

CHAPTER 720

An act to transfer to the City of Oakland a surface easement over certain tide and submerged lands and to define the powers and duties of the city in relation thereto.

In effect
September
13, 1941

[Approved by Governor June 13, 1941 Filed with Secretary of State
June 13, 1941.]

The people of the State of California do enact as follows:

Surface ease-
ment to City
of Oakland

SECTION 1. There is hereby transferred to the City of Oakland, a municipal corporation, and to its successors forever, a surface easement over all lands, salt marsh, tidelands and submerged lands, whether filled or unfilled, included within that portion of the City of Oakland described as follows:

Description

Bounded on the north by the line of ordinary low tide, as said line may have come to rest under natural conditions; on the south by the southern boundary line of said City of Oakland lying in the estuary of San Antonio; on the west by the projection southerly of the westerly line of Harrison Street, a public street of said city; and on the east by the projection southerly of the western line of Alice Street, a public street of said city.

Bounded on the north by the line of ordinary low tide, as said line may have come to rest under natural conditions; on the south by the southern boundary line of said City of Oakland lying in the estuary of San Antonio; on the west by the projection southerly of the easterly line of Washington Street, a public street of said city; and on the east by the projection southerly of the westerly line of Broadway, a public street of said city.

Bounded on the north by the line of ordinary low tide, as said line may have come to rest under natural conditions; on the south by the southern boundary line of said City of Oakland lying in the estuary of San Antonio; on the west by the projection southerly of the easterly line of Broadway, a public street of said city; and on the east by the projection southerly of the center line of Franklin Street, a public street of said city.

Conditions

Said transfer is made for the following uses and purposes and subject to the following conditions:

Harbor

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, ships ways or other industrial uses and other utilities, structures and

appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for terms not in excess of 25 years for uses specified in this paragraph; and may lease said lands for the purposes aforesaid, or any of them, for such period or periods not to exceed 50 years, and under such terms and conditions as may be prescribed by the governing body of the City of Oakland.

(b) That said harbor shall be improved by said city without expense to the State, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, or airplane or seaplane owned or operated by the State of California.

Improvements

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances herein mentioned, no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

Discrimination

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

Right to fish

(e) That there is hereby reserved to the State of California the right and power to prospect for, mine, extract, and remove from said lands any minerals, oil, gas, and other hydrocarbons, and all other things of value which may be contained in the subsurface of said lands; but any such prospecting, mining, extraction, and removal shall not be conducted by the State, or those who hold under the State, in such manner as to unreasonably interfere with the administration herein transferred to the city.

Mineral rights

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

Highway purposes

SEC. 2. Portions of the low tide line above mentioned never having been located on the ground, the city hereby is empowered to fix the same by agreement with abutting owners or by other appropriate means.

Abutting owners