CHAPTER 815

An act to convey in trust certain tide and submerged lands in the Straits of Carquinez, and in this connection to repeal Chapter 37 of the Statutes of 1851 and Chapter 442 of the Statutes of 1929.

[Approved by Governor September 8, 1976. Filed with Secretary of State September 9, 1976.]

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

SECTION 1. The Legislature hereby finds and declares as follows:

(a) That the Martinez waterfront and adjacent marsh areas are of the utmost importance to the people of California because of the fish and wildlife which inhabit this region throughout the year.

(b) That the waters of the Straits of Carquinez and Suisun Bay are within the Pacific flyway and are of high importance to the preservation of migratory waterfowl populations.

(c) That nonmigratory waterfowl and shorebirds which inhabit the Straits of Carquinez and Suisun Bay are largely dependent on the

nearby marshlands for food and habitat.

(d) That the shallow water zones of the Martinez waterfront provide areas for shellfish culture.

(e) That the Martinez waterfront presents an opportunity for assuring balance between preservation and restoration of the coastal fish and wildlife resources and environment with nature study, appropriate recreational activities, public navigation, fishing, and selected development in accordance with the Environmental Quality Act of 1970, Division 13, (commencing with Section 21000) of the Public Resources Code.

(f) That certain lands on the Martinez waterfront, including lands referred to above, are encumbered under agreements between the City of Martinez and the State of California dated December 20, 1973, and October 27, 1964, and the lease of October 27, 1964, between the City of Martinez and the State Lands Commission, in which the city has agreed thereunder that revenues derived from the lands shall be paid to the state to meet the obligations of the agreements and lease. In addition, the development and operation of the lands for the protection thereof and for the security of sums due under the October 27, 1964, agreement are under the supervision of a committee made up of representatives from the city and the state, which is known as the "City-State Committee". In carrying out the purposes of this act, it is necessary to release the lands granted hereby to the East Bay Regional Park District from all encumbrances of the agreements and lease, while assuring that the obligations thereunder are otherwise preserved with respect to all lands granted to the city by this act and, in addition, assuring that the lands not granted to the district remain encumbered thereunder as security for the obligations.

(g) That fee title to the beds of all the waterways of the state below the ordinary high water mark (except those previously validly granted to private parties by the Spanish or Mexican governments on the date of statehood) passed from the federal government to the State of California at the time of statehood (September 9, 1850) by virtue of its sovereignty, on an equal footing with the original 13 colonies, to be held by the state in trust for the benefit of the public. Although, under a series of general statutes beginning shortly after statehood, the Legislature authorized the sale of tidelands by patent, sales of submerged lands below mean low tide were not authorized by these statutes. To the extent submerged lands were described in the state tideland patents, there was no valid conveyance; and the state remains the owner, holding title in trust for the public purposes of commerce, navigation, and fisheries and other trust purposes.

(h) That state patents of true tidelands between the mean high and low tide lines did not divest the public of its rights in the tidelands, the buyer of land under these statutes received the title to the soil, the jus privatum, subject to the public right of navigation, and in subordination to the right of the state to take possession, use, and improve them for that purpose; and, as it may deem necessary,

to pay for the taking of possession of improvements made in good faith.

(i) That, while the public tidelands trust easements are traditionally defined in terms of navigation, commerce, and fisheries, the public uses to which tidelands are subject still are sufficiently flexible to encompass changing needs. In administering the trust, the state is not burdened with an outmoded classification favoring one mode of utilization over another.

SEC. 2. (a) Therefore, based on the foregoing findings, the Legislature hereby formally exercises the public trust for the benefit of the public, for the purposes of commerce, navigation, fisheries, recreation, and for other trust purposes on, and upon a portion of lands at, the south shore of the Straits of Carquinez described as follows:

Lands of United Towing Co., a corporation, as recorded in Book 2873, page 171 and Book 2437, page 543, Official Records in the office of the Contra Costa County Recorder.

Lands of Rocco M. Costanza, et al., recorded as Parcels Nos. Two, Three and Four in Deed in Book 1446, page 356, Official Records in the office of the Contra Costa County Recorder.

Lands of Giuseppe Sparacino, et al., recorded as Parcel No. Three in Book 3462, page 286, Official Records in the office of the Contra Costa County Recorder.

Lands of Bartholomew Bisio as recorded in Book 6284, page 471, Official Records in the office of the Contra Costa County Recorder.

Lands of Doyle D. Hester, et al., as recorded in Book 5006, page 149, Official Records in the office of the Contra Costa County Recorder.

(b) Nothing contained in this act shall be deemed to preclude the application of provisions of Section 6312 of the Public Resources Code to the above described lands.

SEC. 3. (a) There is hereby granted to the City of Martinez, and to its successors, all right, title, and interest of the state held by virtue of its sovereignty in and to the three parcels of land situated in the County of Contra Costa and described as follows:

Parcel "A"

Commencing at the intersection of the north line of Tideland Survey No. 9 and the east line of North Court Street as shown on Map of "City of Martinez Waterfront Area" filed March 10, 1955, in Volume 16, Pages 39 to 43, Licensed Surveyor's Maps in the Office of the Contra Costa County Recorder; thence along said northerly line of Tideland Survey No. 9 North 76° 56′ 53″ East 488.36 feet; thence leaving said northerly line North 20° 03′ 30″ West 130.00 feet; thence North 63° 50′ 00″ East 85.00 feet to the true point of beginning; thence North 03° 30′ 00″ East 110.00 feet; thence North 12° 10′ 00″ East 660.00 feet; thence North 05° 05′ 39″ West 119.71 feet; thence North 88° 03′ 16″ East 242.85 feet; thence South

12° 10′ 00″ West 797.24 feet; thence South 63° 50′ 00″ West 233.84 feet to the point of beginning.

Parcel "B"

Commencing at the intersection of the north line of Tideland Survey No. 9 and the east line of North Court Street as shown on Map of "City of Martinez Waterfront Area" filed March 10, 1955, in Volume 16, Pages 39 to 43, Licensed Surveyor's Maps in the Office of the Contra Costa County Recorder; thence along said northerly line of Tideland Survey No. 9 North 76° 56′ 53″ East 488.36 feet; thence leaving said northerly line North 20° 03′ 30″ West 130.00 feet; thence North 63° 50′ 00″ East 318.84 feet to the true point of beginning being the southeasterly corner of Parcel "A" described above; thence North 12° 10′ 00″ East 797.24 feet along the east line of said Parcel "A"; thence leaving said east line North 88° 03′ 16″ East 156.26 feet; thence South 89° 00′ 00″ East 100.00 feet; thence South 66° 20′ 00″ East 120.00 feet; thence South 25° 45′ 00″ East 453.00 feet; thence South 68° 10′ 00″ West 385.00 feet; thence South 63° 50′ 00″ West 416.16 feet to the point of beginning.

Parcel "C"

That parcel of land described in the lease to the Southern Pacific Transportation Company by the City of Martinez per Resolution No. 111 (1959 series) dated August 5, 1959, and Resolution No. 72-75 dated June 4, 1975.

The bearings and distances used in the above descriptions of Parcels "A" and "B" are based on the California Coordinate System Zone 3 as shown on Map of "City of Martinez Waterfront Area" filed March 10, 1955, in Volume 16, Pages 39 to 43, Licensed Surveyor's Maps in the Office of the Contra Costa County Recorder.

(b) Such lands shall be held by the city and its successor in trust for the following uses, in which there is a general, statewide interest, and upon the following express conditions:

Parcel "A" shall be used only for Marina spoils and spoil removal, parking, boat storage, chandlery, recreation, landscaping, and any other use permitted by the Martinez Waterfront Land Use Plan; provided that in no event shall any building or structure be placed on parcel "A" that exceeds 20 feet in height.

Parcel "B" shall be used only for Marina spoils and spoil removal and any other use permitted by the Martinez Waterfront Land Use Plan.

Parcel "C" shall be used only in its present use as a railroad right-of-way.

Further, all such uses shall accord with the terms and conditions

of the lease and agreements specified in subdivision (f) of Section 1, and the development and operation of the entire area of such parcels shall be under the supervision of the City-State Committee, in the same manner as is presently provided by such lease and agreements with respect to lands subject to such lease and agreements.

The grant made by this section shall not become effective unless and until the city files quitclaim to all previously granted tidelands that are within the area hereby granted to the district by this act and described in Section 15.

SEC. 4. There is hereby granted to the East Bay Regional Park District, hereinafter referred to as the "district," all right, title, and interest of the state held by virtue of its sovereignty in and to all tide and submerged lands, whether filled or unfilled, situated in the County of Contra Costa and described in Section 15; provided, however, that this grant shall not become effective unless and until the City of Martinez files quitclaim to all previously granted tidelands that are within the area granted to the district by this act and described in Section 15. Such lands shall be held by the district, and its successors, in trust for the following uses and upon the following express conditions:

(a) That the lands shall be used by the district, and its successors, for purposes in which there is a general statewide interest. The use of the lands shall be in conformity with the Martinez Waterfront Land Use Plan as adopted by the district on April 20, 1976, and the City of Martinez on April 14, 1976. Changes or amendments to the Martinez Waterfront Land Use Plan shall be reviewed and approved by the State Lands Commission as provided in Section 6. Implementation of the plan through the improvement, restoration, preservation, or maintenance of the lands shall be determined by the State Lands Commission in accordance with Section 5. Lands shall be used as provided under the plan.

(b) That the acquisition of property and the rendition of services reasonably necessary to carrying out the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program, shall be consistent with the terms and conditions set forth in this act.

(c) That the district, or its successors, shall not at any time grant, convey, give, or alienate the lands, or any part thereof, to any individual, firm, or corporation for any purposes whatsoever; provided, however, that the district, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years for wharves and other public uses and purposes; may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state; and may collect and retain rents and other revenues from such leases, franchises, and privileges under rules and regulations adopted in accordance with the provisions of Section 7.

Nothing contained in this subdivision shall be deemed to affect the validity or term of any franchise granted by the district under

Division 3 (commencing with Section 6001) of the Public Utilities Code, and any such franchise shall be effective with respect to the affected lands when title thereto passes to the district under this act.

(d) Except as provided in Section 2, this act does not affect or impair any rights of private parties within the described lands which exist as a result of lawful transactions and obligations entered into prior to January 1, 1977.

(e) That the lands shall be improved, preserved, restored, or maintained without expense to the state; provided, however, that nothing contained in this act shall preclude expenditures for any statewide public purpose not inconsistent with commerce, navigation, and fisheries or with other statewide public policy under the Environmental Quality Act of 1970 by the state or any board, agency, or commission thereof, when authorized or approved by the district; nor shall anything contained in this act preclude expenditures by the district of any funds received for such purposes from the state or any board, agency, or commission thereof.

(f) That, in the management, conduct, operation, and control of the lands or any improvements, betterments, or structures thereon, the district or its successors shall make no discrimination in rates, tolls, or charges for any use or service in connection therewith.

(g) That the state shall have the right to use without charge any transportation, landing, or storage improvements, betterments, or structures constructed upon the lands for any vessel or other watercraft or railroad owned or operated by the state.

(h) That there is reserved to the people of the State of California the absolute right to fish in the waters over the lands, with the right of convenient access to such waters over the lands for such purpose.

(i) That there is excepted and reserved to the state all deposits of minerals, including, but not limited to, oil and gas; other gases including, but not limited to, nonhydrocarbon and geothermal gases; oil shale, coal, phosphate, alumina, silica, fossils of all geological ages, sodium, gold, silver, metals and their compounds, alkali, alkali earth, sand, clay, gravel, salts and mineral waters, uranium, trona, and geothermal resources.

(j) That the district shall not authorize a capital outlay project, lease, or agreement, for port facilities such as marine terminals, pipelines, or other related energy facilities on state tide and submerged lands which have been granted in trust without first requesting and receiving the approval, in writing, of the State Lands Commission. In its review of such capital outlay projects, leases, or agreements, the commission shall consult with other governmental agencies and determine that such project is in and for the best interests of the people of the state and consistent with provisions of law, and that the allocation between the state and the district of any revenues generated as a result of such project, lease, or agreement shall be in accordance with provisions for allocation of excess revenue contained in Section 10.

(k) That the provisions of Section 6359 of the Public Resources

Code do not apply to this act.

SEC. 5. On or before January 1, 1982, the lands shall be substantially improved, restored, preserved, or maintained by the district without expense to the state, in accordance with the first phase of the Martinez Waterfront Land Use Plan; and, if the State Lands Commission determines that the district has failed to improve, restore, preserve, or maintain the lands, as required by the first phase of the plan, all right, title, and interest of the district in and to all lands granted by this act shall cease, and all right, title, and interest in the lands shall revert to the state. All improvement, restoration, preservation, or maintenance shall be effected in accordance with the Martinez Waterfront Land Use Plan.

SEC. 6. (a) The district shall submit all changes and amendments to the Martinez Waterfront Land Use Plan to the State Lands Commission for its approval. The commission shall review such changes and amendments with reasonable promptness to determine whether the amendment is in accord with the statutory purposes permitted and the statewide public trust required by subdivision (a) of Section 4. On the basis of such review, the commission shall furnish the district with its formal written recommendations. Such formal written recommendations shall take one of the following forms: approval as proposed; approval subject to recommended changes; recommendation of alternative plan; or disapproval stating the reasons therefore.

(b) Any change or amendment of such plan that would authorize commercial, income-producing development on lands granted to the city by subdivision (a) of Section 3 shall also be submitted to the city-state committee for its approval pursuant to the authority granted the committee by subdivision (b) of Section 3, prior to submission of such change or amendment to the commission for its approval pursuant to subdivision (a) of this section.

SEC. 7. (a) The governing body of the district shall, on or before July 1, 1977, develop and submit to the State Lands Commission for its approval, a procedure, rules, and regulations to govern the issuance, renewal, or renegotiation of any lease of state tide and submerged lands, or any development thereon. Such rules and regulations shall specify lease rates, the bases upon which such rates are established, lease terms and conditions, provision for renegotiation of rates and terms and assignments, and such other information as may be required by the commission. The commission shall make its determination within 90 days of its receipt of such information. Approval by the commission of the lease procedure, rules, and regulations shall be required before additional leases can be entered into on the granted lands.

(b) Nothing contained in this act shall preclude the district from leasing granted lands to the City of Martinez in accordance with the Martinez Waterfront Land Use Plan.

(c) This act amends the agreements of December 20, 1973, and October 27, 1964, between the City of Martinez and the State of

California and the lease of October 27, 1964, between the City of Martinez and the State Lands Commission to the extent that the lands granted hereby to the district are excluded therefrom and are released from the encumbrances and obligations thereunder. Nothing contained in this act, however, shall preclude recognition of the obligations under the agreements of December 20, 1973, and October 27, 1964, and the lease of October 27, 1964, or of any other agreement, lease, or requirement of law, and nothing herein shall preclude recognition that the lands referred to in the agreements and lease that are not granted hereunder to the district shall continue to be subject to the provisions of the agreements and lease and any applicable provision of law including, but not limited to, the encumbrances thereunder as security for payments.

(d) The City-State Committee shall consult with the district concerning matters on, and in the vicinity of, the granted lands, which are of mutual concern.

(e) The district shall submit to the State Lands Commission within 30 days a copy of any new or renegotiated lease, upon request of the commission therefor.

SEC. 8. The district shall establish a separate tidelands trust fund or funds in such manner as may be approved by the State Lands Commission and the district shall deposit in the fund or funds all moneys received directly from, or indirectly attributable to, the granted lands in the district. An annual statement of financial condition and operations, to conform with such requirements as the commission may prescribe, shall be submitted to the commission on or before October 1 of each year, for the preceding fiscal year.

SEC. 9. Notwithstanding any other provision of law to the contrary, the district, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted lands for any or all of the authorized purposes on the granted lands; provided, however, that such other agencies shall comply with the terms of the trust, and such revenues shall be expended only for matters of statewide, as distinguished from local or purely private, interest and benefit that are in conformity with the Martinez Waterfront Land Use Plan.

SEC. 10. As to the expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand dollars ($250,000) in the aggregate, the district shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, except for any expenditure for preliminary planning. The commission may, within 90 days after the time of such filing, determine and notify the district that such capital improvement is not in the statewide interest and benefit and is not authorized by the provisions of the Martinez Waterfront Land Use Plan as it exists or as it may be amended under Section 6.

The commission may request the opinion of the Attorney General

on the matter; and if it does so, a copy of such opinion shall be delivered to the district with the notice of its determination. In the event the commission notifies the district that such capital improvement is not authorized, the district shall not disburse any revenue for, or in connection with, such capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The district is authorized to bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General, and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered.

SEC. 11. On June 30, 1979, and at the end of every third fiscal year thereafter, that portion of the district tideland trust revenues in excess of two hundred fifty thousand dollars ($250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or maintenance of tidelands trust activities have been made, shall be deemed excess revenues; provided, however, that any funds deposited in a reserve fund to retire bond issues for the improvement or operation of the granted lands shall not be deemed excess revenue. Capital improvements of the granted lands made for purposes authorized by this act may be considered as expenditures for the purpose of determining net revenues.

The excess revenue, as determined pursuant to this section, shall be allocated as follows: 85 percent shall be transmitted to the State Treasurer for deposit in the General Fund in the State Treasury; and 15 percent, to the district for deposit in the trust fund created pursuant to Section 8, for use for any purpose authorized by Section 4.

SEC. 12. (a) The State Lands Commission, at the request of the district, shall grant an extension of time, not to exceed 90 calendar days, for filing any report or statement required by this act which was not filed due to mistake or inadvertence.

(b) In the event that the district fails or refuses to file with the State Lands Commission any report, statement, or document required by any provision of this act within the time period specified by this act, or any extension period granted pursuant to this act, or fails or refuses to carry out the terms of this act, the Attorney General shall, upon the request of the commission, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any improvements to, or assets situated upon, the granted lands or derived therefrom. The commission shall notify the Chief Clerk of the Assembly and the Secretary of the Senate within 30 days of the occurrence of such failure or refusal and of actions taken as a result thereof.

SEC. 13. (a) The State Lands Commission shall, from time to time, recommend to the Legislature such amendments as it may deem necessary in the terms and conditions of this act.

(b) The State Lands Commission shall, from time to time, institute a formal inquiry to determine that the terms and conditions of this act, and amendments thereto, have been complied with, and that all other applicable provisions of law concerning these specific granted lands are being complied with in good faith.

(c) The State Lands Commission shall, on or before December 31st of each year, report to the Chief Clerk of the Assembly and to the Secretary of the Senate the full details of any transaction or conditions reported to the commission pursuant to this act which it deems to be in probable conflict with the requirements of this act or with any other provision of law.

SEC. 14. The Legislature reserves the right to amend or modify, in whole or in part, the tidelands and submerged lands granted and conveyed in trust pursuant to this act; provided, however, that the state shall thereupon assume and be bound by all lawful transactions and obligations related to such lands entered into or created by the district during its holding of such lands.

SEC. 15. Lands that are granted pursuant to Section 4 are hereby described as follows:

Beginning at the most easterly corner of Tideland Survey No. 2, in Contra Costa County, as per patent thereof from the State of California, to C. B. Houghton, dated November 15, 1867, recorded in Volume 1, Page 53, of Patents in the Office of the Contra Costa County Recorder, said corner designated as J. C. No. 1 on "Map of Resurvey of Marsh and Tideland Surveys Nos. 2, 3 and 9" filed in Book 11, Page 22, Licensed Surveyor's Maps, in the Office of the Contra Costa County Recorder; thence South 46° 56′ 53″ West 22.55 feet along the southerly boundary of said Tideland Survey No. 2 to the point of intersection with the northerly right-of-way line of the Southern Pacific Transportation Company as described in City of Martinez Ordinance No. 144 N.S., recorded in Book 2467, Page 16, Official Records in the Office of the Contra Costa County Recorder, said point being on a curve concave to the southeast, the center of which bears South 24° 23′ 24″ East; thence southwesterly along said right-of-way line, and along said curve having a radius of 3,014.75 feet, an arc distance of 779.63 feet through an angle of 14° 49′ 01″; thence South 39° 12′ 25″ East 96.00 feet; thence South 50° 47′ 35″ West 269.98 feet to the beginning of a curve concave to the northwest, the center of which bears North 39° 12′ 25″ West; thence southwesterly along said curve having a radius of 2,810.76 feet, an arc distance of 1,373.59 feet, through an angle of 28° 00′ 00″ to the point of compound curve, said curve being concave to the northwest, the center of which bears North 11° 12′ 25″ West; thence southwesterly along said curve having a radius of 11,404.52 feet, an arc distance of 211.32 feet, through an angle of 1° 03′ 42″; thence South 30° 33′ 07″ East 10.64 feet to the point of intersection with the northerly right-of-way line of the Southern Pacific Transportation Company as described in deeds recorded in Book 32, Page 485, and Book 32, Page 514, of Deeds in the Office of the

Contra Costa County Recorder, said point being on a curve concave to the northwest, the center of which bears North 10° 09′ 40″ West; thence southwesterly along said right-of-way line as described in the last above mentioned deeds and along said curve having a radius of 11,414.52 feet, an arc distance of 141.17 feet through an angle of 0° 42′ 31″ to the southeasterly corner of the parcel of land described in the deed to the Southern Pacific Transportation Company recorded in Book 192, Page 155, Official Records, and as shown on the map recorded in Book 39, Page 5, of Licensed Surveyor's Maps in the Office of the Contra Costa County Recorder; thence leaving said right-of-way along the easterly line of said parcel North 30° 33′ 07″ West 10.98 feet to the southeasterly corner of Parcel Four described in quitclaim deed to Frank Celle, Sidney Ross, and Carlo Zocchi, recorded in Book 7332, Page 163, Official Records in the Office of the Contra Costa County Recorder; thence along the northeasterly line of said parcel North 30° 33′ 07″ West 425.03 feet to the northeasterly corner of said parcel; thence along the northerly line of said Parcel Four South 85° 05′ 53″ West 188.58 feet to the northwesterly corner of said Parcel Four, being the northeasterly corner of Parcel One in said quitclaim deed; thence along the northerly line of said Parcel One South 85° 05′ 53″ West to the intersection with the mean high tide line along the easterly bank of Alhambra Creek being the northwesterly corner of said Parcel One; thence southerly along said mean high tide line to the northerly right-of-way line of the Southern Pacific Transportation Company as described in above mentioned Book 32 of Deeds, Page 514; thence westerly along said right-of-way to the intersection with the mean high tide line along the westerly bank of Alhambra Creek; thence northerly along said mean high tide line to the intersection with the northerly line of that parcel of land described in the deed to Antone Pellegrini recorded in Book 623, Page 46, Official Records in the Office of the Contra Costa County Recorder; thence along said northerly line South 84° 27′ 04″ West to the southwesterly corner of that parcel of land described in deed to City of Martinez recorded in Book 2437, Page 434, Official Records in the Office of the Contra Costa County Recorder; thence along the boundary of said parcel the following two courses: North 5° 32′ 56″ West 56.63 feet, South 84° 27′ 04″ West 22.73 feet to a corner of said parcel; thence leaving said parcel and continuing southwesterly across Berrellessa Street, a right of way for road purposes as provided for in the deed from Henry Coffin to Grangers Warehouse and Business Association of Contra Costa County, dated December 21, 1892, and recorded May 25, 1893, in Book 63, Page 482, of Deeds, in the Office of the Contra Costa County Recorder, to the northeasterly corner of the parcel of land described in deed to William J. Loomis and Norma E. Loomis recorded in Book 7095, Page 49, Official Records in the Office of the Contra Costa County Recorder; thence along the northerly boundary of said parcel South 84° 27′ 04″ West 100.00 feet

to the northwest corner of said parcel being the southwest corner of the parcel of land described in deed to the City of Martinez recorded in Book 2493, Page 127, Official Records in the Office of the Contra Costa County Recorder; thence along the westerly boundary of said parcel North 5° 32′ 56″ West 35.60 feet to the point of intersection of the northerly line of the 50-foot easement described in Grant of Easement to the Central Contra Costa Sanitary District recorded in Book 5761, Page 1, Official Records in the Office of the Contra Costa County Recorder, with said westerly boundary of the parcel described in Book 2493, Page 127, Official Records in the Office of the Contra Costa County Recorder; thence along the northerly line of said 50-foot easement South 85° 05′ 53″ West 513.48 feet to the point of intersection with the easterly boundary of the parcel of land described in deed to City of Martinez recorded in Book 2865, Page 339, Official Records in the Office of the Contra Costa County Recorder; thence along the easterly boundary of said parcel South 5° 32′ 56″ East 385.54 feet to the point of intersection with the northerly right-of-way line of the Southern Pacific Transportation Company as described in the deeds recorded in Book 24, Page 569, Book 32, Page 379, and Book 32, Page 514, of Deeds in the Office of the Contra Costa County Recorder, said point being on a curve concave to the northeast, the center of which bears North 13° 39′ 46″ East; thence northwesterly along said right-of-way line, and along said curve having a radius of 2,247.88 feet, an arc distance of 177.74 feet, through an angle of 4° 31′ 49″ to the point of compound curve, said curve being concave to the northeast, the center of which bears North 18° 11′ 35″ East; thence northwesterly along said curve having a radius of 6,206.14 feet, an arc distance of 481.74 feet, through an angle of 4° 26′ 51″ to the point of intersection with the westerly line of Tideland Survey No. 4 as per patent thereof from the State of California to Oliver C. Coffin, dated November 15, 1867; recorded in Book 1, Page 55 of Patents in the Office of the Contra Costa County Recorder; thence continuing along said right of way line, being a curve concave to the northeast, the center of which bears North 22° 38′ 26″ East, having a radius of 6,206.14 feet, an arc distance of 550.89 feet, through an angle of 5° 05′ 09″; thence tangent to said curve, North 62° 16′ 25″ West 3,515.29 feet to a point on a curve concave to the southwest, the center of which bears South 27° 43′ 35″ West; thence northwesterly along said curve having a radius of 5,773.31 feet, an arc distance of 46.55 feet, through an angle of 0° 27′ 43″ to the intersection with the southerly line of Tideland Survey No. 32 as per patent thereof from the State of California to L. B. Mizner, dated June 14, 1877, recorded in Book 2, Page 503, of Patents in the Office of the Contra Costa County Recorder, as per amended map thereof approved by the State Surveyor General on April 18, 1927; thence easterly along the southerly line of said Tideland Survey No. 32 South 87° 42′10″ East 576.28 feet to the most easterly corner thereof; thence northwesterly along the

northerly line of said Tideland Survey No. 32 North 63° 12′ 10″ West 224.24 feet; thence leaving the northerly line of said Tideland Survey No. 32 North 79° 47′ 48″ East 5,173.90 feet; thence North 69° 56′ 30″ East 810.00 feet; thence South 81° 03′ 30″ East 1,220.00 feet; thence South 26° 56′ 14″ East 910.37 feet to Station "G" as shown on map filed as Document No. 48614 in Volume 20, Page 13, of Licensed Surveyor's Maps in the Office of the Contra Costa County Recorder; thence South 27° 41′ 38″ East 615.59 feet to the northeast corner of Tideland Survey No. 9 as per patent thereof from the State of California to Charles C. Swain, dated January 25, 1892, as per above mentioned "Map of Resurvey of Marsh and Tideland Surveys Nos. 2, 3 and 9"; thence along the easterly line of said Tideland Survey No. 9 South 21° 33′ 07″ East 39.60 feet to the northeast corner of above mentioned Tideland Survey No. 2; thence along the easterly line of said Tideland Survey No. 2 South 30° 33′ 07″ East 476.13 feet to the point of beginning.

Excepting therefrom the following described parcel:

Commencing at the intersection of the north line of Tideland Survey No. 9 and the east line of North Court Street as shown on Map of "City of Martinez Waterfront Area" filed March 10, 1955, in Volume 16, Pages 39 to 43, Licensed Surveyor's Maps in the Office of the Contra Costa County Recorder; thence South 20° 03′ 30″ East 240.00 feet to the true point of beginning; thence South 69° 56′ 30″ West 50.00 feet to the centerline of North Court Street; thence North 20° 03′ 30″West 630.00 feet along the centerline of North Court Street; thence leaving said centerline North 63° 05′ 00″ West 410.36 feet; thence North 20° 03′ 30″ West 530.00 feet; thence North 17° 02′ 14″ East 272.81 feet; thence North 16° 00′ 00″ West 380.00 feet; thence South 79° 47′ 48″ West 300.00 feet; thence North 10° 12′ 12″ West 200.00 feet to the intersection with the northerly line of the above described parcel; thence along said northerly line North 79° 47′ 48″ East 380.00 feet; thence North 69° 56′ 30″ East 810.00 feet; thence South 81° 03′ 30″ East 710.00 feet; thence leaving said northerly line South 07° 00′ 00″ West 900.00 feet; thence South 05° 05′ 39″ East 119.71 feet; thence South 12° 10′ 00″ West 660.00 feet; thence South 03° 30′ 00″ West 110.00 feet; thence South 63° 50′ 00″ West 85.00 feet; thence South 20° 03′ 30″ East 130.00 feet to the intersection with the northerly line of Tideland Survey No. 9; thence along said northerly line South 76° 56′ 53″ West 35.00 feet; thence leaving said northerly line South 20° 03′ 30″ East 184.70 feet; thence South 69° 56′ 30″ West 450.00 feet to the point of beginning.

Also excepting therefrom the following three parcels:

Parcel "A"

Commencing at the intersection of the north line of Tideland Survey No. 9 and the east line of North Court Street as shown on Map of "City of Martinez Waterfront Area" filed March 10, 1955, in Volume 16, Pages 39 to 43, Licensed Surveyor's Maps in the

Office of the Contra Costa County Recorder; thence along said northerly line of Tideland Survey No. 9 North 76° 56′ 53″ East 488.36 feet; thence leaving said northerly line North 20° 03′ 30″ West 130.00 feet; thence North 63° 50′ 00″ East 85.00 feet to the true point of beginning; thence North 03° 30′ 00″ East 110.00 feet; thence North 12° 10′ 00″ East 660.00 feet; thence North 05° 05′ 39″ West 119.71 feet; thence North 88° 03′ 16″ East 242.85 feet; thence South 12° 10′ 00″ West 797.24 feet; thence South 63° 50′ 00″ West 233.84 feet to the point of beginning.

Parcel "B"

Commencing at the intersection of the north line of Tideland Survey No. 9 and the east line of North Court Street as shown on Map of "City of Martinez Waterfront Area" filed March 10, 1955, in Volume 16, Pages 39 to 43, Licensed Surveyor's Maps in the Office of the Contra Costa County Recorder; thence along said northerly line of Tideland Survey No. 9 North 76° 56′ 53″ East 488.36 feet; thence leaving said northerly line North 20° 03′ 30″ West 130.00 feet; thence North 63° 50′ 00″ East 318.84 feet to the true point of beginning, being the southeasterly corner of Parcel "A" described above; thence North 12° 10′ 00″ East 797.24 feet along the east line of said Parcel "A"; thence leaving said east line North 88° 03′ 16″ East 156.26 feet; thence South 89° 00′ 00″ East 100.00 feet; thence South 66° 20′ 00″ East 120.00 feet; thence South 25° 45′ 00″ East 453.00 feet; thence South 68° 10′ 00″ West 385.00 feet; thence South 63° 50′ 00″ West 416.16 feet to the point of beginning.

Parcel "C"

That parcel of land described in the lease to the Southern Pacific Transportation Company by the City of Martinez per Resolution No. 111 (1959 series) dated August 5, 1959, and Resolution No. 72-75 dated June 4, 1975.

The bearings and distances used in the above descriptions, except for the description of Parcel "C", are based on the California Coordinate System Zone 3 as shown on Map of "City of Martinez Waterfront Area" filed March 10, 1955, in Volume 16, Pages 39 to 43, Licensed Surveyor's Maps in the Office of the Contra Costa County Recorder.

SEC. 16. Chapter 37 of the Statutes of 1851 is repealed.

SEC. 17. Chapter 442 of the Statutes of 1929 is repealed.

SEC. 18. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local governmental entity or entities which desires legislative authority to act to carry out the program specified in this act.