

CHAPTER 685

An act to convey certain tide and submerged lands to the City of San Leandro, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof.

In effect
September
18, 1959

[Approved by Governor May 28, 1959 Filed with
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The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City of San Leandro, a municipal corporation in the County of Alameda, State of California, 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 of the tide and submerged lands bounded and described as follows:

Parcel No. 1

A strip of land, 300 feet in width, and 11,500 feet, more or less, in length, lying in San Francisco Bay, parallel to and immediately adjacent and baywardly of the most westerly subdivision boundary 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 Maps Nos. 1 and 2 of "Salt Marsh and Tide Lands Situate in the County of Alameda", prepared by order of the Board of Tide Land Commissioners, dated 1871, filed in the office of the State Lands Commission in Sacramento and having the following metes and bounds description:

Beginning at the southwest corner of Lot 24 in Section 33, Township 2 South, Range 3 West, Mount Diablo Base and Meridian, as said lot is shown on "Sale Map No. 10 of Salt Marsh and Tidelands, 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, page 30; thence along the westerly boundary line of Tide Lots as they are designated on said map, south $21^{\circ} 48'$ east 7108.20 feet; thence south $33^{\circ} 41'$ east 4085.51 feet; thence south 44° west 307.08 feet; thence north $33^{\circ} 41'$ west 4182.23 feet; thence north $21^{\circ} 48'$ west 7368.17 feet; thence north $73^{\circ} 30' 40''$ east 52.27 feet; thence south $69^{\circ} 43'$ east 334.09 feet to the point of beginning.

Parcel No. 2

All that portion of Mulford Canal lying westerly from the northerly extension of the easterly line of Lot 30 of Section 4, Township 3 South, Range 3 West, Mount Diablo Base and Meridian as shown upon "Map No. 1 of Salt Marsh and Tide Lands, Situate in the County of Alameda", prepared by order of the Board of Tide Land Commissioners, dated 1871.

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 for purposes in which there is a general statewide interest, as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, facilities, buildings, works, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For the establishment, improvement and conduct of an airport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, maintenance and operation thereon of terminal buildings, runways, roadways, aprons,

taxiways, parking areas, and other utilities, facilities, buildings, structures, works and appliances necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(3) For public recreation purposes, and for the establishment, improvement and conduct of utilities, facilities, structures, buildings, works and appliances necessary or convenient for the promotion and accommodation of public recreation.

(b) 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 and other revenues 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; provided, however, that the use of said lands by said city and its successors, or by its lessees or franchise holders, shall not be inconsistent with the use by the City of Oakland, a municipal corporation, for the purposes for which granted, of those certain adjacent lands heretofore granted to said City of Oakland by Chapter 1028, Statutes of 1955 and Chapter 709, Statutes of 1957; and provided, further, that nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to said lands when the title thereto passes to said city hereunder.

(b) That said lands shall be improved by said city without expense to the State, and shall always remain available for public use 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 and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, 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.

(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 with the right of convenient access to said waters over said lands for said purposes.

(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.

(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 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.

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said city without expense to the State, and 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 said lands shall revert and rest in the State.

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.