

CHAPTER 709

An act conveying certain lands, salt marsh, tidelands, and submerged lands, situate in Alameda County, to the City of Oakland, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, providing for the government, management, use, and control thereof, and reserving certain rights to the State.

In effect
September
11, 1957

[Approved by Governor May 31, 1957. Filed with
Secretary of State June 1, 1957.]

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

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 County of Alameda described as follows:

Beginning at a point at the southeast corner of the boundary of the City of Oakland as said boundary was established by the City of Oakland by Ordinance No. 4550 C.M.S., filed August 9, 1955 in Book 7743 at page 131, Official Records of Alameda County, said point also being the same point as Station No. 4 on that "Map of the Grant to the City of Oakland, Chapter 1028, Statutes of 1955, Vicinity of Oakland, Alameda County, California," prepared by the State of California, State Lands Commission, Division of State Lands, filed June 27, 1956 in Book 40 of Maps at page 43 in the Office of the County Recorder of Alameda County, thence North 44°00'00" East a distance of 307.08 feet along the southeastern boundary line of the City of San Leandro as said boundary was established by the City of San Leandro by Ordinance No. 976 N. S., filed July 29, 1955 in Book 32 of Maps at page 94A in the Office of the County Recorder of Alameda County, to an intersection with a line connecting the northwest corner of Tide Lot 4, Section 9, Township 3 South, Range 3 West, Mount Diablo Base and Meridian and the southeast corner of Tide Lot 12, Section 15, Township 3 South, Range 3 West, Mount Diablo Base and Meridian as said Tide Lots are shown and designated on "Map No. 1 of Salt Marsh and Tidelands, situate in the County of Alameda, State of California" and delineated in the field notes thereof, all on file in the Office of the Department of Finance, State Lands Commission, State of California, the portions of the said line not adjacent to the Estudillo or San Lorenzo Canals are also the southwestern boundaries of the Tide Land Lots as designated on said map; thence southeasterly along said line to the southeast corner of Tide Lot 12 in Section 15, Township 3 South, Range 3 West, Mount Diablo Base and Meridian; thence East along the South

line of Tide Lots 13, 14 and 15 inclusive, in Section 15 to its intersection with the East line of Tide Lot 15, said intersection being the southeast corner of Tide Lot 15 and the southwest corner of Tide Lot 16; thence South 40°00'00" West along a line to an intersection with the western boundary of the County of Alameda; thence northwesterly along said western boundary line of the County of Alameda to an intersection point with the southeastern boundary of the City of Oakland as said boundary was established by the City of Oakland by Ordinance No. 4550 C.M.S.; thence North 44°00'00" East along said southeastern boundary of the City of Oakland to the point of beginning; consisting of 3,000 acres more or less;

Except that there is reserved to the State of California, for the benefit of the City of San Leandro, an easement across the above-described lands, 300 feet in width, for the construction by the City of San Leandro of a sewer outfall beginning at the present terminus of the 11,500-foot easement issued by the State of California to the City of San Leandro, effective July 12, 1954, under P.R.C. 1411.9 and extending through the demised premises to the bayward boundary thereof.

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, an airport or aviation facilities, including but not limited to approach, take-off and clear zone areas for airport runways, and for the construction, maintenance and operation thereon of 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 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 not exceeding 50 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods not 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.

(b) That said lands 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. The city shall not be required to improve said lands since the primary purpose of this grant is to provide the necessary protection to landings and take-offs of aircraft on airport runways, and to provide areas for seaplane operations.

(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 not 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.

(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.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, 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 lands.

(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.

SEC. 2. 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.

SEC. 3. 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.

SEC. 4. 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.
