

RESOLUTION No. R- 254132 (R-81-2120)

Adopted on MAY 5 1981

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That the City Council hereby declares its opposition to Assembly Bill 447 as said bill is presently written.

BE IT FURTHER RESOLVED, that the City's Intergovernmental Relations Department is hereby authorized and directed to communicate the City's opposition to AB 447 as presently written to the State Legislature and its appropriate committees.

BE IT FURTHER RESOLVED, that the City Council supports amendments to AB 447 which would result in AB 447 reading as follows:

Section 1. The Legislature finds and declares that certain state-owned lands, including filled and unfilled tide and submerged lands in Mission Bay, San Diego, have been granted in trust to the City of San Diego by the provisions of Chapter 142 of the Statutes of 1945, as amended by Chapter 1455 of the Statutes of 1953, and by the provisions of Chapter 2139 of the Statutes of 1963.

The Legislature further finds and declares that the City of San Diego as trustee for the people of California has with reference to specific portions of the granted lands, more commonly known as De Anza Point, entered into a 50-year lease agreement for development of the lands as a tourist and trailer park, which contains a clause that in 1988, the City "in lieu of condemnation

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may take . . . premises" for any condemnable public purpose and which term will end on November 23, 2003.

The Legislature further finds and declares that all of the granted 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, but have in fact been developed with permanent sites for mobile-homes and can no longer be considered public guest housing facilities, and are in fact a private residential use of trust lands.

Section 2. The Legislature further finds and declares that such private residential use of these public lands is in conflict with the Legislature's intent as declared in the legislative grants, as well as the common law public trust under which certain of these lands are held.

Section 3. The Legislature further finds and declares that the citizens of San Diego dedicated Mission Bay to park use in 1962 and that the San Diego City Council administers this dedication through the "Mission Bay Park Master Plan for Land and Water Use." Therefore, the City of San Diego shall in its discretion exercise the terms of the current lease or renegotiate the lease, as may be appropriate to fulfill the purpose and intent of the tidelands trust in consideration of the needs of the residents.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug, Deputy

HOV:ps:731.7
5/12/81
Or.Dept. Clerk

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Passed and adopted by the Council of The City of San Diego on MAY 5 1981
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Ellen Board, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

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