

CHAPTER 233

An act to amend Sections 1 and 4 of Chapter 1336 of the Statutes of 1959, relating to tide and submerged lands.

[Approved by Governor June 30, 1971 Filed with
Secretary of State June 30, 1971.]

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

SECTION 1. Section 1 of Chapter 1336 of the Statutes of 1959 is amended to read:

Section 1. There is hereby granted to the City of Richmond, a municipal corporation in the County of Contra Costa, 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, whether filled or unfilled, more particularly described as follows:

Parcel No. 1—Beginning at Station 344 on the boundary line of San Pablo Rancho, as said boundary line is delineated on that certain map entitled "Map of the San Pablo Rancho, Accompanying and Forming a Part of the Final Report of the Referees in Partition", etc., filed in the office of the Recorder of Contra Costa County, California, March 1, 1894, said station being the point of intersection of courses numbers 6 and 258 of the Meanders of the Water Front, as shown on that certain map entitled "Map No. 1 of Salt Marsh and Tide Lands situate in the County of Contra Costa, State of California 1872", etc., as prepared by order of the Board of Tide Land Commissioners and surveyed under the direction of G. F. Allardt, Chief Engineer of the Tide Land Survey; thence South 60° 22' East along said course No. 6 to Station No. 38 on the boundary line of Brooks Island as shown on said "Map No. 1 of Salt Marsh and Tide Lands", etc.; thence continuing along said meander line in a general easterly direction, being also the southerly boundary line of said Brooks Island to Station No. 3 of said meander line; thence South 75° 30' East continuing along said meander line to its intersection with the southerly boundary line of the City of Richmond and County of Contra Costa as determined by the "Map of Joint Survey of Boundary between the Counties of Alameda and Contra Costa", dated August 1932, on file in the office of the County Surveyor, Contra Costa County, California; thence South 74° 09' 23.3" West along said City and County boundary line 10,498.61 feet, more or less, to the common boundary corner between Contra Costa, Alameda and San Francisco Counties; thence North 44° 59' West along said City and County boundary line as determined by said Joint Survey to its intersection with the U.S. Pierhead line established by the Secretary of the Army in accordance with the provisions of Section 11 of the River and Harbor Act approved March 3,

1899; thence northwesterly along said pierhead line North 21° 17' 02" West to Station No. 35 of San Francisco Bay Harbor Lines and Department of the Army, Corps of Engineers Harbor Lines—Richmond-Albany—Drawing No. 1-4-19, filed in the Office of the Chief of Engineers, Washington, D.C.; thence North 9° 54' 56" East continuing along said pierhead line 1,737.00 feet to Station No. 33 of said Harbor Lines; thence northeasterly in a direct line to the point of beginning.

Containing an area of 1,417 acres, more or less.

Parcel No. 2—Lots 17½ and 32, Section 25, Township 1 North, Range 5 West, Mount Diablo Base and Meridian.

Parcel No. 3—Lots 28, 29, 30, and 31 of Section 30, Township 1 North, Range 4 West, Mount Diablo Base, State Tide Lands in the City of Richmond, Contra Costa County.

Parcel No. 4—Those portions of Lots 3, 4, and 5 of Section 32, and that portion of Lot 31 of Section 29, lying within the city limits of the City of Richmond, County of Contra Costa, all in Township 1, Range 4 West, Mount Diablo Base, State Tide Lands.

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, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays 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 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.

(2) For the protection or enhancement of unique environmental values of said lands, including scenic, historic, natural, recreational, and aesthetic values, preservation and maintenance of open space in furtherance of the protection and enhancement of such values, the establishment, preservation, restoration, improvement, or maintenance of biological reserves and wildlife sanctuaries, and the development of nature study trails and areas, exhibits, and research projects.

(b) That 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 50 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 50 years), for

purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases. Nothing contained in the provisions of this subdivision shall be deemed to affect the validity or term of any franchise granted by said city pursuant to the Franchise Act of 1937 (Chapter 2 (commencing with Section 6201) of Division 3 of the Public Utilities Code) and any such franchise shall be effective with respect to said lands.

(c) That said lands shall be improved, restored, preserved, or maintained 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, railroad, owned or operated by the State of California. The city shall submit any plan which includes a proposal for the restoration, preservation, or maintenance of the lands to the State Lands Commission for its approval, and no action may be taken to implement any such plan until the plan has been so approved.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) The lands herein granted are held upon the express condition that on or before January 1, 1973, said lands shall be substantially improved, restored, preserved, or maintained by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve,

restore, preserve, or maintain 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.

(i) The lands herein granted are held upon the express condition that the general plan which the city is required to submit to the State Lands Commission by January 1, 1973, pursuant to Section 6374 of the Public Resources Code, is approved by the State Lands Commission. In the event that the city's general plan is disapproved by the State Lands Commission at a public hearing, all right, title, and interest of the city in and to all lands granted by this act shall cease and said lands shall revert and rest in the state.

SEC. 2. Section 4 of Chapter 1336 of the Statutes of 1959 is amended to read:

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, restoration, preservation, or maintenance of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation.

SEC. 3. The Legislature finds that certain of the tide and submerged lands granted to the City of Richmond pursuant to Chapter 1336 of the Statutes of 1959 possess unique environmental values of statewide interest, including scenic, historic, natural, recreational, and aesthetic values, and it is the intent of the Legislature by this act to expressly authorize the City of Richmond to protect and enhance such values.
