

CHAPTER 1700

An act conveying in trust certain tidelands and submerged lands lying in the natural channel of the San Joaquin River to the City of Stockton in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof, and reserving rights to the state.

[Approved by Governor July 17, 1965 Filed with
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The people of the State of California do enact as follows:

SECTION 1. There is hereby granted and conveyed in trust to the City of Stockton (hereinafter referred to as the "city") in the County of San Joaquin, State of California, all the

right, title and interest of the State of California (hereinafter referred to as the "state"), except as hereinafter reserved and upon the conditions specified herein, held by said state by virtue of its sovereignty in and to all of the certain tide and submerged lands in the natural channel of the San Joaquin River known as "Buckley Cove", whether filled or unfilled, which are described as follows and referred to hereinafter as "granted lands":

All those certain sovereign lands of the state in Section 36, T. 2 N., R. 5 E., M.D.B. & M., and more particularly described as follows, to wit:

Beginning at the point of intersection of the northerly Stockton Deep Water Channel line with the ordinary high-water line on the right, or northerly, bank of the natural channel of the San Joaquin River on the southwesterly line of Parcel 32 of the Stockton Deep Water Channel project; thence meandering upstream along the said ordinary high-water line to its point of intersection with the said northerly Stockton Deep Water Channel line on the southwesterly line of Parcel 25 of said Stockton Deep Water Channel project; thence northwesterly along the said northerly Stockton Deep Water Channel line to its point of intersection with the ordinary high-water line on the left, or southerly, bank of the said natural channel of the San Joaquin River on the southwesterly line of Parcel 30 of said Stockton Deep Water Channel project near the most southerly corner of said Parcel 30; thence meandering downstream along said ordinary high-water line on said left bank to its point of intersection with the said northerly Stockton Deep Water Channel line on the southwesterly line of said Parcel 30 near the most westerly corner of said Parcel 30; thence northwesterly along the said northerly Stockton Deep Water Channel line to the point of beginning.

Containing 32.32 acres more or less.

SEC. 2. The city shall have and there is hereby granted to it and its authorized agents and lessees the right to make within and upon the granted lands, or within and upon the granted lands in combination with neighboring lands of the city, all improvements, betterments and structures of every kind and character proper, needful, useful, convenient or incidental to and for the development of commerce, navigation and fisheries, including, without limiting the generality of the foregoing, the following:

(a) The establishment, improvement and conduct of a harbor and the construction, reconstruction, repair and maintenance of works and facilities incidental to a harbor;

(b) The construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, beltline railroads and other transportation facilities or betterments incidental to a harbor.

(c) The construction, reconstruction, repair and maintenance of small boat harbors, marinas, aquatic playground and

similar recreational facilities, together with structures and facilities incidental thereto;

(d) The construction, reconstruction, repair and maintenance of wharves, docks, piers, warehouses, and commercial and industrial buildings, plants and facilities.

SEC. 3. No grant, conveyance or transfer of the granted lands or any part thereof shall be made by the city and the city shall continue to hold the granted lands in trust and the whole thereof until the same revert or be receded to the State of California.

The city may, however, lease the granted lands, or any part thereof, and any utilities, structures, improvements or appliances thereon, for periods not to exceed 50 years, or such greater periods as may be permitted by general law, for purposes consistent with the trusts upon which the granted lands are held by the State of California. Any such lease made by the city shall contain, in addition to terms and conditions deemed desirable or necessary by the city, the following provisions:

(a) The lease may be terminated by the city upon violation of any of the provisions of the lease by the lessee; and

(b) Neither the lease nor the leased premises may be assigned, transferred or sublet without the prior written consent of the city.

SEC. 4. The granted lands shall be improved and all improvements, betterments and structures thereon shall be made or erected by the city or its authorized agents or lessees, without expense to the State of California; provided, however, that nothing contained in this act shall preclude the city from accepting and expending any grant of funds from the State of California for the development of the granted lands for any public purpose not inconsistent with the trusts for commerce, navigation and fishery. In the management, conduct, operation and control of the granted lands or any improvements, betterments or structures thereon, the city and its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith. Nothing contained herein shall be deemed to affect the validity or term of any franchise granted by the city under the Franchise Act of 1937, and any such franchise shall be effective with respect to said lands.

This grant is made upon the express condition that within 10 years from the effective date of this act the granted lands shall be substantially improved by the city without expense to the state and that if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and all said right, title and interest in the granted lands shall revert and rest in the state.

SEC. 5. Except as provided in Section 7 hereof, the city shall have the right hereunder to all rents, revenues, issues and profits in any manner hereafter arising from the granted

lands or any improvements, betterments or structures thereon, and the city may use such rents, revenues, issues and profits for any purpose or use set forth in Section 2 hereof, including the payment, refunding or discharge of any indebtedness incurred or sustained by the city in connection with any such purpose or use. The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures of all such rents, revenues, issues and profits.

SEC. 6. There is hereby reserved to the people of the State of California the right to fish in the waters upon the granted lands with the right of convenient access to said waters over the granted lands for said purpose.

SEC. 7. There is hereby excepted and reserved to the State of California the following:

(a) All deposits of minerals, including oil and gas in said land, together with the right of the State of California or persons authorized by the State of California to prospect for, mine and remove such deposits from the granted lands;

(b) The right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the granted lands for any vessel or other watercraft or railroad owned or operated by the State of California;

(c) The right at any time in the future to use the granted lands or any portion thereof for highway purposes without compensation to the city, its successors, or any person, firm or public corporation claiming under it, except as to improvements, betterments or structures made or erected within or upon the portions of the granted lands so used by the state for which compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures so used or the damages to such interest.

SEC. 8. In the event of a violation of any of the provisions of this act, the granted lands and the whole thereof shall revert to the State of California.

SEC. 9. The State Lands Commission shall, at the expense of the city, survey and monument the granted lands, prepare a description and plat thereof and record such description and plat in the office of the County Recorder of San Joaquin County.

SEC. 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 11. In the event that net subject land revenues exceed costs associated with all the operations of the subject lands, such net revenues shall be divided between the trustee

and the state so as to give the trustee 15 percent of the net revenues and the state 85 percent of the net revenues.
