

CHAPTER 1028

An act relating to tidelands, lands lying under inland navigable waters, and swamp and overflow lands, situate in Alameda County, State of California, including without limitation as to the generality thereof, authority for the City of Alameda to convey certain parcels of such lands to the City of Oakland, and to convey certain parcels of such lands to the City of Oakland, in furtherance of navigation and commerce and fisheries, and providing for the government, management, use and control thereof, and reserving certain rights to the State.

In effect
September
7, 1955

[Approved by Governor June 17, 1955. Filed with
Secretary of State June 18, 1955.]

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

Grant of
tidelands to
City of
Oakland

SECTION 1. There is hereby granted to the City of Oakland, a municipal corporation, and to its successors, all of the right,

title and interest of the State of California held by said State by virtue of its sovereignty in and to all lands, salt marsh, tidelands and submerged lands, whether filled or unfilled, which are included within that portion of the City of Oakland described as follows:

Beginning at a granite monument located on the section line between Section 29 and Section 30 in Township 2 South, Range 3 West, Mount Diablo Base and Meridian, said section line being also the east boundary line of the City of Alameda, said monument being located 330.00 feet south of the intersection of the northeast corner of Lot 17 in Section 30 and the northwest corner of Lot 24 in Section 29; thence south along said section line a distance of 4,261.61 feet to a point on the southerly boundary line of the tide lots as said tide lots are designated on "Sale Map No. 10 of Salt Marsh and Tide Lands, situate in the County of Alameda, State of California," filed June 9, 1888, in the Office of the County Recorder of Alameda County, in Map Book 17 at page 30, said point being also the true point of beginning of the area to be described; thence along said tide lot line south $69^{\circ} 43' 00''$ east a distance of 5,291.91 feet, to that certain strip of land under a right of way easement, P.R.C. 1411.9, dated July 12, 1954, between the State of California and the City of San Leandro, which land is 300 feet in width and 11,500 feet, more or less, in length, parallel to and immediately adjacent and bayward of the most westerly subdivision line across Sections 32 and 33, Township 2 South, Range 3 West, Mount Diablo Base and Meridian, and Sections 4 and 9, Township 3 South, Range 3 West, Mount Diablo Base and Meridian, as shown on Tideland Commissioners Map No. 1 of Alameda County, dated 1871, filed in the Office of the Division of State Lands in Sacramento, California; thence along the southwest-erly side of said right of way south $73^{\circ} 30' 40''$ west a distance of 52.27 feet; thence south $21^{\circ} 48' 00''$ east a distance of 7,368.17 feet; thence south $33^{\circ} 41' 00''$ east a distance of 4,182.23 feet; thence south $44^{\circ} 00' 00''$ west along a line to its intersection with the western boundary line of the County of Alameda; thence northwesterly along said western boundary line of the County of Alameda to its intersection with the township line between Township 2 South, Range 4 West, and Township 3 South, Range 4 West, Mount Diablo Base and Meridian; thence easterly along said township line to the section line dividing Section 31 and Section 32, Township 2 South, Range 3 West, Mount Diablo Base and Meridian; thence North along said section line a distance of 3,271.63 feet to the true point of beginning.

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

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, terminal buildings, runways, road-

Purposes and conditions
Establishment, etc.,
of harbor,
etc

ways, aprons, taxiways, parking areas and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, maintenance and operation thereon of public buildings and public works and playgrounds, and for public recreational purposes, 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 limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor and airport, and collect and retain rents from such leases, franchises, and privileges. Such lease or leases, franchises, and privileges may be for any and all purposes which shall not interfere with commerce or navigation.

Reservation
of public use
for air and
water com-
merce, etc

(b) That said lands shall be substantially improved by said city within 10 years of the effective date of this act, without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation by water and air, and the State of California shall have at all times, the right to use, without charge, all of the said wharves, docks, piers, slips, quays, terminal buildings, runways, roadways, aprons, taxiways, parking areas and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, maintenance, and operation of public buildings and public works and playgrounds, and for public recreational purposes, on said lands or any part thereof, for any vessel, or other watercraft, or aircraft, or railroad, or road, or highway, owned or operated by the State of California, but the State of California shall pay to the said city just and reasonable compensation for the use and occupation of any improvements to the lands made thereon at the cost of said city or any of its lessees, licensees, assignees or franchise holders; and shall otherwise use and occupy any such improvements upon such terms and conditions as may be agreed upon by the city and the State. To satisfy the city's obligation to improve said lands, the city shall not be required to improve the entire area embraced within the grant, and extensive open areas may be left unimproved in order to provide the necessary protection to landings and take-offs of aircraft on airport runways, and to provide areas for seaplane operations. Said city shall file with the State Lands Commission at the end of such 10-year period a report setting forth to what extent it has improved the lands granted hereunder. The State Lands Commission shall make a determination as to whether the city has during said

10-year period improved said lands or any part thereof as herein required; should the determination be to the effect that the requirements of this act have not been fulfilled, all right, title, and interest of said city in and to all lands granted by this act shall cease, and said lands shall revert and vest in the State.

(c) That in the management, conduct or operation of said harbor or airport, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), 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; provided, however, that nothing herein contained shall prohibit said city from making or entering into franchises, leases, assignments or licenses providing for the exclusive use or occupancy for limited periods (but in no event exceeding 50 years) of those utilities, structures, or facilities which are not capable of use in common with others, or from making or entering into an exclusive contract for the furnishing of services at said harbor or airport.

Discrimination in rates, tolls, etc., prohibited

(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 and airport with the right of convenient access to said waters over said lands for said purpose, together with the right of navigation; provided, that the city may take such measures as may be necessary in the interests of public safety to protect persons from moving vessels and aircraft.

Fishing rights reserved

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine and remove such deposits from said land; provided, that said excepted and reserved rights and powers shall be exercised in a manner not inconsistent or incompatible with the use of said lands by the grantee for purposes of commerce and navigation.

Mineral rights reserved

(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 or for other state purposes, including small boat harbors, 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, etc., rights reserved

SEC. 2. The City of Alameda, a municipal corporation, is hereby empowered to grant to the City of Oakland, a municipal corporation, any of its salt marsh, tide or submerged lands in trust, however, for the same uses and purposes and upon the same conditions that said lands were acquired from the State of California, and such grant from the City of Alameda to the

Authorized grant City of Alameda to the City of Oakland

City of Oakland shall have the same force and effect as if it were made by the Legislature to the City of Oakland in the first instance.

State survey SEC. 3. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the County Recorder of Alameda County, the area of state lands described in this act. Said city shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state lands described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs.

Severability SEC. 4. 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 the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

State grants SEC. 5. Nothing contained in this act shall preclude the city from accepting and retaining any grant of funds from the State made available for the purpose of aiding in the development of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation by air and water.