

MINUTE ITEM

5/29/69

40. FINDING BY THE STATE LANDS COMMISSION THAT THE CORONADO CAY COMPANY HAS OBLITERATED 25% OF THE WATERFRONT OF THE CITY LANDS AS REQUIRED BY BOUNDARY LINE AGREEMENT NO. 93; SAN DIEGO COUNTY - W.O. 6680, B.L.A. 93; AND W.O. 6960, P.R.C. 4030.1.

After consideration of Calendar Item 19 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION FINDS THAT THE CORONADO CAY COMPANY HAS OBLITERATED 25% OF THE WATERFRONT AND THAT IT IS IN AN ARTIFICIAL CONDITION AS REQUIRED FOR COMPLIANCE WITH BOUNDARY LINE AGREEMENT NO. 93.

Attachment

Calendar Item 19 (1 page)

19.

FINDING BY THE STATE LANDS COMMISSION THAT THE CORONADO CAY COMPANY HAS OBLITERATED 25% OF THE WATERFRONT OF THE CITY LANDS AS REQUIRED BY BOUNDARY LINE AGREEMENT NO. 93; SAN DIEGO COUNTY - W.O. 6680, B.L.A. 93; AND W.O. 6960, P.R.C. 4030.1.

On October 26, 1967, the Commission approved Boundary Line Agreement No. 93 (Minute Item 45, p. 1193), and it was duly executed by all of the parties. The last paragraph on page 3 of said agreement provides 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."

On September 26, 1968 (Minute Item 27, p. 1150), the Commission extended the time in which the Coronado Cay Company could obliterate 25% of the waterfront to October 26, 1969. The Coronado Cay Company has now advised us that their development has progressed to the point where 25% of the waterfront has been obliterated. The Division has inspected the site and reported that in excess of 25% of the waterfront is now obliterated and in an artificial condition as required for compliance with the Boundary Agreement.

IT IS RECOMMENDED THAT THE COMMISSION FIND THAT THE CORONADO CAY COMPANY HAS OBLITERATED 25% OF THE WATERFRONT AND THAT IT IS IN AN ARTIFICIAL CONDITION AS REQUIRED FOR COMPLIANCE WITH BOUNDARY LINE AGREEMENT NO. 93.