

26. AUTHORIZATION FOR EXECUTIVE OFFICER TO EXECUTE BOUNDARY AGREEMENT ESTABLISHING THE ORDINARY HIGH WATER MARK IN THE CITY OF CORONADO, SAN DIEGO COUNTY - W.O. 4535, B.L.A. NO. 85.

After consideration of Calendar Item 13 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION APPROVES A BOUNDARY AGREEMENT WITH THE CITY OF CORONADO, H D C COMPANY, AND HARRY L. JACOBS AS TRUSTEE OF THE JOHN K. GOODMAN AND GERRE GENE STRAUSS TRUST UNDER THE WILL OF BARNEY GOODMAN, DECEASED, AND AUTHORIZES THE EXECUTIVE OFFICER TO EXECUTE SAID BOUNDARY AGREEMENT ON BEHALF OF THE STATE. THE BOUNDARY LINE THUS ESTABLISHED IS DESCRIBED ON THE BOUNDARY AGREEMENT (EXHIBIT "A"), ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY THIS REFERENCE MADE A PART HEREOF.

Attachment

Calendar Item 13 (1 page)

13.

AUTHORIZATION FOR EXECUTIVE OFFICER TO EXECUTE BOUNDARY AGREEMENT ESTABLISHING THE ORDINARY HIGH WATER MARK IN THE CITY OF CORONADO, SAN DIEGO COUNTY - W.O. 4535.

Confusion concerning the location of the ordinary high water mark in the City of Coronado has existed since May 17, 1961, when the San Diego Superior Court in Case No. 251089 (State of California v. Corona Beach Company) settled part of the boundary in this area. Extensive negotiations between the H D C Company, Harry L. Jacobs as Trustee of the John K. Goodman and Gerre Gene Strauss Trust, The City of Coronado, and the State Lands Commission have taken place to establish the ordinary high water mark in the remainder of the area. The Attorney General's office represented the Commission in the negotiations and prepared the attached exhibits as part of the settlement of threatened further litigation.

Section 6357 of the Public Resources Code provides that the Commission may establish the ordinary high water mark by agreement whenever it is deemed expedient or necessary.

It is, in the opinion of the staff, necessary and in the best interest of the State to establish permanently the ordinary high water mark constituting the true and correct boundary line between the tidelands owned by the State and the uplands owned by the private parties named above, as set out more particularly in the boundary agreement attached hereto and incorporated herein as Exhibit "A".

The agreement reached provides for a 100-foot easement to the City of Coronado for public recreational beach use, which is considered to provide an advantage to the public in assuring adequate access to, and use of, the beach for recreational purposes. Said easement may not be terminated or substantially changed without the approval of the Commission.

IT IS RECOMMENDED THAT THE COMMISSION APPROVE A BOUNDARY AGREEMENT WITH THE CITY OF CORONADO, H D C COMPANY, AND HARRY L. JACOBS AS TRUSTEE OF THE JOHN K. GOODMAN AND GERRE GENE STRAUSS TRUST UNDER THE WILL OF BARNEY GOODMAN, DECEASED, AND AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE SAID BOUNDARY AGREEMENT ON BEHALF OF THE STATE. THE BOUNDARY LINE THUS ESTABLISHED IS DESCRIBED ON THE BOUNDARY AGREEMENT (EXHIBIT "A"), ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY THIS REFERENCE MADE A PART HEREOF.