

CHAPTER 442.

An act granting to the city of Martinez tide and submerged lands of the State of California including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof.

[Approved by the Governor May 23, 1929 In effect August 14, 1929]

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

SECTION 1. There is hereby granted to the city of Martinez, 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 tide and submerged lands whether filled or unfilled, situate in the county of Contra Costa, of the State of California, and described as follows, to wit:

Tidelands
granted to
city of
Martinez.

Beginning at a point on the south shore of the straits of Carquinez in the county of Contra Costa, State of California, at the line of high tide, said point being two thousand four hundred eighty-seven and fifteen hundredths feet north and six thousand eight hundred five and twenty-one hundredths feet west of the quarter corner on the east line of section thirteen, township two north, range three west, Mount Diablo base and meridian, said point also being on the south line of tideland survey number thirty-two as per patent thereof from the State of California, to L. B. Mizner, dated June 14, 1877, as per amended map thereof on file in the office of the state surveyor general and the office of the recorder of the county of Contra Costa, State of California, five hundred seventy-six and thirty-one hundredths feet west of the most easterly corner of said tideland survey number thirty-two; thence running along the south line of said tideland survey, east five hundred seventy-six and thirty-one hundredths feet to the most easterly corner thereof; thence along the line of low tide, south seventy-three degrees fifty-seven minutes fifteen seconds east one thousand four hundred ninety and seventy-seven hundredths feet; thence north eighty-nine degrees twenty-two minutes forty-five seconds east, one thousand seven hundred and eighty-nine hundredths feet to the west line of tideland survey number four produced northerly as per State of California patent thereof to Oliver C. Coffin, dated November 15, 1867; thence running along the west line of said tideland survey number four, south no degrees thirty-seven minutes fifteen seconds east, one thousand three hundred fifty and no one hundredths feet to a point on the line of high tide, and from which point the center of a curve to the right with a radius of six thousand two hundred six and forty-six hundredths feet bears north twenty degrees twenty minutes thirty-six seconds east; thence running along the line of high tide and said curve in a westerly direction, five hundred fifty and

ninety-one hundredths feet; thence, tangent to said curve, north sixty-four degrees thirty-four minutes fifteen seconds west, three thousand five hundred fifteen and fifty hundredths feet; thence on a curve to the left with a radius of five thousand seven hundred seventy-three and sixty-one hundredths feet, and tangent to last mentioned course, forty-six and fifty-six hundredths feet to the point of beginning, containing an area of fifty-two and seventy-two hundredths acres of land, more or less.

Conditions
of grant

SEC. 2. Said lands shall be forever held by said city and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit:

That said land shall be used by said city and its successors solely 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, 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 purpose whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands or any part thereof, for limited periods, for 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, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with reversion to the said city on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however*, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands within the boundary of the city of Martinez shall have a right to obtain a lease for a term of twenty-five years from said city of said lands and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions

of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify.

Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quit-claim to said city any right they or any of them may claim or have to the said lands hereby granted.

This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted.

SEC. 3. 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.

SEC. 4. 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 in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section.

SEC. 5. There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose.