

MINUTE ITEM
This Calendar Item No. C12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 3
to 0 at its 3/26/87
meeting.

CALENDAR ITEM

A 2
S 2

C12

03/26/87
G 04-02.10
W 23398
Townsend
Stevenson

LEASE APPROVAL UNDER CHAPTER 1095, STATUTES OF 1978;
LEASE OF GRANTED LANDS BETWEEN THE CITY OF EUREKA (LESSOR) AND
THE CALIFORNIA COASTAL CONSERVANCY AND
THE CALIFORNIA DEPARTMENT OF GENERAL SERVICES (LESSEES)

LESSOR: City of Eureka
531 "K" Street
Eureka, California 95501

LESSEES: California Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, California 94612

Department of General Services
c/o Office of Real Estate
and Design Services
400 P Street, Suite 3110
Sacramento, California 95814

In December 1985, the California Coastal Conservancy (Conservancy) funded the purchase of approximately 95 acres of wetlands and lands adjoining those wetlands in the City of Eureka (City). At the time, the property was in the record ownership of the Pacific Lumber Company and was known, and still is, as the PALCO marsh. The property purchased by the Coastal Conservancy adjoins other property which the Pacific Lumber Company retained and has since developed as a shopping center. The subject property is shown for reference purposes only on Exhibit "A" to this Calendar Item which is attached and incorporated by this reference.

It was the intent of the Conservancy that the City hold title to the property, and that the City dedicate an open space easement over it. This open space easement was to be subject

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to an exception that one portion of the tract sold could be developed or sold by the City if the City reimbursed the Coastal Commission \$250,000, the expense related to the purchase of that part. A ten-year time limit was placed on this exception.

Prior to the completion of the sale, the staff of the State Lands Commission investigated the historic evidence relating to the title to and physical conditions of the property to be acquired. Based upon the information gathered, the staff of the State Lands Commission advised the City and the Conservancy that portions of the land to be purchased were tide and submerged lands in which the City had a pre-existing interest by virtue of its legislative grant contained in Chapter 225, Statutes of 1945 and Chapter 1086, Statutes of 1970, as amended. The City and the Conservancy were advised that this property should be deeded to and accepted by the City as sovereign lands subject to its grant and that it could not be encumbered with a perpetual open space easement which would forever limit its use. The City and Conservancy were informed that a lease for open space would, however, be permitted given the purposes of the grant, an alternative which was found acceptable by the parties.

Two leases were developed to implement this transaction - one for portions of Parcel 3 and the other for portions of Parcel 4, both as shown on Parcel Map No. 2380, Book 21; Pages 40-42 of Maps in the Official Records of Humboldt County. The lessees are the Conservancy and the California Department of General Services (which has review power over all Conservancy property acquisitions).

Chapter 1095, Statutes of 1978, provides that the State Lands Commission must approve or deny all proposed leases of Eureka granted lands which are of a term of one year or greater. The leases, as drafted; provide for 49-year terms. The stated purposes of the leases are for open space and public recreational purposes. No monetary consideration is charged since the lessees are public agencies utilizing the land for public purposes. Each lease provides that the description of the property leased shall be amended upon a determination by the State Lands Commission of a specific line within the leased property dividing tide and submerged lands from uplands. In other regards, the lease form tracks the provisions used in leases issued by this Commission in its own transactions.

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The staff of the State Lands Commission has reviewed the leases and approves of them with amendments relating to the specific language used in the descriptions and to the statutory citation used for the grant to Eureka. These changes have been conveyed to the City and have been approved by its staff. With these changes, staff recommends approval of the two leases between the City of Eureka and the California Coastal Conservancy and the Department of General Services, as on file in the principal offices of the State Lands Commission.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Classes 13 and 25, Acquisition of Lands for Wildlife and Conservation Purposes, and Transfers of Ownership of Interest in Land to Preserve Open Space, 14 Cal. Adm. Code 15313, 15325.

Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15300.

EXHIBIT:

- A. Site Map for General Reference Only.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASSES 13 AND 25, ACQUISITION OF LANDS FOR WILDLIFE AND CONSERVATION PURPOSES AND TRANSFERS OF OWNERSHIP OF INTEREST IN LAND TO PRESERVE OPEN SPACE, 14 CAL. ADM. CODE 15313, 15325.
2. APPROVE AS AMENDED THE LEASES ON FILE IN THE PRINCIPAL OFFICE OF THE COMMISSION BETWEEN THE CITY OF EUREKA AND THE CALIFORNIA COASTAL CONSERVANCY AND THE CALIFORNIA DEPARTMENT OF GENERAL SERVICES AFFECTING CERTAIN LANDS WITHIN PARCELS 3 AND 4 AS SHOWN ON PARCEL MAP NO. 2380, BOOK 21, PAGES 40-42, MAPS IN THE OFFICIAL RECORDS OF HUMBOLDT COUNTY.

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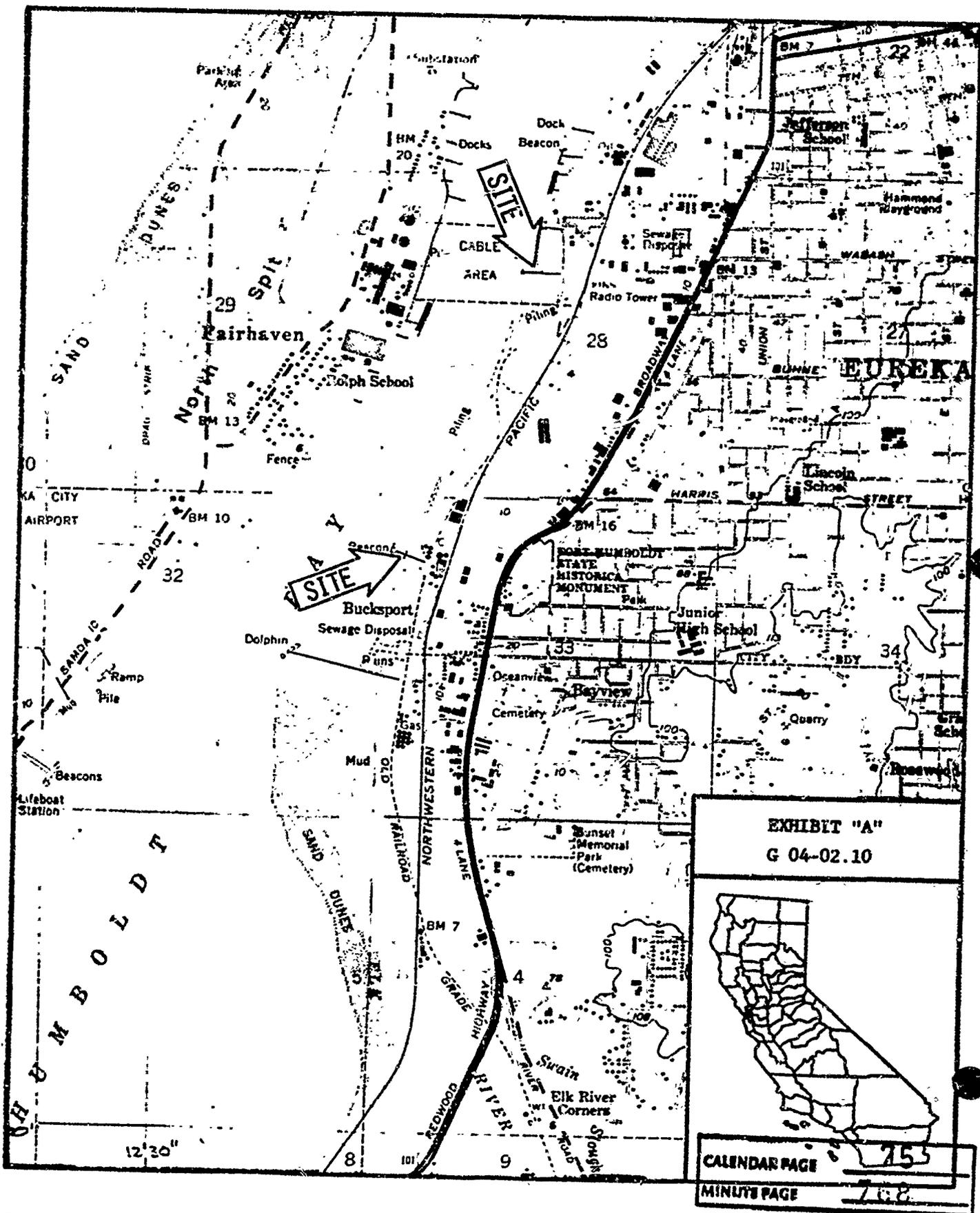


EXHIBIT "A"
G 04-02.10



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