

CHAPTER 1085

An act relating to tide and submerged lands in the Humboldt Bay area in the County of Humboldt.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

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

SECTION 1. As used in this act:

(a) "City" means the City of Eureka or any successor in interest to Eureka tidelands.

(b) "Commission" means the State Lands Commission.

(c) "Eureka tidelands" means those certain tide and submerged lands, whether filled or unfilled, heretofore conveyed to the city upon certain trusts and conditions by Chapter 82 of the Statutes of 1857, Chapter 438 of the Statutes of 1915, Chapter 187 of the Statutes of 1927, and Chapter 225 of the Statutes of 1945.

(d) "Humboldt Bay area" means all of the following described land in the County of Humboldt, referenced to the Humboldt base and meridian:

Sections 25, 26, 27, 34, 35, 36, Township 6 North, Range 1 West, H.B.&M.

Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, 33, Township 5 North, Range 1 West, H.B.&M.

Sections 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, 31, 32, Township 4 North, Range 1 West, H.B.&M.

Sections 5, 6, Township 3 North, Range 1 West, H.B.&M.

Sections 1, 12, 13, 14, 23, 24, 25, 26, 36, Township 4 North, Range 2 West, H.B.&M.

Sections 31, 32, Township 6 North, Range 1 East, H.B.&M.

Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, 31, Township 5 North, Range 1 East, H.B.&M.

(e) "Statutes" means Chapter 82 of the Statutes of 1857, Chapter 438 of the Statutes of 1915, Chapter 187 of the Stat-

utes of 1927, and Chapter 225 of the Statutes of 1945, collectively.

SEC. 2. (a) It is found and declared that portions of the lands within the Humboldt Bay area have been heretofore and shall be improved hereafter in connection with the development of the Humboldt Bay area, and in the process of such development have been filled and reclaimed, are no longer submerged or below the line of mean high tide, and are no longer necessary or useful for commerce, fisheries, or navigation.

(b) The commission shall determine the lands described in subdivision (a) of this section and shall execute and record in the office of the County Recorder of the County of Humboldt appropriate instruments describing such lands. Upon the recording of any such instrument or instruments, together with a certificate that the lands described in such instrument or instruments are above the line of mean high tide and have been found to be no longer necessary or useful for commerce, fisheries, or navigation, the described lands shall be freed of the public use and trust for commerce, fisheries, and navigation. Such determinations shall be made from time to time by the commission on its own initiative or shall be made on the application of the city or any other affected party.

SEC. 3. (a) The city as to Eureka tideland lands, and the commission or any future grantee of tide and submerged lands in the Humboldt Bay area outside of the Eureka tidelands, by such document, quitclaim, or conveyance, and upon the receipt of such considerations as are authorized or described in this act, may convey, release, or quitclaim any portions of such lands described in any instrument recorded pursuant to subdivision (b) of Section 2. There shall be an order of preference as to the persons in favor of which such document, quitclaim, or conveyance may be executed. Such order shall be as follows:

(1) First, to any person claiming present ownership of such property based upon a record chain of title, which chain of title covers a period of 30 years or more immediately preceding the effective date of this act.

(2) Second, to any person who, together with his claimed predecessors in interest, has paid taxes on such property to the County of Humboldt for a period of 30 years or more immediately preceding the effective date of this act.

(3) Third, to such abutting landowner as has the longest common boundary with the property to be conveyed, released, or quitclaimed.

(4) Fourth, to other parties as are approved by the commission.

(b) The city, with the approval of the commission, may settle by agreement, exchange, or quitclaim, any dispute concerning whether or not particular land within the Humboldt Bay area constitutes land in private or proprietary ownership by reason of title traceable to a state or federal patent or grant or other valid source, or rather constitutes Eureka tidelands,

title to which is vested in the city under the provisions of the statutes. In settlement of such disputes the city, with the approval of the commission, may, by such agreement, exchange, or quitclaim, establish boundary or compromise boundary lines between the Eureka tidelands and bordering private or proprietary lands.

SEC. 4. Any consideration to be paid in exchange for any conveyance, release, quitclaim, or settlement under this act shall be determined by the city with the approval of the commission. In determining the adequacy of any such consideration, the city and the commission shall give effect in their evaluation to all factors bearing upon the value, if any, of the public's interest being conveyed, released, quitclaimed, or settled, and the rights, claims, and equities of the person in whose favor the conveyance, release, quitclaim, or settlement is being made and their predecessors in interest. In those cases where the land has been filled or reclaimed or improved, or both, without the expenditure of either state funds or any public moneys held in trust under the terms of the statutes, such lands may be valued by excluding the value of the fill or improvements, or both. Consideration under this act may consist of lands, property, or interests in property, including leasehold interests, easements, moneys, or other things of value given by the transferee or any other person.

SEC. 5. Any portion of lands which passes in title by reason of any conveyance, release, quitclaim, or settlement made under the terms of subdivision (a) of Section 3 shall be freed of the trusts and conditions imposed by the statutes or existing in law by virtue of the previous character of such lands as tidelands.

No lands which lie below the line of mean high tide shall be conveyed, released, or quitclaimed under the provisions of this act, nor shall any such lands be freed by the provisions of this act of the trusts and conditions imposed by the statutes or in existing law by virtue of the character of such lands as tidelands. Any certificate of the commission concerning the character of the lands described in the instruments recorded under the provisions of subdivision (b) of Section 2 of the necessity or usefulness of such lands for commerce, fisheries, or navigation shall be conclusive as to the character of lands declared therein to be above the line of mean high tide and their necessity or usefulness for commerce, fisheries, and navigation.

Any document, quitclaim, or conveyance executed pursuant to the provisions of subdivision (a) of Section 3 shall reserve to the state, all oil, gas, minerals, and other hydrocarbons in any lands found to be Eureka tidelands or other lands which lie below the line of mean high tide, except that no such reservation shall be required if the lands quitclaimed or conveyed are conveyed or quitclaimed in exchange for other lands and such transferor receives the mineral rights in such other lands conveyed to it. The reservations of such rights to minerals, oil,

gas, or other hydrocarbons shall not preclude the conveyance, release, or quitclaim of the right of entry upon the surface of such lands for the purposes of drilling, mining, or extraction of those reserved interests.

SEC. 6. Any conveyance, release, quitclaim, or settlement made pursuant to the provisions of this act shall be made by an appropriate document and approved by the commission.

SEC. 7. (a) All lands or interests in lands which lie below the line of mean high tide and are received as a result of sales or exchanges authorized by this act shall be deemed tidelands. Such lands or interests so received by the city shall be subject to the provisions of the statutes.

(b) All lands or interests in lands which lie above the line of mean high tide and are received as a result of sales or exchanges authorized by this act shall be deemed lands acquired with trust moneys received from tidelands.

(c) All moneys and other things of value, excluding land and interests in land, which are received by the city as a result of sales or exchanges pursuant to this act shall be used only for those trust purposes defined in the statutes.

SEC. 8. The provisions of this act shall not be deemed exclusive with respect to the settlement or litigation of titles and boundaries of lands within the Humboldt Bay area and this act shall not alter or impair the existing procedural or substantive rights or disabilities of any person or entity claiming title to, or an interest in, any lands in the Humboldt Bay area in the defense or prosecution of any proceeding now or hereafter instituted under the laws of this state, nor affect the applicability to such lands of any other provision of law.

SEC. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.
