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SAN DIEGO, CALIFORNIA

June 13, 1930.

Board of Park Commissioners,
Administration Building,
Balboa Park,
San Diego, California.

Gentlemen:

Enclosed find draft of a resolution, as requested at the joint meeting of the Park Board and City Council, held June 12th.

In preparing this resolution I have in mind that it is possible that some disgruntled third party will attempt by injunction to restrain the Park Board and the City from further proceeding with any roadway through Torrey Pines Park. As I advised several months ago, the only theory upon which the Park Board has the legal authority to construct a road is that such roadway will be beneficial and incidental to the use of the park as a park and will add to the pleasure and enjoyment and convenience of the public in the use of the park. I have therefore incorporated in the resolution such a finding for the Park Board to pass, in the belief that in case the matter should be brought into court such a resolution and such a stand by the Park Board is absolutely necessary in order to sustain our position.

Yours very truly,

C. L. Byers
Assistant City Attorney.

SAN DIEGO PUBLIC LIBRARY
CALIFORNIA ROOM

CLB/M

~~Resolution.~~

WHEREAS, a section of the California State Highway has for many years past traversed Torrey Pines Park, and through travel on such highway has constantly increased until the existence of such highway is a detriment to such park and traffic thereon constitutes a peril to the patrons of such park; and

WHEREAS, suggestion has heretofore been made for the construction of a road adjacent to the exterior boundaries of said park, but this board has felt that such road along the westerly boundary would not be convenient nor beneficial to the public in the use of the park and has declined to permit the construction of a road along the so-called "Cliff Route;" but

WHEREAS, a road may be constructed adjacent to the easterly boundary of said park which will be free from most of the objections to such "Cliff Route" and funds are available and will be supplied for the construction of such road through short portions of the park adjacent to such easterly boundary; and

WHEREAS, the construction of such road will provide added means of ingress and egress to other portions of the park that have heretofore been inaccessible and will be useful and beneficial to the public in the use of said park; and

WHEREAS, the Common Council of the City of San Diego has indicated its intention to call a special election in November, 1930, for the purpose of submitting to the electors of the City of San Diego the question of whether the portions of the said park over which the said road will be constructed shall be discontinued in use as a park;

IT IS THEREFORE ^{deemed} ~~ADVISABLE~~ to construct the said roadway so as to best conserve not only the most benefit to

the said park, but also to best conform to the requirements of the State Highway Commission in order to properly provide an approved roadway safe and useful to the public traveling thereon; NOW, THEREFORE,

BE IT RESOLVED, By the Board of Park Commissioners of the City of San Diego, that the public convenience and necessity in the use of Torrey Pines Park requires the construction of a roadway through the eastern portion of said park, at a place and in a manner to be hereafter agreed upon and designated by the Board of Park Commissioners.

BE IT FURTHER RESOLVED, THAT THE CONSTRUCTION OF SAID ROAD will provide added means of ingress and egress to said park and to new portions thereof heretofore inaccessible to the public by means of any vehicle, and that the said roadway will ^{Contribute} ~~be incidental~~ to the use and enjoyment of said park as a park, and will be the means of additional pleasure, enjoyment, convenience and use to the public using said park.

AND BE IT FURTHER RESOLVED, that authority be, and it is hereby delegated, subject to the supervision and control of the Board of Park Commissioners, to the City of San Diego and the Manager of Operation thereof or to such other officers as may be necessary to do all things necessary and incidental to the laying out, constructing and improving of a highway, to be done to the best interests of the park and conforming as nearly as proper to ~~the~~ methods and manner approved by the State Highway Commission, and at a place in said park to be pointed out and approved by the Board of Park Commissioners by Resolution.