

(R-87-199)

RESOLUTION NUMBER R- 266410


ADOPTED ON AUG 18 1986

BE IT RESOLVED, by the Council of The City of San Diego, that the City Council hereby certifies that the interest in real property conveyed to the City by the State of California by Chapter 1054 of the 1939 Statutes of the State of California, approved by the Governor on July 24, 1939, filed with the Secretary of State July 25, 1939, and which was also conveyed by Chapter 119 of the 1943 Statutes approved by the Governor April 13, 1943, and filed with the Secretary of State April 13, 1943, a copy of which Statutes is attached hereto and by this reference incorporated herein, is hereby again accepted by the order of the City Council of the City of San Diego.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to cause a copy of this resolution, with attachments, to be recorded in the office of the County Recorder.

APPROVED: JOHN W. WITT, City Attorney

By


Harold O. Valderhaug
Deputy City Attorney

HOV:ps
7/29/86
Or.Dept:Atty
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l not apply to any lot of processed old in a bona fide sale to close out any court to discharge a debt or, in ssed foodstuff has become damaged, deterioration, provided such lot of dly marked, with the words "Dam- ent it shall be the duty of the seller e State Department of Agriculture ch lot or to conduct such sale of ereof.

The Processed Foodstuff Marketing es of 1937, is hereby repealed.

APTER 1053.

33½ of the Code of Civil Procedure, o justices' courts.

24, 1939. Filed with Secretary of State y 25, 1939.]

California do enact as follows:

½ of the Code of Civil Procedure is follows:

e's court in any city or town of the cond and three-fourths and third

Every city justice's court in any and one-half class where there is rior court organized under the city rk and every city justice's court in cond and one-half class where there inferior court organized under the clerk and two deputy clerks. Said

y appointed by the justice of the et to the approval of the board of r and shall hold office during the Said clerks and deputy clerks shall um of five thousand dollars with at approved by the mayor or, if the the county, to be approved as pro-

conditioned for the faithful dis- ir office. They shall keep a record court and issue all process ordered rt. The clerk of said court or a ion of the justice of the peace, shall city treasury, or into the county he clerk is paid by the county, all paid into said court, and shall ren- council or county board of super- the clerk is paid by the county an

exact account under oath of all fines, forfeitures and fees paid and collected. Said clerks and deputy clerks shall prepare bonds, justify bail when the amount has been fixed by the court or justice and may administer and certify oaths, and shall remain in the courtrooms of said court during court hours and during such reasonable times thereafter as may be necessary for the proper performance of their duty. The clerk of the court shall have custody of all records and papers of said justice's court. Every clerk of the justice's court in any city or town of the second and one-fourth class shall receive a salary of one thousand six hundred dollars per annum. Every clerk of the justice's court in any city or town of the second and one-half class, where there is a police court or other inferior court organized under the city charter, shall receive an annual salary of two thousand one hundred dollars. Every clerk of the justice's court in any city or town of the second and one-half class where there is no police court or other inferior court organized under the city charter, shall receive an annual salary of two thousand seven hundred dol- lars, and the deputy clerks of said city or town shall each receive an annual salary of one thousand eight hundred dol- lars. Every clerk of the justice's court in any city or town of the second and three-fourths class shall receive an annual salary of one thousand five hundred dollars. Every clerk of the justice's court of any city or town of the third class shall receive an annual salary of one thousand eight hundred dol- lars; said salaries shall respectively be payable in equal monthly installments by warrants drawn each month upon the salary fund, or if there be no salary fund, then upon the gen- eral fund, of such city or county as the case may be, such warrants to be audited and paid as salaries of any other city or county officials respectively, and said salaries shall be the full compensation for all services rendered by the clerks of said courts.

CHAPTER 1054.

An act granting to the city of San Diego certain parcels of the state-owned lands in Mission Bay State Park upon certain trusts and conditions.

[Approved by Governor July 24, 1939. Filed with Secretary of State In effect July 25, 1939.] September 10, 1939.

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

SECTION 1. There is hereby granted to the city of San Grant. Diego all of the right, title and interest of the State of Cali- fornia in and to those certain parcels of land described in section 2 of this act owned by it in Mission Bay State Park, subject to any and all existing easements, leases, conditions, reservations or rights which may now exist in or to said lands

R- 266410

00366

See SB 47
1941

or any part thereof in favor of any person, firm or corporation.

Conditions: All of said real property hereby granted shall be forever held by the city of San Diego and by its successors in trust for the uses and purposes and upon the express conditions following:

Public park: Said real property shall be used solely for the purposes of a public park and boulevard, to which the public at all times shall have free access, and the city of San Diego shall not at any time grant, convey, lease, give, or alien said real property or any part thereof to any individual, firm, or corporation whatever.

Fishing: There is also reserved to the people of the State of California the absolute right to fish in the waters of Mission Bay, with the right of convenient access to such waters over the real property hereby granted for the purpose of fishing. There is also reserved to the State of California all the deposits of minerals, including oil and gas, in the real property hereby granted and there is reserved to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from the real property granted and to occupy and use so much of the surface as may be required therefor.

Mineral deposits: Description: Sec. 2. The lands granted by this act consist of the following tracts or parcels of land in the city of San Diego, county of San Diego, State of California, more particularly described as follows:

PARCEL NO. 1.

Parcel 1. Beginning at a point (at the intersection of the south line of Prado with the west line of the West Drive—also known as West Way of Mission Boulevard), which bears south 22° 18' 30" east a distance of 910.25 feet from the southwest corner of Block 96, Mission Beach, California, according to Map No. 1809, filed in the County Recorder's Office, San Diego County, California, as the true point of beginning; thence from the true point of beginning south 87° 12' west 446.33 feet to the westerly side of the seawall, and thence continuing to the mean high tide line; thence northerly along the mean high tide line to the point of intersection with the southerly line of Ventura Place produced westerly; thence north 87° 12' east along the said southerly line of Ventura Place produced westerly and the southerly line of Ventura Place to its intersection with the west line of the West Drive of Mission Boulevard; thence in a southerly direction along said west line of the West Drive of Mission Boulevard to the true point of beginning.

TOGETHER WITH any and all buildings and improvements thereon (except the Giant Dipper or Roller Coaster and structures thereunder, and except the Roller Skating Rink Building), and all furniture, fixtures, machinery and equip-

00367

ment situated therein, and which is owned by the Mission Beach Company, and the appurtenances thereto, and the reversion and reversions, remainder and remainders, rents, issues, incomes and profits thereof.

SUBJECT, however, to all leases, conditions and reservations contained in that certain conveyance executed by Mission Beach Company, a corporation, to the State of California, dated July 5, 1934, and recorded in Book 323 of Deeds, at page 340 et seq., Official Records of San Diego County, California.

PARCEL NO. 2.

Beginning at the intersection of the north line of the subway Parcel 1. with the west line of the West Drive (known also as West Way) of Mission Boulevard which point bears south 23° 40' 05" east a distance of 852.23 feet from the southwest corner of Block 96, Mission Beach, California, according to Map No. 1809, filed in the County Recorder's Office, San Diego County, California, as the true point of beginning; thence from the true point of beginning north 87° 12' east 16.83 feet to a point on the east line of the West Drive of Mission Boulevard; thence north 2° 48' west along the said east line of the West Drive of Mission Boulevard 40.25 feet to a point; thence north 87° 12' east 92.56 feet to a point; thence south 73° 3' east 35.92 feet to a point; thence north 87° 12' east 37.20 feet to a point; thence south 2° 48' east 28.83 feet to a point; thence north 87° 12' east 131.85 feet to the intersection with the mean high tide line, as shown on Miscellaneous Map No. 72, filed in the County Recorder's Office, San Diego County, California; thence along the said mean high tide line south 10° 57' east 27.74 feet to a point; thence south 87° 12' west 158.70 feet to a point; thence south 8° 32' west 9.25 feet to a point on the easterly line of the East Ramp; thence along the easterly line of the East Ramp south 2° 48' east 189.75 feet to the southeast corner of the said East Ramp; thence south 87° 12' west 138 feet to a point on the east line of the West Drive of Mission Boulevard; thence along the said east line of the West Drive of Mission Boulevard north 2° 48' west 198.9 feet to an intersection of the south line of the subway with the east line of the West Drive of Mission Boulevard; thence south 87° 12' west 16.83 feet to an intersection of the west line of the West Drive of Mission Boulevard with the south line of Subway; thence north 2° 48' west 27.20 feet to the true point of beginning.

TOGETHER WITH any and all buildings and improvements thereon not hereafter specifically excepted, and except machinery in the substation owned by San Diego Consolidated Gas and Electric Company.

EXCEPTING THEREFROM, that portion of the above described property lying within the 35-foot strip of land shown on Map No. 1651 of Mission Beach on file in the office of the County

over amendments Ch 119 p 820

R-266410

Recorder of said County as "Right of Way of Bay Shore Railroad Company (Private Property)," said 35-foot strip now including the operative right of way of the San Diego Electric Railway Company, the center line of said 35-foot strip being the center line of the San Diego Electric Railway Company's double track as now located and further described as being parallel to and midway between the east and west drives of Mission Boulevard.

EXCEPTING, also, the street railway tracks, side tracks, poles and overhead construction of San Diego Electric Railway Company as now existing situated on said conveyed premises, together with the perpetual right and easement of San Diego Electric Railway Company hereafter to maintain said reserved operative street railway property and all necessary replacements and renewals thereof on said premises and to operate its street railway thereon; and excepting and reserving an easement to the general public for access to the street railway waiting platform in the same manner as such access at present exists.

PARCEL NO. 3.

Parcel 3.

A portion of Pueblo Lot 1803 of the Pueblo Lands of San Diego, California, according to map thereof made by James Pascoe in the year 1870, a copy of which is filed in the office of the County Recorder of San Diego County, California, more particularly described as follows, to wit: Beginning at the intersection of the southerly line of Ventura Place and the westerly line of Ocean Front Walk as shown on Map 1809 of Mission Beach, California, filed in the office of the County Recorder of San Diego County, California; thence northerly along the westerly line of Ocean Front Walk and its northerly prolongation to the northerly line of an unnamed Alley lying northerly of Blocks 247 and 248 of said Mission Beach, said northerly line of said unnamed Alley being also the southerly boundary line of Block 389 of Pacific Beach, as shown on said Map 1809; thence westerly along the westerly prolongation of the northerly line of said unnamed Alley to the mean high tide line; thence southerly along the mean high tide line to its intersection with the westerly prolongation of the southerly line of Ventura Place; thence easterly along the westerly prolongation of the southerly line of Ventura Place to the point of beginning.

EXCEPTING from the foregoing described parcel of land that portion granted to the City of San Diego for seawall construction and described in Deed to the said City of San Diego, dated October 9, 1926, and recorded in Book 1221 of Deeds, at page 475 of the Records of San Diego County, California.

CHA

An act to amend sections 3197 and 3197a, 3197b and 3197c relating to trade-marks.

[Approved by Governor July 2, 1926]

The people of the State of California

SECTION 1. Section 3197 amended to read as follows: 3197. Any person, firm or corporation, who registers any trade-mark or design with the Secretary of State, shall file with the Secretary of State a copy of the description of the first date of such trade-mark or design of the class of merchandise or goods in such class to which such trade-mark or design is affixed to the goods, with a statement of the mode of application of such trade-mark, and the officer authorized to take possession of such trade-mark. The Secretary of State shall determine the classes of merchandise to be comprised in each class, and shall determine the nature of the trade-mark or design at the option of the applicant, and the mark has actually been used on merchandise, provided the same is so stated.

SEC. 2. Section 3197a of the Civil Code, to read as follows:

3197a. The Secretary of State shall not register a trade-mark which consists of a name, or which is a coat of arms or other insignia, or a simulation thereof, or of a design, or of a foreign nation, or which is a portrait of a person, or picture that has been used as its emblem, unless it shall be shown to the Secretary of State that the same is a trade-mark by the applicant, or from whom title is derived, and that the adoption by such fraternal organization of such trade-mark shall be registered as a trade-mark registered in the name of the trade-mark of the same description as the trade-mark registered, and that the same resembles a trade-mark appropriated to merchandise, and is likely to cause confusion as to the goods to which it is applied.

00368

R-266410

Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

Crates used for the transportation and sale of carrots as well as containers used in the handling of other fruits and vegetables, are made from lumber which is a material vital to the war effort.

Because of the scarcity of box lumber and the burden of orders for war material shipping containers, the box shook factories are having great difficulty in accumulating any amount of shook suitable for the construction of the "heads" (ends) of vegetable crates previously used for carrots. Material suitable for the construction of the heads for vegetable crates required in container 45B (17 1/2 inches wide) proposed as standard for carrots in this act, is accumulated by the factories in the manufacture of box shook for other fruits and vegetables and, therefore, is more readily obtainable during the present scarcity of box lumber. Carrots are now being harvested and shipped in several parts of the State and producers and packers are unable to obtain the proper size crate as now required by law, for the transportation and sale of this product, for which reason it is necessary that this act take immediate effect.

CHAPTER 119

An act amending Section 1 of "An act granting to the City of San Diego certain parcels of the State-owned lands in Mission Bay State Park upon certain trusts and conditions," approved July 24, 1939, relating to tidelands in Mission Bay State Park.

[Approved by Governor April 13, 1943. Filed with Secretary of State April 13, 1943]

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

SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Section 1. There is hereby granted to the City of San Diego all of the right, title and interest of the State of California in and to those certain parcels of land described in Section 2 of this act owned by it in Mission Bay State Park.

All of said real property hereby granted shall be held by the City of San Diego as a part of its city park system, and administered by said city in accordance with the provisions of its charter.

There is hereby reserved to the people of the State of California the absolute right to fish in the waters of Mission Bay, with the right of convenient access to such waters over the real property hereby granted, for the purpose of fishing.

00359

There is also reserved to the State of California all the deposits of minerals, including oil and gas, in the real property hereby granted, and there is reserved to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from the real property granted and to occupy and use so much of the surface as may be required therefor.

CHAPTER 120

An act to amend Section 1550 of the Probate Code, relating to inventory and appraisalment.

[Approved by Governor April 13, 1943. Filed with Secretary of State April 13, 1943]

In effect August 4, 1943

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

SECTION 1. Section 1550 of the Probate Code is amended to read:

Stats. 1941, p. 1739 See also Stats. 1943, Ch. 1063 Inventory and appraisalment

1550. Within three months after his appointment, or within such further time as the court or judge for a reasonable cause may allow, the guardian must file with the clerk of the court an inventory and appraisalment of the estate of his ward, together with a copy of the same which copy shall be delivered by the clerk to the county assessor. The guardian must make oath to the inventory, and the property therein described must be appraised, by an appraiser or appraisers appointed by the court or judge, in the manner provided for the inventory and appraisalment of estates of decedents. Whenever any ward is or has been during the guardianship confined in a State hospital in this State the guardian must deliver or mail a copy of the inventory to the Director of Institutions or the Attorney General. Whenever any property of the ward is discovered which was not included in the inventory, and whenever any other property has been inherited or acquired by the ward, other than by purchase by the guardian, like proceedings must be had for the inventory and appraisalment thereof and the delivery or mailing of a copy thereof as are herein provided in relation to the first inventory.

CHAPTER 121

An act to add Section 189.5 to the Code of Civil Procedure, relating to vouchers filed in court proceedings.

[Approved by Governor April 13, 1943. Filed with Secretary of State April 13, 1943]

In effect August 4, 1943

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

SECTION 1. Section 189.5 is added to the Code of Civil Procedure, to read:

New section

189.5. Two years after judgment in any civil action or proceeding has become final the court may order any vouchers

Vouchers: Delivery

AUG 18 1986

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmā	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Maureen O'Connor* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-266410** Adopted **AUG 18 1986**

CITY CLERK'S OFFICE

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