

MINUTE ITEM

9/26/68

27. AUTHORIZATION FOR THE EXTENSION OF TIME IN WHICH THE CORONADO CAY COMPANY MAY ARTIFICIALLY FIX OR SUBSTANTIALLY OBLITERATE 25% OF THE WATERFRONT INVOLVED IN BOUNDARY LINE AGREEMENT NO. 93 DATED OCTOBER 31, 1967; SAN DIEGO COUNTY - W.O. 6680, B.L.A. 93.

After consideration of Calendar Item 26 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE EXTENSION TO OCTOBER 26, 1969, OF THE TIME IN WHICH THE CORONADO CAY COMPANY MAY ARTIFICIALLY FIX OR OBLITERATE 25% OF THE WATERFRONT INVOLVED IN BOUNDARY LINE AGREEMENT NO. 93 DATED OCTOBER 31, 1967.

Attachment

Calendar Item 26 (1 page)

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On October 26, 1967 (Minute Item 45, p. 1193), the Commission authorized a boundary line agreement between the State of California, the City of Coronado, and the San Diego Unified Port District for certain lands in San Diego Bay. Said agreement provides on page 3 as follows:

"It is a condition subsequent to this agreement that said construction shall be sufficiently completed within one year to artificially fix or substantially obliterate at least 25% of the waterfront of the City lands, exclusive of any part which is now artificial, and failure to accomplish said condition will render this agreement null and void. A finding by the State Lands Commission that said condition has been complied with shall be conclusive evidence of compliance with this condition subsequent."

The Coronado Cay Company, a limited partnership consisting of Cedric Sanders Corporation as the general partner and Arlan Corporation as the limited partner, has purchased the upland property involved in the agreement from the City of Coronado, and has acquired a 66-year lease to other lands in the vicinity from the San Diego Unified Port District. The acquisition of these lands took more time than anticipated, and the Coronado Cay Company has now applied to the State Lands Commission for an extension of time in which to accomplish the obliteration of the waterline.

When the escrow closed in May of 1968, the Coronado Cay Company applied to the Commission for a dredging permit, which was approved on the Commission's calendar of August 28, 1968. In addition, Coronado Cay Company has expended substantial sums of money preparatory to the commencement of actual construction, and the San Diego Unified Port District has joined in Coronado Cay Company's application for the extension of time. The Division's Engineering Section has advised us that there has been no substantial change in the boundary condition during the past year. The Coronado Cay Company has asked for an extension to October 26, 1969, to perform said condition subsequent.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXTENSION TO OCTOBER 26, 1969, OF THE TIME IN WHICH THE CORONADO CAY COMPANY MAY ARTIFICIALLY FIX OR OBLITERATE 25% OF THE WATERFRONT INVOLVED IN BOUNDARY LINE AGREEMENT NO. 93 DATED OCTOBER 31, 1967.