

CHAPTER 542.

An act granting to the city of Arcata tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Arcata, and regulating the management, use and control thereof.

[Approved May 18, 1917. In effect July 27, 1917.]

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

Titlelands
granted to
Arcata.

SECTION 1. There is hereby granted to the city of Arcata, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all tide and submerged lands, whether filled or unfilled, situate in the county of Humboldt, State of California, and described as follows, to wit:

Commencing at a point south eighty-nine and one-half degrees west five and ninety-one one-hundredths chains, and south thirty-one degrees fifty-two minutes west sixteen and twenty-seven one-hundredths chains from the center of section thirty-two, township six north, range one east of Humboldt meridian, Humboldt county, California, running thence north two hundred fifty feet to south side of dike;

thence north seventy-five degrees west one thousand seven hundred fifty feet following the south side of the dike and crossing Daniel's slough to a point on the section line between sections thirty-one and thirty-two; thence westward following the south side of the dike to a point on said dike south seventy-nine degrees west six thousand four hundred fifty feet; thence south six thousand four hundred forty feet to a point one thousand sixty feet due west of Beacon number nine; then east four thousand feet to a point seven hundred eighty feet south of "pier," as marked on United States hydrographic chart Humboldt bay survey 1911, sheet three, thence north fifty-four and one-half degrees east two thousand three hundred seventy-five feet to the end of the fourth course as recited in the description of the tidelands granted to the city of Arcata (approved June 11, 1913); thence north eighty degrees east five thousand seven hundred fifty feet to a point on the west side of the right of way of the Northwestern Pacific Railroad Company; thence following the west line of the Northwestern Pacific Railroad Company's right of way to a point in the center of Butcher's slough north twenty-seven degrees and fifty minutes west four thousand five hundred feet; thence north fifty-two and one-half degrees west six and twelve one-hundredths chains; thence north seventy-one and one-half degrees west four and five one-hundredths chains; thence north fifty-three and one-half degrees west eleven and twenty-six one-hundredths chains; thence north thirty-one and one-half degrees west two and six one-hundredths chains to the place of beginning.

Tidelands
granted to
Arcata.

Said lands shall be forever held by said city, and by its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

That said lands shall be used by said city and its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, 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 alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be

Use of
lands.

Use of
lands.

for any and all purposes which shall not interfere with navigation or commerce, with reversion to said city on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however*, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands within the boundaries of the city of Arcata, shall have a right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same, or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify.

Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quit-claim to said city any right they or any of them may claim or have to the said lands hereby granted.

Right to
rents.

This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted.

Right of
state to use
wharves, etc

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 owned or operated by the State of California.

No dis-
crimination
in rates.

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 in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section.

Right to fish
reserved.

There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose.