

CHAPTER 438.

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

[Approved May 21, 1915. In effect August 8, 1915.]

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

Tide lands
granted
Eureka

SECTION 1. There is hereby granted to the city of Eureka, 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 Humboldt, State of California, and described as follows, to wit:

Boundaries

Beginning at the corner common to sections 14, 15, 22 and 23, T. 5 N., R. 1 W., II. M.; thence north between sections 14 and 15, T. 5 N., R. 1 W., H. M. 1,167 24 feet to the United States bulkhead line (established by the United States government for the harbor lines of Humboldt bay) said bulkhead

line being the south line of Arcata channel; thence along said United States bulkhead line N. 68° 37' 20" E. 251.37 feet; N. 62° 49' 05" E. 563.05 feet; N. 54° 30' 36" E. 1,559.20 feet to the end of said bulkhead line as established at present; thence continuing along the low water line of Humboldt bay or the south margin of the Arcata channel N. 57° 54' 36" E. 2,146.31 feet; thence leaving said south margin of Arcata channel and run S 27° 49' 46" E. 2,090.27 feet; thence S 67° 16' W 2,580.85 feet to the end of the present bulkhead line as established along the north margin of Eureka channel by the United States government; thence along said United States government bulkhead line above mentioned S. 65° 02' 57" W. 2,669.85 feet to the section line running between sections 22 and 23, T. 5 N., R. 1 W., H. M.; thence north along said section line 411.35 feet to the point of beginning, containing 189.10 acres: *provided*, that all that portion of land within the above described property conforming to the following description, to wit: All that portion of Woodley island lying east of the section line between sections 14 and 15 and 22 and 23 T. 5 N., R. 1 W., H. M., and claimed by Carson, Ohman and Elsemore, consisting of 14.8 acres, and all that portion of Daby island within the above-mentioned description claimed by Thomas Bair, consisting of 181 acres, shall be excluded from this conveyance, leaving thereby subject to this grant a net acreage of 156.2 acres.

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 lands 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,

Purposes for which held.

Maximum term of lease.

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 boundaries of the city of Eureka, shall have a right to obtain a lease for a term of twenty-five years from said city of said land 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.

Persons
now in
possession.

Quitclaim
to city.

Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quitclaim 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.

State's right
to use docks.

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 discrim-
ination in
rates

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.

Right to fish.

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.