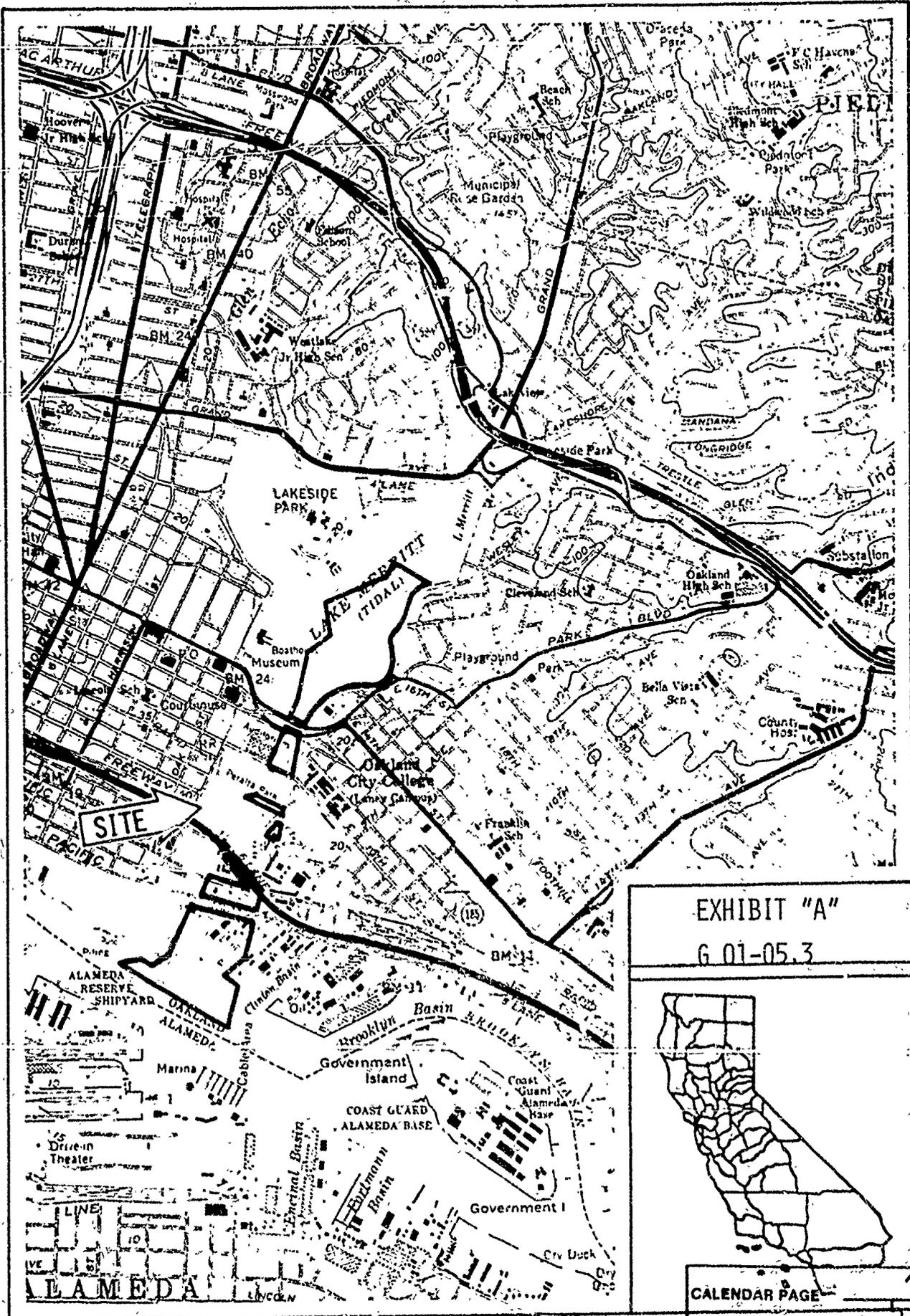


EXHIBIT "A"
G. 01-05.3



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