

**Introduced by Committee on Natural Resources and Water
(Senators Pavley (Chair), Cannella, Evans, Fuller, Kehoe,
La Malfa, Padilla, Simitian, and Wolk)**

March 19, 2012

An act to add Section 5.6 to Chapter 74 of the Statutes of 1978, relating to public trust lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 1577, as introduced, Committee on Natural Resources and Water. Public trust lands: City of Newport Beach.

Existing law grants to the City of Newport Beach all tide and submerged lands, whether filled or unfilled, bordering upon and under the Pacific Ocean or Newport Bay, as described, subject to specified conditions.

This bill would grant and convey in trust to the City of Newport Beach in the County of Orange all the right, title, and interest of the State of California, subject to the city's statutory trust, acquired and held by the state pursuant to a specified agreement approved by the State Lands Commission, as described.

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

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

- 1 SECTION 1. Section 5.6 is added to Chapter 74 of the Statutes
- 2 of 1978, to read:
- 3 SEC. 5.6. (a) There is hereby granted and conveyed in trust
- 4 to the City of Newport Beach in the County of Orange all the right,
- 5 title, and interest of the State of California, subject to the city's

1 statutory trust, acquired and held by the state pursuant to the
2 agreement that was approved as Calendar Item 73 of the September
3 1, 2011, State Lands Commission meeting, and which is further
4 described as follows:

5 A PARCEL OF FILLED TIDE AND SUBMERGED LAND
6 AND A PORTION OF SWAMP AND OVERFLOWED LANDS
7 LOCATION NUMBER 3089 PATENT TO JAMES McFADDEN
8 ON MAY 16, 1892, SITUATE IN THE CITY OF NEWPORT
9 BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA,
10 AS DESCRIBED AS FOLLOWS:

11 BEGINNING AT THE INTERSECTION OF THE WESTERLY
12 RIGHT OF WAY LINE OF 15TH STREET (100 FEET WIDE)
13 AND THE UNITED STATES GOVERNMENT BULKHEAD
14 LINE BETWEEN STATION NUMBER 118 AND STATION
15 NUMBER 119, AS SHOWN ON THE MAP ENTITLED
16 "HARBOR LINES —NEWPORT BAY, NEWPORT BEACH,
17 CALIFORNIA," DATED MARCH 20, 1936, FILE NUMBER
18 958, APPROVED BY THE UNITED STATES SECRETARY OF
19 WAR ON MAY 2, 1936, A COPY OF WHICH IS ON FILE IN
20 THE OFFICES OF THE COASTAL PROJECTS SECTION,
21 ENGINEERING DIVISION, UNITED STATES ARMY CORPS
22 OF ENGINEERS, LOS ANGELES DISTRICT; THENCE ALONG
23 SAID WESTERLY RIGHT OF WAY LINE SOUTH 10°40'10"
24 WEST 109.82 FEET TO A POINT WHICH IS 160.00 FEET
25 NORTHERLY FROM THE NORTHEASTERLY CORNER OF
26 LOT 4, BLOCK 115 OF TRACT NO. 234 AS PER MAP FILED
27 IN BOOK 13, PAGES 36 AND 37 OF MISCELLANEOUS
28 MAPS, IN THE OFFICE OF SAID COUNTY RECORDER;
29 THENCE NORTH 79°20'30" WEST 146.30 FEET; THENCE
30 SOUTH 10°39'30" WEST 140.00 FEET TO A LINE PARALLEL
31 WITH AND 20.00 FEET NORTH OF THE NORTHERLY LINE
32 OF SAID BLOCK 115; THENCE ALONG SAID PARALLEL
33 LINE NORTH 79°20'30" WEST 165.12 FEET TO THE
34 NORTHEAST CORNER OF THE LAND DESCRIBED IN THE
35 CITY OF NEWPORT BEACH RESOLUTION NO. 4532,
36 RESOLUTION ORDERING VACATION, RECORDED
37 AUGUST 20, 1956, IN BOOK 3618, PAGE 210 OFFICIAL
38 RECORDS, IN THE OFFICE OF SAID COUNTY RECORDER;
39 THENCE ALONG THE EASTERLY LINE OF SAID LAND
40 DESCRIBED IN SAID DEED SOUTH 10°39'12" WEST 20.00

1 FEET TO THE NORTHERLY LINE OF SAID BLOCK 115;
2 THENCE ALONG SAID NORTHERLY LINE SOUTH 79°20'30"
3 EAST 20.00 FEET TO THE NORTHWEST CORNER OF LOT
4 10, BLOCK 115 OF SAID TRACT NO. 234; THENCE ALONG
5 THE WESTERLY LINE OF SAID LOT 10 SOUTH 10°39'12"
6 WEST 99.79 FEET TO THE NORTHERLY RIGHT OF WAY
7 LINE OF BALBOA BOULEVARD (100 FEET WIDE); THENCE
8 ALONG SAID NORTHERLY RIGHT OF WAY LINE NORTH
9 79°19'20" WEST 128.80 FEET TO THE CENTERLINE OF 16TH
10 STREET (40 FEET WIDE, PORTION NOW ABANDONED);
11 THENCE ALONG SAID CENTERLINE NORTH 10°38'49"
12 EAST 70.87 FEET; THENCE NORTH 79°15'11" WEST 236.74
13 FEET; THENCE NORTH 10°44'49" EAST 199.43 FEET TO THE
14 BEGINNING OF A NONTANGENT CURVE CONCAVE
15 SOUTHEASTERLY HAVING A RADIUS OF 168.54 FEET, A
16 RADIAL BEARING TO SAID CURVE BEARS NORTH
17 15°20'21" EAST; THENCE SOUTHWESTERLY 143.27 FEET
18 ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
19 48°42'13" TO THE BEGINNING OF A COMPOUND CURVE
20 CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 373.41
21 FEET, A RADIAL BEARING TO SAID POINT BEARS NORTH
22 33°21'52" WEST; THENCE SOUTHWESTERLY 79.01 FEET
23 ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
24 12°07'24" TO THE BEGINNING OF A COMPOUND CURVE
25 CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 239.54
26 FEET, A RADIAL BEARING TO SAID POINT BEARS NORTH
27 45°29'16" WEST; THENCE SOUTHWESTERLY 94.65 FEET
28 ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
29 22°38'22" TO THE BEGINNING OF A COMPOUND CURVE
30 CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 113.22
31 FEET, A RADIAL BEARING TO SAID CURVE BEARS
32 NORTH 68°07'38" WEST; THENCE SOUTHWESTERLY 22.09
33 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE
34 OF 11°10'47"; THENCE SOUTH 10°41'35" WEST 54.92 FEET
35 TO THE NORTHERLY RIGHT OF WAY LINE OF BALBOA
36 BOULEVARD; THENCE ALONG SAID NORTHERLY RIGHT
37 OF WAY LINE NORTH 79°22'58" WEST 225.76 FEET;
38 THENCE NORTH 10°37'02" EAST 219.64 FEET TO THE
39 BEGINNING OF A NONTANGENT CURVE CONCAVE
40 NORTHEASTERLY HAVING A RADIUS OF 52.74 FEET, A

1 RADIAL BEARING TO SAID CURVE BEARS SOUTH
2 15°22'54" WEST; THENCE NORTHWESTERLY, NORTHERLY
3 AND NORTHEASTERLY 93.91 FEET ALONG SAID CURVE
4 THROUGH A CENTRAL ANGLE OF 102°01'22" TO A POINT
5 OF CUSP WITH A NONTANGENT CURVE CONCAVE
6 NORTHEASTERLY HAVING A RADIUS OF 72.54 FEET, A
7 RADIAL BEARING TO SAID CURVE BEARS SOUTH
8 00°47'02" EAST; THENCE NORTHWESTERLY 42.46 FEET
9 ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
10 33°31'53" TO THE BEGINNING OF A REVERSE CURVE
11 CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 72.01
12 FEET, A RADIAL BEARING THROUGH SAID POINT BEARS
13 NORTH 32°44'52" EAST; THENCE SOUTHWESTERLY 54.01
14 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE
15 OF 42°58'25" TO THE BEGINNING OF A REVERSE CURVE
16 CONCAVE NORTHWESTERLY HAVING A RADIUS OF 81.24
17 FEET, A RADIAL BEARING THROUGH SAID POINT BEARS
18 SOUTH 10°13'33" EAST; THENCE SOUTHWESTERLY 38.37
19 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE
20 OF 27°03'38" TO THE SOUTHEASTERLY RIGHT OF WAY
21 LINE OF 18TH STREET (40 FEET WIDE); THENCE ALONG
22 SAID SOUTHEASTERLY RIGHT OF WAY LINE NORTH
23 10°36'36" EAST 82.47 FEET TO SAID U.S. BULKHEAD LINE;
24 THENCE ALONG SAID BULKHEAD LINE SOUTH 79°22'11"
25 EAST 1280.68 FEET TO THE POINT OF BEGINNING
26 CONTAINING 6.958 ACRES, MORE OR LESS.

27 (b) There is hereby granted, conveyed, and confirmed in trust
28 to the City of Newport Beach in the County of Orange all the right,
29 title, and interest of the State of California, subject to the city's
30 statutory trust, those lands quieted in the City of Newport Beach,
31 as trustee, and located waterward of the ordinary high tide line
32 between 18th and 19th Streets, as permanently fixed in SCC
33 #40434, filed April 17, 1942, Orange County Recorder's Book
34 1145, page 172.

35 (c) The lease of the lands described in subdivision (a), from the
36 State Lands Commission to the city shall terminate on January 1,
37 2013.

38 (d) The city shall hold, operate, and manage, in trust for the
39 benefit of the statewide public, the public trust lands described in
40 subdivisions (a) and (b) in accordance with the common law public

1 trust doctrine and the terms, trusts, and conditions set forth in
2 Chapter 78 of the Statutes of 1978, as amended by Chapter 728 of
3 the Statutes of 1994, Chapter 317 of the Statutes of 1997, Chapter
4 745 of the Statutes of 2001, and Chapter 361 of the Statutes of
5 2004.

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