

MINUTE ITEM
44

2/25/82
W 2400.135
Fossum

ANNEXATION OF TIDE AND SUBMERGED LANDS
CITY OF DEL MAR

Calendar Item 44, attached, was pulled from the agenda
prior to the meeting.

Attachment: Calendar Item 44.

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ANNEXATION OF TIDE AND SUBMERGED LANDS
CITY OF DEL MAR

On June 21, 1981, the State Lands Commission approved the propriety of the description of the boundaries of Del Mar's proposed annexation of lands adjacent to its city limits including tide and submerged lands. The City of Del Mar seeks to annex the subject property pursuant to Government Code Sections 3500 et seq. These sections require approval by the State Lands Commission of any annexation by a City of State or trustee owned tide and submerged lands.

The City of Del Mar and San Diego County LAFCO have requested that the State Lands Commission give its approval to the annexation of the lands owned by the State of California and under the jurisdiction of the State Lands Commission. It should be further noted that the proposed annexation would only affect a change in the police power jurisdiction status of these lands from an unincorporated to incorporated area of San Diego County and not effect in any manner property interests or the jurisdiction of the State Lands Commission over public trust lands.

A portion of the lands proposed to be annexed are offshore tide and submerged lands lying below the mean high tide line of the Pacific Ocean. Another portion of the annexation area includes present and historic tide and submerged lands within San Diegueto Lagoon -- the exact location of the boundaries to these lands and extent of State interest has not been determined.

At the July 23, 1981 meeting of the State Lands Commission, the consent of the Commission to the annexation was sought by staff.

During consideration of Calendar Item 28 (attached as Exhibit C), Mr. Robert C. Hight, Chief Counsel, explained that the 22nd Agricultural District (Del Mar Fairgrounds) had opposed this annexation. He further explained there was a disagreement between the City and that agency over the annexation, but he indicated the staff of the State Lands Commission had no objection. However, the Commission was concerned about approving an annexation that had been opposed by another governmental agency which is utilizing the area.

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Based on the above, the Commission then voted 3-0 to object at that time and until staff could further analyze the position of the 22nd Agricultural District and clarify the procedural mechanics of the annexation.

Staff of the Commission has since discussed the matter with the Agricultural District and the City of Del Mar and based on the information obtained in those communications and documents submitted regarding the dispute (Exhibit D) believes that the basis for the objection has been adequately dealt with.

The City has requested reconsideration without waiver of any procedural rights it may have.

Staff therefore suggests revocation of the July 23, 1981 objection, waiver of any procedural error, and approval of the annexation to the City of Del Mar of all land and interests in lands under the jurisdiction of the State Lands Commission within the proposed annexation area.

AB 884: N/A.

EXHIBITS: A. Land Description.
B. Location Map.
C. Calendar and Minute Item 28, July 23, 1981.
D. Supporting Documents.

IT IS RECOMMENDED THAT THE COMMISSION:

1. REVOKE ITS JULY 23, 1981 OBJECTION, WAIVE ANY POSSIBLE PROCEDURAL ERROR, AND APPROVE THE ANNEXATION OF HISTORIC AND PRESENT, FILLED AND UNFILLED, TIDE AND SUBMERGED LANDS OR INTERESTS THEREIN UNDER THE JURISDICTION AND OWNERSHIP OF THE STATE LANDS COMMISSION, DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, AND AUTHORIZE STAFF TO SEND APPROPRIATE WRITTEN NOTICE TO THE CITY OF DEL MAR AND THE LOCAL AGENCY FORMATION COMMISSION OF SAN DIEGO COUNTY.

EXHIBIT "A" UNAVAILABLE AT TIME OF PRINT.

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EXHIBIT "B" UNAVAILABLE AT TIME OF PRINT.

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EXHIBIT "C" UNAVAILABLE AT TIME OF PRINT.

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EXHIBIT "D" UNAVAILABLE AT TIME OF PRINT.

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