

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
July 25, 1939.] In effect
September
19, 1939

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

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, subject to any and all existing easements, leases, conditions, reservations or rights which may now exist in or to said lands

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-

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 2. with the west line of the West Drive (known also as West Way) of Mission Boulevard which point bears south $23^{\circ} 40' 05''$ 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 $87^{\circ} 12'$ east 16.83 feet to a point on the east line of the West Drive of Mission Boulevard; thence north $2^{\circ} 48'$ west along the said east line of the West Drive of Mission Boulevard 40.25 feet to a point; thence north $87^{\circ} 12'$ east 92.56 feet to a point; thence south $73^{\circ} 3'$ east 35.92 feet to a point; thence north $87^{\circ} 12'$ east 37.20 feet to a point; thence south $2^{\circ} 48'$ east 28.83 feet to a point; thence north $87^{\circ} 12'$ 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 $10^{\circ} 57'$ east 27.74 feet to a point; thence south $87^{\circ} 12'$ west 158.70 feet to a point; thence south $8^{\circ} 32'$ 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 $2^{\circ} 48'$ east 189.75 feet to the southeast corner of the said East Ramp; thence south $87^{\circ} 12'$ 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 $2^{\circ} 48'$ 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 $87^{\circ} 12'$ 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 $2^{\circ} 48'$ 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

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 Lct 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.