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AB-2646 The San Diego Unified Port District: grant: trust lands. (2017-2018)

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Assembly Bill No. 2646

CHAPTER 192

An act to add Section 5.8 to the San Diego Unified Port District Act (Chapter 67 of the First Extraordinary Session of the Statutes of 1962), relating to the San Diego Unified Port District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 2018. Filed with Secretary of State August 24, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2646, Gonzalez Fletcher. The San Diego Unified Port District: grant: trust lands.

(1) Existing law grants in trust to the San Diego Unified Port District certain tidelands and submerged lands within the San Diego Bay, subject to specified conditions. Existing law further establishes the San Diego Unified Port District for the acquisition, construction, maintenance, operation, development, and regulation of harbor works and improvements for the harbor of San Diego upon the tidelands and submerged lands lying under the inland navigable waters of San Diego Bay, and for the promotion of commerce, navigation, fisheries, and recreation. Existing law specifies the lands to be included within the district, and prescribes a process for the acquisition of additional land. Existing law vests with the State Lands Commission control over certain state lands, including certain tidelands and submerged lands.

This bill would grant and convey in trust to the San Diego Unified Port District all the right, title, and interest of the state, acting by and through the commission, in specified real property in the City of Chula Vista in the County of San Diego, acquired and held by the state pursuant to a grant deed, as described, subject to certain terms and conditions.

(2) This bill would make Legislative findings and declarations as to the necessity of a special statute for the San Diego Unified Port District.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5.8 is added to the San Diego Unified Port District Act (Chapter 67 of the First Extraordinary Session of the Statutes of 1962), to read:

SEC. 5.8. (a) (1) Notwithstanding any other law, there is hereby granted and conveyed in trust to the San Diego Unified Port District in the County of San Diego all the right, title, and interest of the state, acting by and through the State Lands Commission, in real property acquired and held by the state subject to the common law public trust doctrine and pursuant to a Grant Deed identified as Document No. 2016-0073422, recorded on February 19, 2016, in the Official Records of San Diego County, and

pursuant to the agreement that was approved as Calendar Item 48 of the December 10, 2010, State Lands Commission meeting, which is further described as follows:

Real property in the City of Chula Vista, County of San Diego, State of California, described as follows:

THAT PORTION OF QUARTER SECTIONS 172 AND 173 OF RANCHO DE LA NACION, IN THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 166, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF F STREET WITH A LINE LYING 170.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID QUARTER SECTION 172 AS SHOWN ON RECORD OF SURVEY 9039 ON FILE IN THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE ALONG THE NORTHERLY LINE OF F STREET SOUTH 72°03'09" WEST (SOUTH 72°03'22" WEST PER RECORD OF SURVEY 9039) 1576.25 FEET; THENCE LEAVING SAID NORTHERLY LINE ALONG THE BOUNDARY OF THAT CERTAIN PARCEL OF LAND GRANTED TO THE CHULA VISTA YACHT CLUB BY DEED RECORDED MARCH 20, 1914 IN BOOK 648, PAGE 5 OF DEEDS, NORTH 17°56'51" WEST (NORTH 19°30'00" WEST RECORD) 125.00 FEET; THENCE SOUTH 72°03'09" WEST 360.27 FEET (SOUTH 70°30'00" WEST 357.32 FEET RECORD) TO A POINT ON THE ORDINARY HIGH WATER MARK AS SHOWN ON SAID RECORD OF SURVEY 9039; THENCE ALONG SAID ORDINARY HIGH WATER MARK NORTH 25°58'19" WEST (NORTH 25°58'27" WEST RECORD) 21.21 FEET; THENCE NORTH 34°45'18" WEST 351.42 FEET (NORTH 34°45'26" WEST 351.42 FEET RECORD); THENCE NORTH 31°15'18" WEST 369.02 FEET (NORTH 31°15'26" WEST 369.00 FEET RECORD); THENCE NORTH 39°43'12" WEST (NORTH 39°39'35" WEST RECORD) 65.98 FEET; THENCE LEAVING SAID ORDINARY HIGH WATER MARK ALONG THE LINE SHOWN AS PROPOSED BUFFER LINE ON RECORD OF SURVEY 10601 ON FILE IN THE OFFICE OF THE RECORDER OF SAID COUNTY NORTH 54°19'29" EAST 242.85 FEET (NORTH 54°21'35" EAST 242.81 FEET RECORD); THENCE NORTH 25°59'02" EAST 168.30 FEET (NORTH 25°56'57" EAST 168.40 FEET RECORD); THENCE NORTH 10°11'18" EAST 105.09 FEET (NORTH 10°12'03" EAST 105.09 FEET) TO A POINT ON THE ARC OF A NONTANGENT 200.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 34°13'58" WEST (NORTH 34°13'23" WEST RECORD); THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°27'27" AN ARC DISTANCE OF 99.33 FEET TO A POINT OF REVERSE CURVATURE WITH A 100.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 82°22'52" AN ARC DISTANCE OF 143.78 FEET; THENCE ALONG A NONTANGENT LINE NORTH 01°34'50" EAST 78.45 FEET (NORTH 01°35'25" EAST 78.45 FEET RECORD); THENCE NORTH 14°41'41" EAST 153.05 FEET (NORTH 14°42'16" EAST 153.05 FEET RECORD); THENCE NORTH 09°57'42" WEST 362.16 FEET (NORTH 09°57'07" WEST 362.16 FEET RECORD); THENCE NORTH 09°51'27" WEST 201.35 FEET (NORTH 09°53'08" WEST 201.40 FEET RECORD); THENCE NORTH 32°52'31" EAST 220.47 FEET (NORTH 32°51'10" EAST 220.47 FEET RECORD); THENCE NORTH 16°04'50" EAST 244.79 FEET (NORTH 16°03'29" EAST 244.79 FEET RECORD) TO A POINT ON THE ARC OF A NONTANGENT 200.00 FOOT RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 75°49'10" WEST (SOUTH 75°47'49" WEST RECORD); THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32°42'11" AN ARC DISTANCE OF 114.15 FEET; THENCE ALONG A NONTANGENT LINE NORTH 06°46'56" WEST 202.96 FEET (NORTH 06°48'17" WEST 202.96 FEET RECORD); THENCE NORTH 19°06'19" EAST 80.68 FEET (NORTH 19°04'58" EAST 80.68 FEET RECORD); THENCE NORTH 31°10'16" WEST 90.80 FEET (NORTH 31°00'20" WEST 90.57 FEET RECORD); THENCE NORTH 86°38'04" EAST 160.03 FEET (NORTH 86°36'43" EAST 160.00 FEET RECORD) TO A POINT ON THE ARC OF A NONTANGENT 600.00 FOOT RADIUS CURVE CONCAVE NORTHERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 24°19'51" WEST (SOUTH 24°20'15" WEST RECORD); THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 33°40'00" AN ARC DISTANCE OF 352.56 FEET; THENCE ALONG A NONTANGENT LINE NORTH 85°42'51" EAST 491.73 FEET (NORTH 85°43'14" EAST 491.67 FEET RECORD) TO A POINT ON A LINE WHICH LIES 170.00 FEET WESTERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID QUARTER SECTION 173; THENCE ALONG SAID LINE SOUTH 17°42'40" EAST 1225.66 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID QUARTER SECTION 173; THENCE CONTINUING ALONG A LINE WHICH LIES 170.00 FEET WESTERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID QUARTER SECTION 172 SOUTH 17°48'19" EAST 1287.27 FEET TO THE POINT OF BEGINNING.

(2) SAID PARCEL BEING DESCRIBED IN PARAGRAPH (1) IS DESCRIBED IN A CONDITIONAL CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 1, 1990, AS INSTRUMENT NO. 90-592926 OF OFFICIAL RECORDS OF THE COUNTY OF SAN DIEGO.

(3) SAID LAND IS ALSO DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED DECEMBER 10, 2010, AS INSTRUMENT NO. 2010-0684029 OF OFFICIAL RECORDS OF THE COUNTY OF SAN DIEGO.

APN: 567-011-05-00 and 565-010-30-00

(b) The lease of the real property described in subdivision (a), designated as No. PRC 8912.9, from the state, acting by and through the State Lands Commission, to the district, shall terminate on the effective date of the act that added this section.

(c) The district shall own, operate, and manage in trust for the benefit of the public statewide the public trust lands conveyed to the district by the state pursuant to subdivision (a) in accordance with the same terms, trusts, and conditions as the tidelands and submerged lands granted and held pursuant to this act.

(d) The requirements of Section 6359 of the Public Resources Code do not apply to the trust lands granted pursuant to this section.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of unique circumstances related to the San Diego Unified Port District.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to transfer public trust tidelands and submerged lands to the San Diego Unified Port District, at the earliest possible time, to facilitate the efficient use of those trust lands, facilitate the creation of jobs, and best serve the public interest, it is necessary that this act take effect immediately.