

**Introduced by Senator Kehoe**  
(Coauthors: Assembly Members Fletcher and Saldana)

February 26, 2009

---

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

LEGISLATIVE COUNSEL'S DIGEST

SB 428, as introduced, 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.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

- 1 SECTION 1. Section 1 of Chapter 937 of the Statutes of 1931
- 2 is amended to read:
- 3 Section 1. There is hereby granted to the ~~city~~ City of San Diego,
- 4 ~~county~~ County of San Diego, all the right, title, and interest of the

1 State of California, held by said state by virtue of its sovereignty,  
2 in and to all that portion of the tide and submerged lands bordering  
3 upon and situated below the ordinary high water mark of the Pacific  
4 ~~ocean~~ *Ocean* described as follows:

5 Beginning at the intersection of the ordinary high water mark  
6 of the Pacific~~ocean~~ *Ocean* with a line bearing S. 87° 40' W. from  
7 the monument marking the intersection of Coast~~boulevard-south~~  
8 *Boulevard South* with Jenner~~street~~ *Street* as said monument, said  
9 Coast~~boulevard-south~~ *Boulevard South*, and said Jenner~~street~~  
10 *Street* are designated and shown on that certain map entitled  
11 "Seaside subdivision number 1712" and filed June 23, 1920, in  
12 the office of the county recorder of San Diego~~county~~ *County*,  
13 State of California; thence N. 350', thence E. 300', thence S. 185'  
14 more or less to the ordinary high water mark of the Pacific ocean,  
15 thence in a general southwesterly direction along the ordinary high  
16 water mark of the Pacific~~ocean~~ *Ocean* to the point of beginning,  
17 all in the Pacific~~ocean~~ *Ocean*, State of California, to be forever  
18 held by said~~city~~ *City* of San Diego and its successors in trust for  
19 the uses and purposes and upon the express conditions following,  
20 to wit:

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

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

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

O