

CHAPTER 344.

An act granting to the city of Arcata the tide lands and submerged lands of the state within the boundaries of, and within two miles of the boundaries of said city.

[Approved June 11, 1913. In effect August 10, 1913.]

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

SECTION 1. There is hereby granted to the city of Arcata, 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 the following tide lands and submerged lands within the county of Humboldt, State of California, to wit: Commencing at a point south $89\frac{1}{2}$ degrees west 5.91 chains, and south 31 degrees 52 minutes west 16.27 chains from the center of section 32, township six (6) north, range one (1) east of Humboldt meridian, Humboldt county, California, running thence north 250 feet to the south side of a dike; thence 75 degrees west 1,750 feet following the south side of the dike, and crossing Daniels' slough to a point on the section line between sections 31 and 32; thence south 17 degrees west 5.600 feet to a point on the Arcata and Mad River Railroad wharf, as at present maintained; thence south 45 degrees east 1,650

Tide lands
granted to
Arcata.

feet; thence north 80 degrees east 5,750 feet to a point on the west side of the right of way of the Northwestern Pacific Railway Company; thence following the west line of the Northwestern Pacific Railroad Company's right of way to a point in the center of Butchers' slough north 27 degrees fifty minutes west 4,500 feet; thence north 52 degrees and one half (52½) west 6.12 chains; thence north 71½ degrees west 4.05 chains; thence north 53½ degrees west 11.26 chains; thence north 31½ degrees west 2.06 chains to the place of beginning, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within, or within two miles of said city boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express condition, to wit:

Conditions of grant.

a. That said lands shall be used by said city, and by 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 whatsoever; *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;

City may grant franchises for wharves, etc.

Harbor to be improved.

b. That said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor 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, 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;

No discrimination in rates.

c. That in the management, conduct or operation of said harbor, or any of the utilities, structures or appliances, 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 by its successors; reserving, 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.

Right to fish reserved.

Must expend one hundred thousand dollars within five years.

SEC. 2. The foregoing conveyance is made upon the condition that the city of Arcata shall, within five years from the approval of this act, exclusive of such time as said city may be restrained from so doing by injunction issued out of any court of this state or of the United States, and exclusive of

such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes in an amount of money of not less than one hundred thousand dollars, and shall, within five years after the approval of this act, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than one hundred thousand dollars shall be expended thereon within five years from the approval of this act exclusive of the time in this section hereinbefore mentioned. If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed to the city of Arcata shall revert to the State of California.

Lands may
revert to
state.