

CHAPTER 1737

An act authorizing the sale to the Peralta Junior College District of certain salt marsh, tide and submerged lands previously granted in trust to the City of Oakland.

[Approved by Governor July 17, 1965 Filed with
Secretary of State July 23, 1965]

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

SECTION 1. The following salt marsh, tide and submerged lands granted in trust to the City of Oakland by Chapter 390, Statutes of 1909, and Chapter 654, Statutes of 1911, may be transferred, sold and conveyed by the city to the Peralta Junior College District, for the construction, maintenance, development and operation of a junior college; provided, that the transfer, sale and conveyance to the district shall be subject to the trust for navigation, commerce and fisheries; provided, further, that the city or the district shall maintain a channel for the flow of water between Lake Merritt and the Estuary of San Antonio; and provided, further, that any compensation received by the city for such lands shall be used for purposes of general statewide interest. A grant deed or quitclaim deed shall be sufficient to convey title of such lands to the district from the city.

The lands which may be so transferred, sold, and conveyed are all those portions of salt marsh tide and submerged lands granted to the City of Oakland by Chapter 390, Statutes 1909, and by Chapter 654, Statutes 1911, bounded on the northeast by the southwestern lines of 10th Street and/or East 10th Street, as said streets now exist, and on the southwest by the

northern line of the Southern Pacific Company's mainline right-of-way.

SEC. 2. Notwithstanding any other provision of this act, there is hereby excepted and reserved to the state all deposits and minerals, including oil and gas, in the lands designated in Section 1, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

SEC. 3. The district, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the district, or its successors, may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases. Such lease or leases may be for any and all purposes which shall not interfere with commerce and navigation.

SEC. 4. Within 10 years from the effective date of this act, the lands shall be substantially improved by the district without expense to the state, and if the State Lands Commission determines that the district has failed to improve the lands as herein required, all right, title, and interest of the district in and to all lands granted by this act shall cease and the lands shall revert and rest in the state.

Nothing contained in this act, however, shall preclude expenditures for the development of the lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the district, nor by the district of any funds received for such purpose from the state or any board, agency or commission thereof.

SEC. 5. In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the district or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

SEC. 6. The state shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

SEC. 7. There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

SEC. 8. The state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state

for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

SEC. 9. The State Lands Commission shall, at the cost of the district, survey and monument the lands and record a description and plat thereof in the office of the County Recorder of Alameda County.

SEC. 10. The district shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the lands or any improvements, betterments or structures thereon.
