

MEMORANDUM OF LAW

DATE: June 22, 1987

TO: Honorable Mayor and City Council  
FROM: City Attorney  
SUBJECT: Request for November Ballot Proposition for  
Sheraton Torrey Pines Project

By letter dated June 10, 1987, copy attached, attorney Michael Poyner, on behalf of his client, Mr. Jerry Simms, and on behalf of a citizens' group known as "Friends of Torrey Pines," indicated that he felt that the land proposed for the Torrey Pines hotel/aerobic center development is still "unratified" Pueblo Lands, therefore requiring a vote of the electorate to allow for the proposed long term lease, pursuant to Charter Section 219. Mr. Poyner requested that the matter of the proposed development be placed on the November ballot.

Attached for your information is a copy of a memorandum of law from this office dated November 5, 1981. You will note that our conclusion in that memorandum of law is that the land in question has been ratified for lease or sale for any purpose consistent with the University Community Master Plan.

Also attached for your information is a memorandum dated August 28, 1985, from Olin Hughes, an associate property agent, to Jim Spotts which provides a comprehensive history of the ratification of the Pueblo Lands in the Torrey Pines area. The conclusion of that memorandum is that approximately 63 acres of the 360 acres authorized for sale or lease by Ordinance 8983, approved by the voters on June 2, 1964, remained available for lease or sale as of August 1985. Approximately fifteen acres are involved in the proposed hotel/aerobic center leases.

The fourth attachment hereto is a letter addressed to you dated June 13, 1987, from Craig Beam, an attorney representing the proposed developers of the hotel. The June 13 letter refutes the contentions in Mr. Poyner's letter and this office concurs in the conclusions reached by Mr. Beam.

In summary, the property in question has been ratified by the voters for lease or sale by the City and no additional voter ratification is required.

JOHN W. WITT, City Attorney

By

Harold O. Valderhaug

Deputy City Attorney

HOV:ps:731.2.1(x043.2)

Attachment 4  
ML-87-67