

CHAPTER 225

An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Eureka, including the management, use, and control thereof.

In effect
September
15, 1945

[Approved by Governor May 3, 1945 Filed with Secretary of State
May 3, 1945.]

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

City of
Eureka.
Grant of
tidelands

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 now held by the State of California by virtue of its sovereignty, in and to all lands, salt marsh, tidelands, submerged lands, and swamps and overflowed lands lying on the southerly, easterly and southeasterly side of the thread of the Main Channel and the Arcata Channel as the same now exists in Humboldt Bay, and situated within the following described sections, to wit: All of Secs. 14, 15, 22, 23, 24 and 33; the SW. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of Sec. 13; the SE. $\frac{1}{4}$ of Sec. 16; the E. $\frac{1}{2}$ and the SE. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of Sec. 21; the NW. $\frac{1}{4}$ of Sec. 27; the E. $\frac{1}{2}$ of the NW. $\frac{1}{4}$, the E. $\frac{1}{2}$ of the SW. $\frac{1}{4}$ and the SW. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of Sec. 28; the E. $\frac{1}{2}$ of the NE. $\frac{1}{4}$ and the SE. $\frac{1}{4}$ of Sec. 32; all in T. 5 N., R. 1 W., H. B. & M.; the N. $\frac{1}{2}$ of Sec. 4; the NE. $\frac{1}{4}$ of Sec. 5; all in T. 4 N., R. 1 W., H. B. & M.

Purposes

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, only 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, facilities, 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 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.

(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 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.

SEC. 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Constitutionality