

## CHAPTER 517.

*An act to amend section one of an act entitled "An act to amend an act entitled 'An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Berkeley, and regulating the management, use and control thereof,' approved June 11, 1913," approved May 27, 1915.*

[Approved May 25, 1919. In effect July 25, 1919.]

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

SECTION 1. Section one of the act entitled "An act to amend an act entitled 'An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Berkeley, and regulating the management, use and control thereof,' approved June 11, 1913," approved May 27, 1915, is hereby amended to read as follows:

Stats. 1915,  
p. 901.

Section 1. There is hereby granted to the city of Berkeley, 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 tidelands and submerged lands, whether filled or unfilled, which are included within the present boundaries of the city of Berkeley, to be forever held by said city and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

Tidelands  
granted to  
Berkeley.

(a) That said lands shall be used by said city and its successors, only for the establishment, improvement and conduct

Use of lands.

Use of  
lands,  
city of  
Berkeley.

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 purposes whatever: *provided*, that said city or its successors may grant franchises thereon, for limited periods, but in no event exceeding fifty 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 fifty years, for the 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.

Improvement  
of harbor.

(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, owned or operated by the State of California.

Rates,  
tolls, etc.

(c) That in the management, conduct or operation of said harbor, or any of the utilities, structures or appliances 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.

Right to fish  
reserved to  
people.

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