

CHAPTER 2140

*An act relating to the conveyance of land
to the City of San Diego.*

[Approved by Governor July 23, 1963. Filed with
Secretary of State July 25, 1963.]

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

SECTION 1. There is hereby granted to the City of San Diego, a municipal corporation, in trust, all the right, title and interest of the State of California in and to the surface, and those portions of the subsurface, down to and including two hundred (200) feet below the surface of the subject lands, for the purposes, and subject to the conditions specified in Section 2, and described as follows:

1. All those portions of Blocks 72, 77, 78, 79, 80 and 81, Ocean Beach in the City of San Diego, County of San Diego, State of California according to map thereof No. 279, filed in the office of the County Recorder of San Diego County May 28, 1887 and more particularly described as follows:

a. The westerly 50 feet of lots 11 and 12 in Block 72 excepting therefrom all oil, gas and other hydrocarbon substances in and under said property but without any right to use or disturb the property within 100 feet of the surface as reserved in the deed dated August 12, 1958 to the State of California recorded November 25, 1958 in book 7366, page 150, Official Records of the County of San Diego;

b. Lots 1 through 8, inclusive, and lots 45 through 48, inclusive, all in Block 77;

c. Lots 1 through 12, inclusive, all in Block 78;

d. Lots 1 through 9, inclusive, the southeasterly 25 feet of lots 10, 11 and 12 and all of lots 13 and 14, all in said Block 79, excepting from said lots 1 and 2 the following described property;

Any portion of land lying below the ordinary high tide line of the Pacific Ocean.

And also that portion thereof recorded May 14, 1909 in book 463, page 221 of Deeds bounded and described as follows:

Beginning on the northwest corner of lot 1, Block 79 of Ocean Beach; thence in a southerly direction along the west line of lots 1 and 2 in Block 79 of Ocean Beach, a distance of 57.17 feet to the southwest corner of said lot 2 of said Block 79; thence in a northeasterly direction on a curve with a radius of 33.67 feet, a distance of 69.80 feet to a point on the northerly line of said lot 1; thence in a westerly direction along the northerly line of said lot 1, a distance of 57.17 feet to the point of beginning.

e. Lots 1, 2, 5, 6, 7, 8, 9, 10, 11 and fractional lots 3 and 4, Block 80;

f. Lots 1 through 11, inclusive, Block 81.

2. All that real property situated in the City of San Diego, County of San Diego, State of California and more particularly described as follows:

a. All that portion of lot 1, Block 90, Ocean Bay Beach according to map thereof No. 1189, filed in the Office of the County Recorder of San Diego County lying southerly of the mean high tide line of the Pacific Ocean as adjudicated in the City of San Diego vs. Harold Scott, et al, San Diego County S.C.C. No. 119032 and judgment thereof recorded on July 29, 1953 in book 4937, page 288, Official Records of San Diego County.

b. All that portion of the subdivision of lot 3 of Pueblo lot 204 excepting the northeast 87.75 feet thereof according to Licensed Survey No. 171, filed in the Office of the County Recorder of San Diego County.

c. The northeasterly 87.75 feet of that portion of lot 3, in Pueblo Lot 204, lying westerly of that certain tract of land designated on Map No. 1080 of Ocean Beach Extension on file in the office of the County Recorder of said county, as "Park and Children's Playground" bounded on the southeast by the northwesterly boundary of said playground which is a line parallel with and distant 180 feet northwesterly from the northwesterly boundary of Spray Street, as shown on said Map No. 1080; bounded on the northeast by the northwesterly prolongation of the northeasterly boundary of said playground; bounded on the southwest by the northwesterly prolongation of the northeasterly boundary of Brighton Avenue, as shown on said Map No. 1080; and bounded on the northwest by a line commencing at a point on said northwesterly prolongation of the northeasterly boundary of said Brighton Avenue distant there along 227 feet north 53° 57' west from the intersection of said northeasterly boundary of Brighton Avenue with the northwesterly boundary of Spray Street; running thence north 14° 57' east, a distance of 75.03 feet; thence north 19° 21' east, a distance of 73.08 feet; thence north 23° 57' east, a distance of 71.59 feet; thence north 36° 03' east, a distance of 70 feet; thence north 48° 45' east, a distance of 72.18 feet to an intersection with the northeasterly boundary of said tract distant therealong 94 feet northwesterly from the most easterly corner of said tract.

Excepting therefrom any portion, if any, lying below the mean high tide line.

SEC. 2. It is hereby found and determined:

(a) Because of geographical factors, the city can better administer for public use the subject lands for park, playground, marine, recreational and beach purposes than the State.

(b) The city is willing to accept such administration and control from the State upon the following conditions, which the State finds are necessary, reasonable and proper:

(1) The State shall convey to the city all its right, title and interest in and to the surface of the subject lands, and in and to all portions of the surface of said lands down to and includ-

ing two hundred (200) feet below such surface. The State expressly reserves all rights it now has, if any, to use the surface of the subject lands and all portions of the subsurface of said lands down to and including 200 feet below such surface, for the development and production of oil, gas, other hydrocarbons and minerals from beneath those specific parcels of the subject lands involved.

(2) The conveyance of the grants is made upon the express condition that the property conveyed hereby shall be used for a public park, or beach used by all the public for recreational purposes, and for no other purposes whatsoever, and should said property or any portion thereof be used for any other purpose, then, in that event, such portion of the property hereby conveyed shall immediately revert unto the grantor herein, its successors or assigns.

The conveyance is not to take effect until the execution of an agreement between the City of San Diego and the Department of Parks and Recreation specifying all the conditions and the agreement is approved by the Department of Finance.