

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2179

Introduced by Assembly Member Monning

February 18, 2010

~~An act relating to recycling.~~ *An act relating to tidelands and submerged lands.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2179, as amended, Monning. ~~Public resources: recycling.~~ *Tidelands and submerged lands: City of Santa Cruz and City of Long Beach.*

Under existing law, the State Lands Commission has jurisdiction over tidelands and submerged lands of the state. Existing law authorizes grants to local entities of the right, title, and interest of the State of California in and to certain tidelands and submerged lands in trust for certain purposes.

This bill would grant to the City of Santa Cruz and the City of Long Beach, respectively, all the right, title, and interest of the state in certain trust lands pursuant to an agreement of the commission. The bill would require the cities to hold, operate, and manage, in trust for the benefit of the statewide public, the described trust lands in accordance with the common law public trust doctrine and specified statutory provisions.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Santa Cruz and the City of Long Beach.

~~Existing law imposes various powers and duties on the Department of Conservation relating to the enforcement and administration of various recycling and litter reduction programs.~~

~~This bill would state that it is the intent of the Legislature to enact legislation that would enhance recycling requirements in the state.~~

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

The people of the State of California do enact as follows:

1 SECTION 1. (a) *There is hereby granted and conveyed in trust*
2 *to the City of Santa Cruz in the County of Santa Cruz all the right,*
3 *title, and interest of the State of California in certain trust lands,*
4 *acquired and held by the state, subject to the common law public*
5 *trust and the city’s statutory trust, pursuant to the agreement that*
6 *was approved as Calendar Item 43 of the August 11, 2009, State*
7 *Lands Commission meeting, and which are further described as*
8 *follows:*

9 (1) *Volleyball Parcel, which consists of all that real property*
10 *situated in the City of Santa Cruz, County of Santa Cruz, State of*
11 *California, and being a portion of Parcel VII as said Parcel VII*
12 *is described in Judgment and Decree Quieting Title No. 13476,*
13 *recorded March 25, 1933, in Volume 236 of Official Records, Page*
14 *413, described as follows:*

15 *All that portion of said Parcel VII bounded easterly by the 1st*
16 *Exception to said Parcel VII as said 1st Exception, being*
17 *Westbrook Street, is described in said Judgment;*

18 (2) *West Lawn Parcel, which consists of all that real property*
19 *situated in the City of Santa Cruz, County of Santa Cruz, State of*
20 *California, and being a portion of Parcel VII as said Parcel VII*
21 *is described in Judgment and Decree Quieting Title No. 13476,*
22 *recorded March 25, 1933, in Volume 236 of Official Records, Page*
23 *413, described as follows:*

24 *All that portion of said Parcel VII bounded westerly by the 1st*
25 *Exception to said Parcel VII as said 1st Exception, being*
26 *Westbrook Street, is described in said Judgment, and bounded*
27 *easterly by the 2nd Exception to said Parcel VII, as said 2nd*
28 *Exception, being lands of the City of Santa Cruz, is described in*
29 *said Judgment; and*

30 (3) *Trestle Easement, which consists of all that real property*
31 *situated in the City of Santa Cruz, County of Santa Cruz, State of*
32 *California, and being a part of the lands conveyed to Santa Cruz*
33 *Seaside Company by deed recorded December 30, 1992, in Volume*

1 5178, at Page 702, Santa Cruz County Records and being more
2 particularly described as follows:

3 Commencing at the most southerly corner of the lands shown
4 as "SANTA CRUZ SEASIDE CO. a Corporation by decree of
5 quieting title Parcel 6, March 25, 1933, in 236-OR-413", said
6 corner being a point on the northeasterly line of Third Avenue, as
7 said lands and Avenue are shown on that certain map entitled
8 "San Lorenzo River Flood Control Project", recorded August 24,
9 1964, in Volume 42 of Maps at Page 16 (Sheet 1 of 19), Santa
10 Cruz County Records;

11 Thence from said Point of Commencement, along said
12 northeasterly line of Third Avenue South 35°27'50" West 15.07
13 feet; thence leaving said northeasterly line, North 59°57'30" East
14 63.00 feet; thence South 74°20' East 16.27 feet, more or less to a
15 point on the northwesterly line of that certain land conveyed by
16 C. Cappelmann and George Otto to the Santa Cruz Railroad
17 Company in deed recorded September 7, 1878, in Book 27 of
18 Deeds, at Page 200, Official Records of Santa Cruz County; thence
19 along said northwesterly line, North 59°57'30" East 94.86 feet to
20 the Point of Beginning;

21 Thence from said Point of Beginning, leaving said northwesterly
22 line of the Santa Cruz Railroad Company, South 13°43' East 22.24
23 feet; thence South 77°47' West 10.00 feet; thence South 69°21'
24 West 15.00 feet; thence South 62°57' West 12.50 feet; thence South
25 55°17' West 20.00 feet; thence South 30°15' West 14.00 feet; thence
26 South 24°24' West 20.00 feet; thence South 30°02'30" East 6.00
27 feet; thence North 59°57'30" East 124.34 feet; thence South
28 30°02'30" East 13.23 feet; thence South 9°13'30" West 58.64 feet
29 to the southeasterly line of said land conveyed to said Railroad
30 Company; thence along said southeasterly line North 59°57'30"
31 East 146.81 feet, more or less, to the easterly boundary of said
32 land conveyed to said Railroad Company, said easterly boundary
33 being described in said deed to said Railroad Company as the
34 middle of the San Lorenzo River; thence northerly along said
35 easterly boundary 108 feet, more or less, to said northwesterly
36 line of said land conveyed to said Railroad Company; thence along
37 said northwesterly line South 59°57'30" West 167.63 feet, more
38 or less, to the Point of Beginning.

39 SUBJECT TO a reservation of an easement for railroad
40 operating purposes, and appurtenances thereto pertaining, on,

1 over, across, under, and through a strip of land 20 feet in width,
 2 lying 10 feet on each side of the center line of an existing railroad
 3 track, as said reservation is described in said deed recorded in
 4 Volume 5178, at Page 702, Official Records of said County.

5 (b) The lease of the lands described in subdivision (a),
 6 designated as PRC 8824, from the State Lands Commission to the
 7 City of Santa Cruz shall terminate on January 1, 2011.

8 (c) The City of Santa Cruz shall hold, operate, and manage, in
 9 trust for the benefit of the statewide public, the public trust lands
 10 described in subdivision (a) in accordance with the common law
 11 public trust doctrine and the terms, trusts, and conditions set forth
 12 in Chapter 342 of the Statutes of 1872 and Chapter 1291 of the
 13 Statutes of 1969.

14 SEC. 2. (a) There is hereby granted and conveyed in trust to
 15 the City of Long Beach in the County of Los Angeles all the right,
 16 title, and interest of the State of California in certain trust lands,
 17 acquired and held by the state, subject to the common law public
 18 trust and the city's statutory trust, pursuant to the agreement that
 19 was approved as Calendar Item 8 of the June 5, 1991, State Lands
 20 Commission meeting, which are further described as follows:

21 (1) Southern Parcel, which consists of land described as follows:
 22 Southern parcel

23 Description: The land referred to herein is situated in the County
 24 of Los Angeles, State of California, and is described as follows:

25 That certain parcel of land, in the City of Long Beach, described
 26 as follows:

27 Beginning at the intersection of the easterly prolongation of the
 28 northerly line of lot "e" as shown on map of ocean front of the
 29 City of Long Beach, recorded in book 39 pages 18 to 33, inclusive
 30 of miscellaneous records, in the office of the county recorder of
 31 said county, and a line parallel with and 50.00 feet easterly of the
 32 easterly lines of lots "e" and "k" of said ocean front of the City
 33 of Long Beach; thence along said parallel line, South 00°05'02"
 34 East, 405.24 feet; thence South 89°54'58" West, 69.85 feet; thence
 35 South 00°05'02" East, 40.00 feet to the true point of beginning;
 36 thence North 89°54'58" East, 38.57 feet to a point on a nontangent
 37 curve concave to the southwest and having a radius of 29.50 feet,
 38 a radial line through said point bears North 47°13'55" East; thence
 39 southerly along said curve through a central angle of 38°56'41"
 40 an arc distance of 20.05 feet; thence South 03°49'24" East 56.57

1 *feet to the southerly line of that particular parcel of land described*
2 *in deed recorded in book 44843, page 136 of official records in*
3 *the office of said county recorder; thence along said southerly line*
4 *North 89°18'18" West, 231.02 feet; thence North 52°02'37" East,*
5 *27.08 feet to the beginning of a curve concave southeasterly having*
6 *a radius of 260.00 feet; thence northeasterly along said curve*
7 *through a central angle of 37°52'21" an arc distance of 171.86*
8 *feet to the true point of beginning.*

9 *Except that portion shown as Pine Avenue on map of said ocean*
10 *front of the City of Long Beach.*

11 *Also except that portion of said land lying easterly of the easterly*
12 *line of said lot "k" and/or its southerly prolongation; and*

13 *(2) Street Parcel, which consists of land described as follows:*
14 *Street parcel*

15 *A parcel of land in the City of Long Beach, in the County of Los*
16 *Angeles, State of California, described as follows:*

17 *Beginning at the intersection of the easterly prolongation of the*
18 *northerly line of lot "e" as shown on the map of ocean front of*
19 *the City of Long Beach, recorded in book 39 pages 18 to 33,*
20 *inclusive of miscellaneous records, in the office of the county*
21 *recorder of said county, and a line parallel with and 50.00 feet*
22 *easterly of the easterly lines of lots "e" and "k" of said ocean*
23 *front of the City of Long Beach; thence along said parallel line*
24 *South 00°05'02" East, 405.24 feet; thence South 89°54'58" West,*
25 *69.85 feet; thence South 00°05'02" East, 40.00 feet; thence North*
26 *89°54'58" East, 19.85 feet more or less to the southerly*
27 *prolongation of the East line of said lot "k", being the true point*
28 *of beginning; thence North 89°54'58" East 40 feet to the easterly*
29 *line of the parcel of land described in deed recorded in book 44843,*
30 *page 136 of official records in the office of the county recorder of*
31 *said county; thence southerly along said easterly line 74.66 feet*
32 *more or less to the southeasterly corner of said described parcel*
33 *of land; thence along the southerly line thereof North 89°18'18"*
34 *West 40 feet to the southerly prolongation of the east line of said*
35 *lot "k"; thence North 00°05'02" West 74.12 feet more or less to*
36 *the true point of beginning.*

37 *(b) The lease of the lands described in subdivision (a),*
38 *designated as PRC 7545, from the State Lands Commission to the*
39 *City of Long Beach shall terminate on January 1, 2011.*

1 (c) *The City of Long Beach shall hold, operate, and manage,*
2 *in trust for the benefit of the statewide public, the public trust lands*
3 *described in subdivision (a) in accordance with the common law*
4 *public trust doctrine and the terms, trusts, and conditions set forth*
5 *in Chapter 676 of the Statutes of 1911, Chapter 102 of the Statutes*
6 *of 1925, Chapter 158 of the Statutes of 1935, and Chapter 138 of*
7 *the Statutes of 1964 (First Extraordinary Session), as amended.*

8 *SEC. 3. The Legislature finds and declares that, because of*
9 *the unique circumstances applicable only to the lands described*
10 *in Sections 1 and 2 of this act, a statute of general applicability*
11 *cannot be enacted within the meaning of subdivision (b) of Section*
12 *16 of Article IV of the California Constitution. Therefore, this*
13 *special statute is necessary.*

14 ~~SECTION 1. It is the intent of the Legislature to enact~~
15 ~~legislation that would enhance recycling requirements in the state.~~