
CHAPTER 1285

An act to amend Section 1 of Chapter 800, Statutes of 1957, relating to tide and submerged lands within the Bolinas Harbor District.

[Approved by Governor August 13, 1968 Filed with
Secretary of State August 13, 1968]

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

SECTION 1. Section 1 of Chapter 800 of the Statutes of 1957 is amended to read:

Section 1. There is hereby granted to the Bolinas Harbor District, hereinafter called "district," a political subdivision

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, tide-lands, submerged lands, and swamp and overflowed lands in Bolinas Bay situated and lying within the boundaries of the Bolinas Harbor District as such boundaries exist on the effective date of this act.

To be forever held by said district, 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 district, and its successors, for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, 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 by air as well as by water, and for the construction, maintenance and operation thereon of public buildings and public parks and playgrounds, and for public recreational purposes, and said district, or its successors, shall not at any time, grant, convey, give or alien said lands, or any part thereof, except dredged or other materials, such as earth, clay, sand, gravel, mud and silt, removed in connection with the creation, maintenance or operation of the harbor and other objects herein contemplated, to any individual, firm or corporation for any purposes whatsoever; provided, that said district, 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 such public uses and 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, and collect and retain rents from such leases, franchises and privileges. Any revenue derived by the district from the sale of dredged or other materials removed in connection with the creation, maintenance or operation of the harbor and other objects herein contemplated shall be used by the district in furtherance of the trust uses and purposes.

(b) That said lands shall be substantially improved by said district prior to July 6, 1971 without expense to the state, and shall always remain available for public use for all purposes consistent with the trust under which the state holds sovereign lands, 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 other watercraft or aircraft, or railroad, owned or operated by the State of California. If the State Lands Commission determines that the district has failed prior to July 6, 1971 to improve said

lands as herein required, all right, title, and interest of said district in and to all lands granted by this act shall cease and said lands shall revert and vest in the state. The district shall develop a harbor development plan. In connection therewith the district shall jointly meet and hold public hearings with the Marin County Board of Supervisors. The district shall submit the proposed plan to the board of supervisors for its approval. The district shall not proceed with the development of the harbor until the proposed plan has been approved by the board of supervisors. The board of supervisors shall approve or disapprove the proposed plan within 30 days after the proposed plan is submitted to it. If the proposed plan is disapproved by the board of supervisors, a revised plan may be developed in the manner provided in this subdivision for the development of the original plan.

In the event the board of supervisors fails to act within 30 days such failure shall be deemed to be automatic approval of the plan.

(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 district 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 together with the right of navigation.

(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, but this exception and reservation shall not apply to dredged or other materials, such as earth, clay, sand, gravel, mud and silt removed in connection with the creation, maintenance or operation of the harbor and other objects herein contemplated.

(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 district, 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.