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CHAPTER 1008

An act relating to lands granted to the City of San Diego.

[Became law without Governor's signature. Filed with  
Secretary of State September 30, 1981.]

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

SECTION 1. Notwithstanding any provision of Chapter 142 of the Statutes of 1945, as amended by Chapter 1455 of the Statutes of 1955, or any provision of Chapter 2139 of the Statutes of 1963, the City of San Diego, not later than February 1, 1982, may, with respect to those lands granted in trust to the city commonly known as De Anza Point and more particularly described in Section 2 of this act, and subject to the provisions of Section 3 of this act, concur by resolution in the following findings and determinations:

(a) The City of San Diego, as trustee for the people of California, has entered into a 50-year lease agreement for development of the described lands as a tourist and trailer park, which term will end on November 23, 2003.

(b) The described lands were intended by the Legislature to be used for public recreation and public recreational support facilities, which uses could encompass transient-type guest housing. However, the described lands have in fact been developed with permanent sites for mobilehomes which can no longer be considered public guest housing facilities.

(c) Private residential use of these lands is in conflict with the Legislature's intent as declared in the legislative grants.

(d) Many members of the public have made De Anza Point their residence for many years and have come to look upon the lands described in Section 2 of this act as their home despite their month-to-month contractual tenancy.

(e) In balancing the hardship of relocating tenants with current public needs for expanded recreational lands on Mission Bay, sufficient lands are available or can be made available for recreational purposes on Mission Bay until the year 2003.

(f) In view of the foregoing, tenants should not be forced, by reason of their residential use of the described lands, to relocate outside those lands before November 23, 2003. Thus, it is the policy of the state to permit existing uses of the described lands to continue until November 23, 2003. This policy is not intended to affect the rights and obligations of landlord and tenant under the terms of existing leases.

SEC. 2. Upon compliance by the City of San Diego with the provisions of this act, the use of the lands described in this section in accordance with this act shall be deemed to be in furtherance of trust purposes and consistent with the provisions of Chapter 142 of the Statutes of 1945, as amended by Chapter 1455 of the Statutes of 1955, and the provisions of Chapter 2139 of the Statutes of 1963. The provisions of this act shall be applicable to the following described lands:

(a) That portion of the lands granted by the State of California to the City of San Diego pursuant to Chapter 2139 of the Statutes of 1963, and designated therein as parcel 3, being that portion of Pueblo Lot 1798 of the Pueblo Lands of San Diego according to a map

thereof made by James Pascoe in 1870, a copy of which map was filed in the Office of the Recorder of San Diego County, November 14, 1921, and known as Miscellaneous Map No. 36, and more particularly described as follows:

Beginning at a point which is shown as Station No. 1 on the U.S. Coast and Geodetic Survey of the Mean High Water Line of Mission Bay on Miscellaneous Map No. 69 filed in the Office of the Recorder of San Diego County on March 8, 1926, that point of beginning being South 14° 35' East a distance of 446.92 feet from the Northeasterly corner of Pueblo Lot 1798; thence South 72° 40' West a distance of 587.40 feet to a point shown as Station "E" on Miscellaneous Map No. 69; thence South 78° 21' West a distance of 574.48 feet, more or less, to a point on the Mean High Tide Line of Mission Bay; thence Northerly along the Mean High Tide Line a distance of 390.79 feet, more or less; thence North 75° 37' 15" East a distance of 590.11 feet to a point tangent to a curve; thence Easterly along the arc of a curve concave to the right with a radius of 1,500 feet through an angle of 15° 14' 33" a distance of 399.05 feet; thence South 89° 08' 12" East a distance of 151.54 feet to a point on a straight line between the Northeasterly corner of Pueblo Lot 1798 and the point of beginning; thence South 14° 35' East a distance of 294.32 feet to the point of beginning, containing 10.20 acres, more or less.

(b) Also, that portion of the lands granted by the State of California to the City of San Diego pursuant to Chapter 2139 of the Statutes of 1963, and designated therein as parcel 1, being that portion of Pueblo Lot 1208 of the Pueblo Lands of San Diego according to a map thereof made by James Pascoe in 1870, a copy of which Map was filed in the Office of the Recorder of San Diego County, November 14, 1921, and known as Miscellaneous Map No. 36, more particularly described as follows:

Beginning at a point which is shown as Station No. 1 on the U.S. Coast and Geodetic Survey of the Mean High Water Line of Mission Bay on Miscellaneous Map No. 69 filed in the Office of the County Recorder on March 8, 1926, that point of beginning bears South 14° 35' East a distance of 446.92 feet from the Northeasterly corner of Pueblo Lot 1798; thence North 72° 26' East a distance of 209.53 feet; thence due North 118.97 feet to the tangent point of a curve; thence along a curve concave to the left with a radius of 100 feet through an angle of 89° 8' 12" a distance of 155.57 feet; thence North 89° 08' 12" West a distance of 175.92 feet to a point on a straight line between the Northeasterly corner of Pueblo Lot 1798 and the point of beginning; thence South 14° 35' East a distance of 294.32 feet to the point of beginning, containing 1.32 acres, more or less.

(c) Also, that portion of the lands granted by the State of California to the City of San Diego pursuant to Chapter 142 of the Statutes of 1945, and more particularly described as follows:

Beginning at a point 446.92 feet South 14° 35' East from the Northwesterly corner of Pueblo Lot 1798, that point being shown on Miscellaneous Map No. 69 filed in the Office of the County Recorder

on March 8, 1926, as Station No. 1 on the U.S. Coast and Geodetic Survey of the Mean High Water Line of Mission Bay; thence South  $78^{\circ} 40'$  West a distance of 587.40 feet; thence South  $78^{\circ} 21'$  West a distance of 574.48 feet, more or less, to a point on the Mean High Tide Line of Mission Bay; thence Southerly along the Mean High Tide Line a distance of 1041.08 feet, more or less; thence North  $79^{\circ} 48' 30''$  East a distance of 830 feet, more or less; thence North  $52^{\circ} 27'$  East a distance of 265.83 feet, more or less, to a point on the Mean High Tide Line of Mission Bay; thence continuing North  $52^{\circ} 27'$  East a distance of 370.0 feet, more or less, to a point in the waters of Mission Bay; thence North  $29^{\circ} 27' 54''$  West a distance of 370.0 feet, more or less, to a point on the Mean High Tide Line of Mission Bay; thence due North a distance of 522.40 feet, more or less, to the Southeasterly corner of the parcel referenced immediately above; thence South  $72^{\circ} 26'$  West a distance of 209.57 feet to the point of beginning, containing 28.3 acres of land, more or less, and 2.69 acres of water area, more or less.

(d) Also, that portion of the lands granted by the State of California to the City of San Diego pursuant to Chapter 142 of the Statutes of 1945, and more particularly described as follows:

Beginning at the Southwesterly corner of the parcel referenced immediately above, which is a point on the Mean High Tide Line of Mission Bay that point bearing South  $25^{\circ} 18' 31''$  West a distance of 1934.00, more or less, from the Northeasterly corner of Pueblo Lot 1798; thence South  $10^{\circ} 11' 30''$  East along the Mean High Tide Line a distance of 20 feet; thence continuing along the Mean High Tide Line Southerly and Easterly along a curve concave to the left a distance of 1381.94 feet, more or less; thence North  $74^{\circ} 40' 02''$  East along the Mean High Tide Line a distance of 1283.0 feet, more or less; thence Easterly, Northerly and Westerly along the Mean High Tide Line along a curve to the left a distance of 894.10 feet, more or less; thence North  $4^{\circ} 47' 16''$  West a distance of 100.0 feet to a point in the waters of Mission Bay; thence South  $83^{\circ} 40' 09''$  West a distance of 827.61 feet to a point in the waters of Mission Bay; thence North  $4^{\circ} 47' 16''$  West a distance of 270 feet to a point in the waters of Mission Bay, that point being the Southeasterly corner of the parcel referenced immediately above; thence South  $52^{\circ} 27'$  West a distance of 370 feet, more or less, to a point on the Mean High Tide Line of Mission Bay; thence continuing South  $52^{\circ} 27'$  West a distance of 265.83 feet, more or less; thence South  $79^{\circ} 48' 30''$  West a distance of 830.0 feet to the point of beginning, containing 30.08 acres of land area, more or less, and 3.46 acres of water area, more or less.

SEC. 3. The findings and determinations concurred in by the City of San Diego pursuant to Section 1 of this act shall be subject to compliance with the following conditions:

(a) Until November 23, 2003, public access to the lands described in Section 2 of this act shall be permitted to the maximum extent possible.

(b) On and after November 23, 2003, the lands described in

Section 2 of this act shall be developed for park and recreation purposes consistent with the Master Plan for Mission Bay Park as in effect on August 11, 1981, and shall be maintained and operated or caused to be maintained and operated for these purposes by the City of San Diego under the provisions of Chapter 142 of the Statutes of 1945, as amended by Chapter 1455 of the Statutes of 1955, and the provisions of Chapter 2139 of the Statutes of 1963, and the City of San Diego may administer the lands in any manner consistent with the provisions of those statutes.

(c) The City of San Diego shall submit an annual report and audit to the State Lands Commission on the management of the lands described in Section 2 of this act and the progress in increasing public use of the area while respecting tenants' rights to remain.

(d) The City of San Diego and its lessee shall notify all tenants and residents of the mobilehome park of the existence of this act and the provisions contained herein.

(e) The City of San Diego shall, in any renegotiation of the existing lease with its lessee, insure that fair rental value be obtained by the city as trustee of these lands and shall not execute any lease amendment prior to formal written approval by the State Lands Commission.

(f) The provisions of Section 6359 of the Public Resources Code shall not apply to this act.

SEC 4. If by February 1, 1982, the City of San Diego fails to concur in the findings and determinations set forth in Section 1 of this act, the provisions of this act shall be inoperative.