

CHAPTER 926

An act to amend Section 1 of, and to add Sections 14, 15, and 16 to, Chapter 651 of the Statutes of 1929, relating to tidelands and submerged lands of the City of Los Angeles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1979. Filed with Secretary of State September 22, 1979.]

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

SECTION 1. Section 1 of Chapter 651 of the Statutes of 1929 is amended to read:

Section 1. There is hereby granted to the City of Los Angeles, hereinafter called "city", 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 tidelands and submerged lands, whether filled or unfilled, situated below the line of mean high tide of the Pacific Ocean, within the present boundaries of the city, or of any harbor, estuary, bay or inlet within said boundaries, except as hereinafter provided, to be forever held by the city, and by its successors, in trust for the uses and purposes, and upon the express conditions, following, to wit:

(a) That said lands shall be held by the city, and by its successors, in accordance with the applicable provisions of this act, for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, and in the case of such lands, other than those portions of the tidelands described in Section 138 of Article XI of the Charter of the City of Los Angeles, held for those purposes specified in Section 3 of this act.

(b) Except as otherwise provided in this act, the 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 the city, or its successors, may grant franchises and permits thereon for limited periods, in any event not to exceed 50 years, for purposes in connection with, or for the promotion and accommodation of commerce, navigation, fishery, and for any purpose specified in Section 3 of this act, and may lease said lands, or any part thereof, for limited periods, in any event not to exceed 50 years, for any and all purposes which shall not interfere with the trusts upon which said lands are held by the State of California;

(c) That said tide and submerged lands shall be improved by the city without expense to the state, and any harbor constructed thereon 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 by the city on said

lands, or any part thereof, for any vessel or other watercraft, or railroad, owned or operated by the State of California;

(d) That in the management, conduct or operation of any such harbor, or of any of the utilities, structures or appliances constructed in connection therewith 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 the city, or by its successors;

Reserving, however, in the people of the State of California, the absolute right to fish in said waters, with the right of convenient access to said waters over said lands for said purposes. The grant herein made shall not include those tidelands or submerged lands within those certain areas known as the Westgate addition acquired by the City of Los Angeles by annexation on June 14, 1916, or the Santa Monica canyon addition acquired by the City of Los Angeles by annexation on April 28, 1925, or the Venice addition acquired by the City of Los Angeles by consolidation on November 25, 1925.

SEC. 2 Section 14 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 14. The city may establish the ordinary high-water mark or the ordinary low-water mark of any of the lands hereby granted, by agreement, arbitration, or action to quiet title, whenever the city deems it expedient. Any establishment of an ordinary high-water mark or ordinary low-water mark by arbitration or agreement shall not be effective until approved by the State Lands Commission.

SEC 3. Section 15 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 15 (a) Whenever it shall appear to the city to be expedient and in the best interests of the state for the settlement of boundary and title disputes or for carrying out the purposes set forth in Sections 1 and 3 of this act, and it further appears that no substantial interference with the trust uses and purposes would ensue, the city may exchange with any state agency, political subdivision, person, entity or corporation, or the United States, or any agency thereof, lands for lands of equal or greater value located within the area described as follows:

That certain parcel of land situated in the "Wilmington District" of the City of Los Angeles, County of Los Angeles, State of California, more particularly described as follows:

Beginning at the intersection of the centerline of Anaheim Street with the northwesterly line of Alameda Street; thence easterly along the centerline of Anaheim Street to its intersection with the boundary line common to the City of Los Angeles and the City of Long Beach; thence southeasterly and southwesterly along the common boundary line to an angle point approximately on the south line of the Cerritos Channel; thence northwesterly along a straight line to the intersection of easterly prolongation of the south line of C Street with the northwesterly line of Alameda Street; thence northeasterly along the northwesterly line of Alameda Street to the

point of beginning. Any lands so acquired shall have the same status as to administration, control, and disposition as the lands for which they were exchanged.

(b) No such exchange shall be effective unless and until the State Lands Commission

(1) Finds that the lands to be acquired by the city are of equal or greater value than the lands for which they are to be exchanged.

(2) Approves the exchange.

(c) The lands exchanged by the city may be improved, filled, and reclaimed by the recipient thereof subject to all necessary approvals by local, regional, state, or federal entities. Upon the adoption of a resolution by the State Lands Commission finding and declaring that such lands have been improved, filled, and reclaimed, and have thereby been excluded from the public channels and are no longer available, useful, or susceptible of being used for navigation, fishing, and for other trust uses and purposes, and are no longer in fact tidelands or submerged lands, such lands shall thereupon be free from the public trust upon which they were held.

(d) Exchanges made pursuant to this section are hereby found to be of statewide significance and importance, and, therefore, any provision of any law, regulation, charter, or statute inconsistent with this section shall not be applicable to such exchange.

SEC 4. Section 16 is added to Chapter 651 of the Statutes of 1929, to read.

Sec 16 The provisions of Section 6359 of the Public Resources Code shall not apply to this act.

SEC 5 The Legislature affirms and finds that Chapter 651 of the Statutes of 1929 amended and superseded the provisions of Chapter 656 of the Statutes of 1911.

SEC 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A controversy has arisen over whether title to certain lands is in the City of Los Angeles by virtue of the grant of tidelands and submerged lands pursuant to Chapter 651 of the Statutes of 1929, as amended, or is in private ownership, clouding the title to such lands. This controversy is preventing the immediate expansion of port facilities which will further tide and submerged lands trust purposes and provide additional employment. A resolution of this matter is possible if an agreement can be immediately concluded. The authority created by this act is required for such an agreement to be implemented.

For the foregoing reasons, it is necessary that this act take effect immediately.