

CHAPTER 178

An act to add Section 2 to Chapter 83 of the Statutes of 1923, relating to salt marsh, tide and submerged lands granted to the City of San Rafael, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1967 Filed with
Secretary of State May 23, 1967]

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

SECTION 1. Section 2 is added to Chapter 83 of the Statutes of 1923, to read:

Sec. 2. (a) It is found and determined that the following described lands within the City of San Rafael, herein referred to as Parcel No. 1, lie above the line of mean high tide, are no longer necessary or useful for commerce, fisheries and navigation, and are hereby freed from the public use and trust for harbors, commerce, fisheries and navigation to the extent such may have existed as to any of such lands enclosed within the following boundaries:

Parcel No. 1.

Beginning at Station 20 of the Meanders of the San Rafael Canal, as said station is shown on "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Marin, State of California 1870" prepared by Order of the Board of Tide Land Commissioners; thence, along the Meanders of said Canal, North 24°42'21" West 10.786 feet to the True Point of beginning; thence, continuing North 24°42'21" West 319.210 feet to Station 21; thence, North 23°32'39" East 275.077 feet to a point; thence, crossing said Canal, South 39°15'00" East 70.681 feet to a point on the line between Stations 33 and 34 of said Canal; thence, along the Meanders of said Canal, South 23°47'39" West 195.653 feet to Station 34; thence, South 24°42'21" East 206.605 feet to a point; thence, across said Canal, South 13°19'40" West 124.062 feet to the True Point of Beginning.

(b) The City of San Rafael is hereby authorized to exchange Parcel No. 1, described above in subdivision (a) hereof, for the following parcel, herein referred to as Parcel No. 2:

Parcel No. 2.

Beginning at Station 35 of the Meanders of the San Rafael Canal, as said station is shown on "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Marin, State of California 1870" prepared by Order of the Board of Tide Land Commissioners; thence, along the Meanders of said Canal, North 24°42'21" West 96.995 feet; thence, leaving last said line, North 13°19'40" East 284.924 feet; thence, North 39°15'00" West 115.531 feet to a point on the line of said Canal between Stations 33 and 34; thence, along last said line, North 23°47'39" East 79.745 feet to a point; thence, leaving last said line, South 39°15'00" East 184.762 feet;

thence, South 13°19'40" West 405.173 feet to a point on the line of the aforementioned Canal between Stations 35 and 36; thence, along last said line, North 38°57'21" West 12.272 feet to Station 35 and the Point of Beginning.

(c) Parcel No. 2, described in subdivision (b) hereof, shall be considered as a substitute area for the alignment of San Rafael Canal as described in Parcel No. 1, described in subdivision (a) hereof, and said substitute alignment of said San Rafael Canal shall be considered to be administered in the same manner and subject to the same trust, provisos, and reservations as apply to the lands granted to the city by Section 1 of this act.

(d) All lands subject to the trust under this act shall be subject to the following additional conditions:

(1) Within 10 years from the effective date of this act, the lands shall be substantially improved by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve the lands as herein required, all right, title, and interest of the city in and to the lands shall cease and the lands shall revert and rest in the state.

In making its determination as to whether such lands have been substantially improved, the commission shall take into consideration the existing improvements made by the city to such lands.

(2) There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

(3) The lands are subject to the express reservation and condition that the state may at any time in the future use the 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, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(4) The State Lands Commission shall, at the cost of the city, survey and monument the lands and record a description and plat thereof in the office of the County Recorder of Marin County.

(5) The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the lands or any improvements, betterments or structures thereon.

SEC. 2. 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