

**Senate Bill No. 428**

CHAPTER 19

An act to amend Section 1 of Chapter 937 of the Statutes of 1931, relating to tide and submerged lands.

[Approved by Governor July 20, 2009. Filed with Secretary of State July 20, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 428, Kehoe. Tide and submerged lands: San Diego.

Existing law grants to the City of San Diego all of the right, title, and interest of the state in and to a specified portion of the tide and submerged lands bordering on and situated below the ordinary high water mark of the Pacific Ocean, to be held by the City of San Diego and its successors in trust for specified uses and purposes pursuant to specified conditions, including that those tide and submerged lands are required to be devoted exclusively to public park, bathing pool for children, parkway, highway, playground, and recreational purposes, and for other uses that may be incidental to, or convenient for, the full enjoyment of those purposes.

This bill would include in that list of uses and purposes a marine mammal park for the enjoyment and educational benefit of children.

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

SECTION 1. Section 1 of Chapter 937 of the Statutes of 1931 is amended to read:

Section 1. There is hereby granted to the City of San Diego, County of San Diego, all the right, title, and interest of the State of California, held by said state by virtue of its sovereignty, in and to all that portion of the tide and submerged lands bordering upon and situated below the ordinary high water mark of the Pacific Ocean described as follows:

Beginning at the intersection of the ordinary high water mark of the Pacific Ocean with a line bearing S. 87° 40' W. from the monument marking the intersection of Coast Boulevard South with Jenner Street as said monument, said Coast Boulevard South, and said Jenner Street are designated and shown on that certain map entitled "Seaside subdivision number 1712" and filed June 23, 1920, in the office of the county recorder of San Diego County, State of California; thence N. 350', thence E. 300', thence S. 185' more or less to the ordinary high water mark of the Pacific Ocean, thence in a general southwesterly direction along the ordinary high water mark of the Pacific Ocean to the point of beginning, all in the Pacific Ocean, State of California,

to be forever held by said City of San Diego and its successors in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be devoted exclusively to public park, marine mammal park for the enjoyment and educational benefit of children, bathing pool for children, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for the full enjoyment of such purposes.

(b) The absolute right to fish in the waters of the Pacific Ocean over said tidelands or submerged lands, with the right of convenient access to said waters over said lands for said purpose is hereby reserved to the people of the State of California.

(c) That there is excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.