

MINUTE ITEM

This Calendar Item No. 27
was moved as Minute Item
No. 27 by the State Lands
Commission by a vote of 2
to 0 at its 2/9/82
meeting.

CALENDAR ITEM

27

1/28/82
JTO 4
W 22481
A. Scott
Mochon
PRC 6110
PRC 6318
PRC 6319
PRC 6320

RESOLUTION OF UNITED STATES NAVY USE
OF SILVER STRAND BEACH

BACKGROUND:

In 1955 the United States Navy condemned various areas along both the ocean and baysides of Silver Strand below the City of Coronado for Naval purposes. Portions of the areas condemned included lands of both the Department of Parks and Recreation and sovereign interests of the State under the jurisdiction of the State Lands Commission. Certain areas on the bayside were condemned in fee with a reversionary provision which would reconvey the land to the State when they were no longer necessary for military purposes. Other areas were condemned in lease-hold for a period of 30 years.

This calendar item deals with a portion of the condemnation of the lease-hold interest, involving approximately 257 acres. This parcel, condemned in lease-hold for a period of 30 years, is a strip of beach on the oceanside of Silver Strand, immediately below the Naval amphibious base at Coronado and extends downcoast to the Northerly boundary of Silver Strand State Beach. The parcel is more particularly described in Exhibit "A" attached hereto. A portion of the strip is held by the Department of Parks and Recreation as proprietary land (64± acres) and the remainder by the State Lands Commission as sovereign land subject to JTO-4, a transfer to the Department of Parks and Recreation for park purposes. The current 30-year lease-hold of the Navy over the subject lands will expire in 1985.

Negotiations have been on-going for a period of years attempting to extend this lease-hold for an additional 40-year term. Because of the joint State involvement in a dispute over the effect of JTO-4, the negotiations,

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in the opinion of the Navy, were taking an inordinate amount of time and the Navy has now threatened, because of certain internal time constraints, to file a condemnation action which would result in the Navy securing a fee interest in this strip of beach. Agreement has now been reached between the parties to extend, through the exchange of leases, a lease-hold interest to the Navy for a period of approximately 36 years.

CURRENT SITUATION:

The Department of Park and Recreation's regulations do not allow them to enter into leases for a period exceeding five years. A dispute exists between Parks and the Commission regarding the respective jurisdiction of each party over portions of the 257± acre parcel. This dispute involves the interest, if any, acquired by Parks in sovereign land through a transfer of jurisdiction from the Commission in 1951 as JTO-4. In order to facilitate a long term lease of the 257± acre parcel described in Exhibit "A" to the Navy, it is necessary that the State Lands Commission and the Department of Parks and Recreation enter into a Transfer of Control and Possession, wherein Parks will transfer to the State Lands Commission all of its jurisdiction over lands included in those lands described in Exhibit "A". This transfer of control and possession will be non-prejudicial to the respective claims of either party with respect to the dispute over the effect of JTO-4 and will be for a specific period of time which will terminate concurrently with termination of the State Lands Commission lease to the Navy.

Upon completion of this Transfer of Control and Possession, the State Lands Commission will lease to the Navy the entire parcel as described in Exhibit "A" for a period beginning upon expiration of its current lease, November 17, 1985, and terminating August 31, 2021.

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The Navy will lease to the State Lands Commission a 40-acre parcel of land on the bayside of Silver Strand which adjoins a portion of Parks and Recreation's Silver Strand State Beach. This parcel is more particularly described in Exhibit "B" attached hereto. This lease from the Navy will be effective January 1, 1982 and have a termination date concurrent with the State Lands Commission's lease to the Navy for the lands described in Exhibit "A". The Commission will, upon receipt of this lease-hold interest, issue a Public Agency Permit to the Department of Parks and Recreation to operate this 40-acre parcel as an overnight camping and park facility for a term concurrent with that of Navy lease to the Commission. The 40-acre bayside parcel is currently in a unimproved conditions and Parks and Recreation will as part of the preparation of a management plan for this area prepare appropriate environmental documents in accordance with CEQA.

Staff of the Commission has been informed that this method of exchanging leases will satisfy requirements of the United States Navy for continued use of the beach area for amphibious training and will provide Parks and Recreation with a very desirable parcel of land that is developable for park purposes and will eliminate the possibility of the Navy condemning a fee interest in the State's sovereign land.

The activity is situated on lands identified as possessing significant environmental values pursuant to P.R.C 6370.1, and is classified in use Category "B" which authorizes limited use. This activity will not have a significant effect on identified environmental values.

AB 884:

N/A.

EXHIBITS:

- A. Land Description of Beach Area.
- B. Land Description Bayside Area.
- C. Map of Beach Area and Bayside Area.
- D. Site Map.

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ISSUANCE OF A LEASE OF THE LANDS DESCRIBED IN EXHIBIT "A" TO THE UNITED STATES NAVY IS EXEMPT FROM CEQA BECAUSE IT WILL CONTINUE AN EXISTING USE, CAL. ADM. CODE 15101, CLASS 1.
2. FIND THAT THE ISSUANCE OF A LEASE OF THE LANDS DESCRIBED IN EXHIBIT "B" TO THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION IS EXEMPT FROM CEQA BECAUSE IT INVOLVES ACQUISITION OF LAND TO ESTABLISH A PARK WHERE A MANAGEMENT PLAN HAS NOT BEEN PREPARED, CAL. ADM. CODE 15116, CLASS 16, AND FIND THAT THIS ACTION IS CONSISTENT WITH THE USE CLASSIFICATION OF THE SUBJECT LANDS.
3. AUTHORIZE THE EXECUTION OF A TRANSFER OF CONTROL AND POSSESSION, A COPY OF WHICH IS ON FILE IN THE OFFICES OF THE COMMISSION, FOR A PERIOD BEGINNING JANUARY 1, 1982 AND ENDING AUGUST 31, 2021, BETWEEN THE CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION (TRANSFEROR) AND THE STATE LANDS COMMISSION (TRANSFeree) TO CONSOLIDATE THE STATE INTERESTS IN THE LANDS DESCRIBED IN EXHIBIT "A" FOR PURPOSES OF FACILITATING A LEASE OF THOSE LANDS TO THE NAVY.
4. AUTHORIZE THE EXECUTION OF A LEASE TO THE NAVY, SUBSTANTIALLY IN THE FORM OF THE LEASE WHICH IS ON FILE IN THE OFFICES OF THE COMMISSION, COVERING THE LANDS DESCRIBED IN EXHIBIT "A", FOR THE PERIOD BEGINNING NOVEMBER 17, 1985 AND ENDING AUGUST 31, 2021. THE CONSIDERATION FOR THIS LEASE TO BE THE PUBLIC BENEFIT, HEALTH AND SAFETY.
5. AUTHORIZE THE ACCEPTANCE AND EXECUTION OF A LEASE FROM THE UNITED STATES NAVY, SUBSTANTIALLY IN THE FORM OF THE LEASE ON FILE IN THE OFFICES OF THE COMMISSION, COVERING A 40-ACRE PARCEL OF LAND DESCRIBED IN EXHIBIT "B", FOR A PERIOD BEGINNING JANUARY 1, 1982 AND ENDING AUGUST 31, 2021.
5. AUTHORIZE THE ISSUANCE TO THE CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION, FOR A PERIOD BEGINNING JANUARY 1, 1982 AND ENDING AUGUST 31, 2021, OF A PUBLIC AGENCY PERMIT COVERING THE LANDS DESCRIBED IN EXHIBIT "B", FOR USE AS A PUBLIC CAMPING AND PARK AREA. THE CONSIDERATION TO BE THE PUBLIC USE AND BENEFIT.

LAND DESCRIPTION

EXHIBIT "A"

JTO 4/w22481

A parcel of land as described as Parcel H in consolidated Civil Action No. 1802-SD, Final Judgement and Stipulation as filed November 18, 1955 in the United States District Court, Southern District of California, Southern Division, as said Civil 1802-SD being filed in the official records of San Diego County in Series 5, Book 1964 on September 17, 1964 and as described in said Civil 1802-SD as follows:

Parcel H

All that portion of the Island or Peninsula of San Diego, according to map thereof, attached to the Record of the Patent in Book 1, page 55 of Patents, records of San Diego County, TOGETHER WITH that portion of the tidelands and submerged lands filled and unfilled of the Pacific Ocean adjoining said Island or Peninsula of San Diego, all in the County of San Diego, State of California, bounded and described as follows:

(1) Bounded on the Northwest by the Southeasterly line of the City Limits of the City of Coronado, California, and the Southwesterly prolongation thereof as shown on State Lands Commission "Plat of Lands within and adjacent to Silver Strand State Park", filed as Miscellaneous Map No. 247, in the office of the County Recorder of San Diego County, July 3, 1952, said Southeasterly line intersecting a concrete monument designated "CCX11" and "Park Northwest" as shown on said Miscellaneous Map No. 247.

(2) Bounded on the Southeast by the Southwesterly prolongation of a straight line intersecting Station No. 19 of San Diego Bay Line of Mean High Water of 1948 and 6" by 6" concrete monument "C.H.C." set for Engineer's Station 396 plus 09.29 E.C., said Engineer's Station being a point in a line which bears North $47^{\circ} 18' 22''$ East 244.44 feet from Station No. 3 of the Pacific Ocean Ordinary High Water Mark of 1941, all as shown on said Miscellaneous Map No. 247;

(3) Bounded on the Southwest by the Pacific Ocean Line of the Mean High Water of 1948, as shown on said Miscellaneous Map No. 247;

(4) Bounded on the Northeast by the Southwesterly line of the land described in action commenced January 31, 1955, in the Superior Court of San Diego County, Case No. 194799, entitled State of California vs. Joseph R. Knowland, et al. Notice of the pendency of said action was recorded January 31, 1955, in Book 5514, page 161 of Official Records, in the office of the Recorder of San Diego County.

Net area contains 257.26 acres, more or less.

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EXHIBIT "B"

LAND DESCRIPTION

W 22481

A portion of a parcel of land as described as Parcel G in consolidated Civil Action No. 1802-SD. Final judgment and stipulation as filed November 18, 1955, in the United States District Court, Southern District of California, Southern Division, as said Civil 1802-SD being filed in the official records of San Diego County in Series 5, Book 1964 on September 17, 1964, and as described as follows:

BEGINNING at the intersection of the easterly right of way line of the San Diego and Arizona Eastern Railroad with a line being a straight line between Station No. 19 of San Diego Bay line of mean high water of 1948 and a 6" by 6" concrete monument "C.H.C." set for Engineers Station 396 plus 08.29 E.C. as shown on Miscellaneous Map No. 247, filed in the office of the County Recorder of said county on July 3, 1952; said intersection marking the southwestern corner of said Parcel G of the Naval Amphibious Base, Coronado, California;

1. Thence leaving said intersection in a northwesterly direction along said easterly right of way line of said railroad and westerly line of said Parcel G, N 22° 39' 40" W 1435.00 feet;
2. Thence northwesterly leaving said easterly right of way line and parallel with said straight line between said Station No. 19 and said 6" by 6" concrete monument, N 69° 02' 10" E 1150 feet more or less to line of said mean high water of 1948;
3. Thence southeasterly along the line of said mean high water of 1948 to the prolongation of said straight line between said Station 19 and said 6" by 6" concrete monument;
4. Thence leaving the line of said mean high water of 1948, along said straight line also being the southeasterly boundary line of said Naval Amphibious Base, S 69° 02' 10" W 1285 feet more or less to the POINT OF BEGINNING.

Net area contains 40 acres, more or less.

END OF DESCRIPTION

THIS DESCRIPTION PREPARED BY OTHERS AND REVISED BY TECHNICAL SERVICES UNIT,
ROY MINNICK, SUPERVISOR.

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(Added 1/26/82)

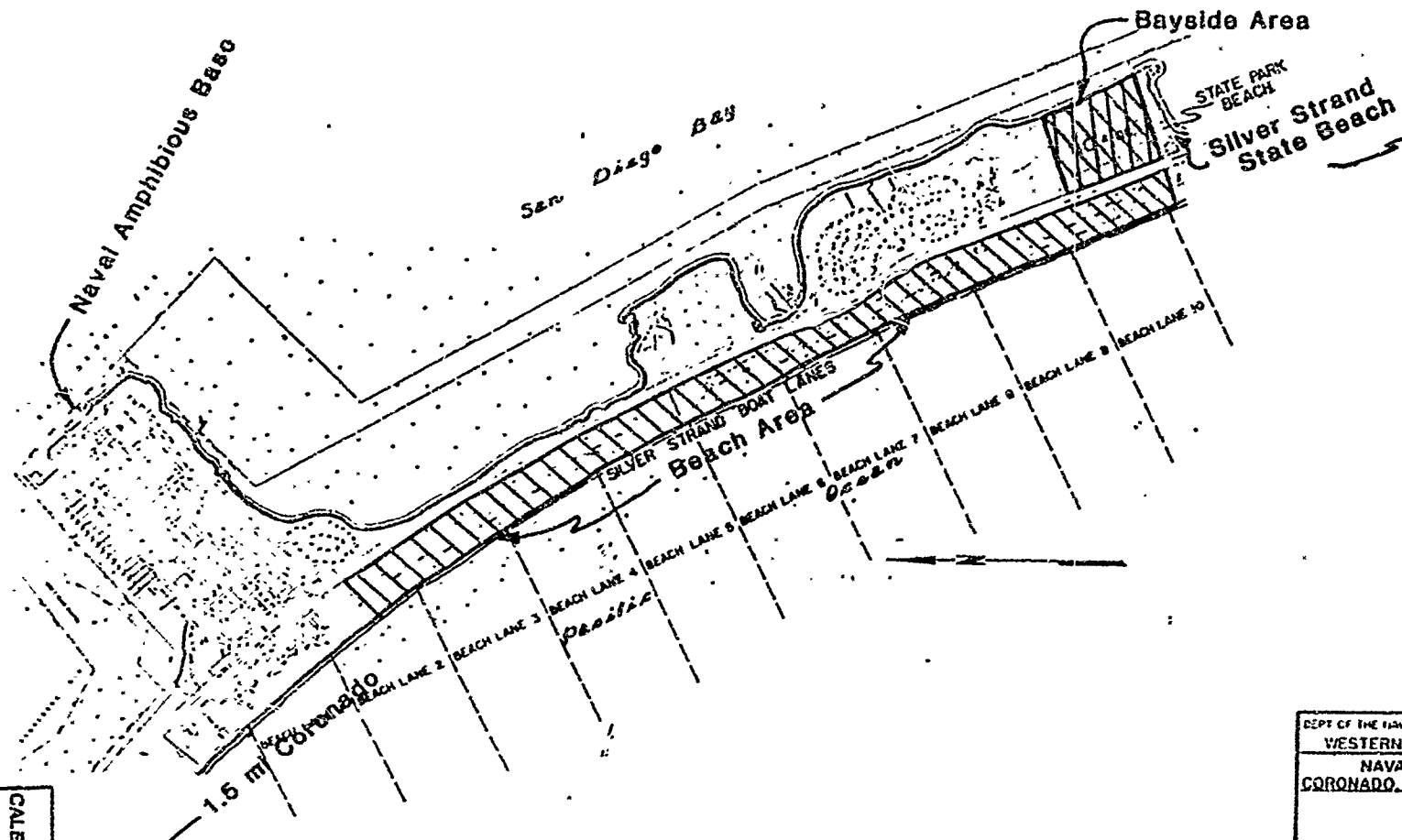


EXHIBIT C
 JTO-4
 W22481

DEPT OF THE NAVY NAVAL FACILITIES ENGINEERING COMMAND
 WESTERN DIVISION, SAN BRUNO, CALIF.
 NAVAL AMPHIBIOUS BASE
 CORONADO, CALIFORNIA

Drawn: J. J. [unclear] Date: 1/26/82
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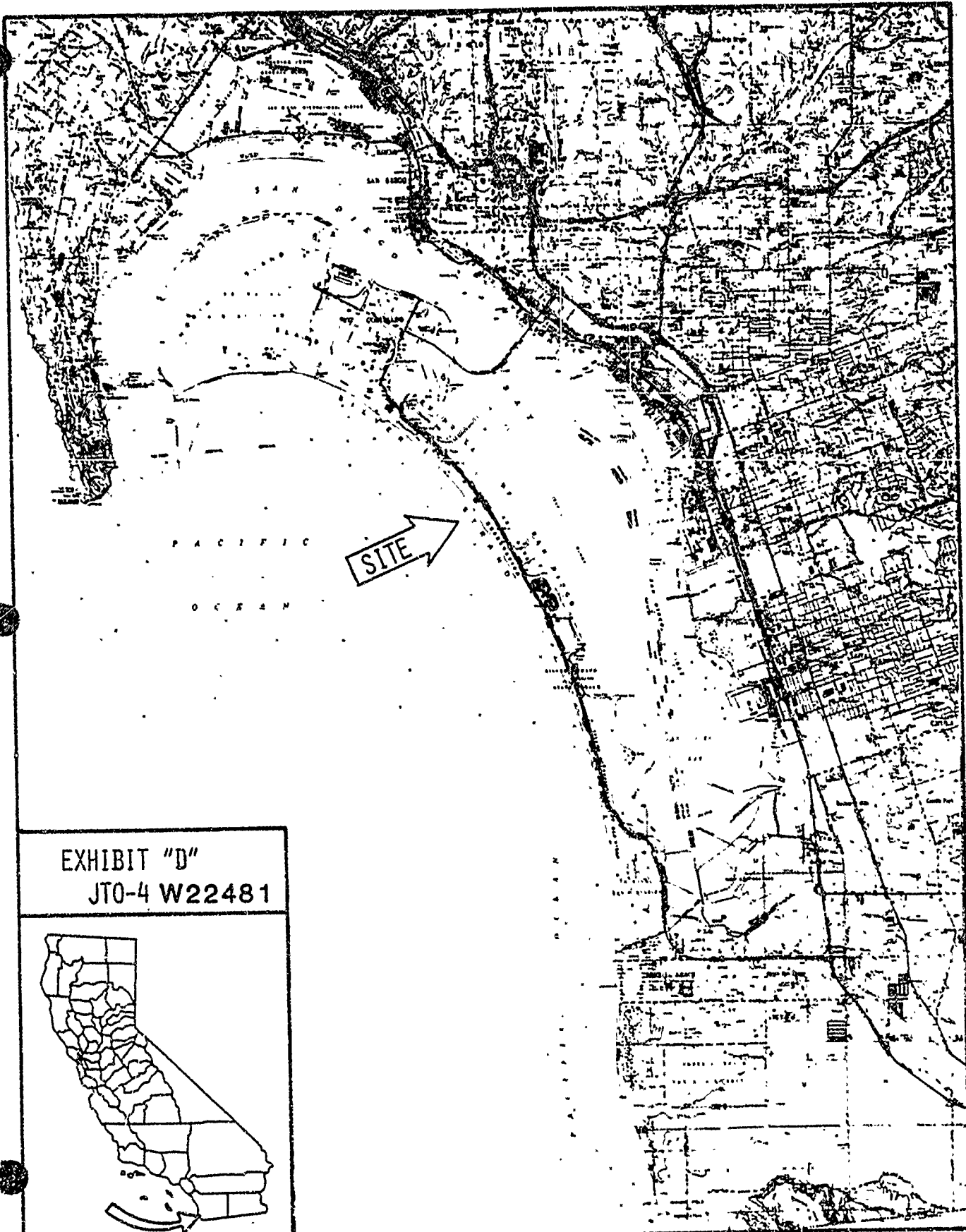


EXHIBIT "D"
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(Added 1/26/82)

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