

CHAPTER 137.

An act granting certain overflowed lands, marsh lands, tidelands, and submerged lands of the State of California to the Carmel sanitary district.

[Approved by the Governor April 17, 1929 In effect immediately.]

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

Grant of
tidelands to
Carmel sani-
tary district

SECTION 1. There is hereby granted to the Carmel sanitary district, a sanitary district 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 the overflowed lands, marsh lands, tidelands, and submerged lands, whether filled or unfilled, at and about the mouth and estuary of the Carmel river, between the United States meander line and the northern boundaries of certain Spanish land grant lands, said sovereign lands of the State of California being more particularly described as follows, to wit: Beginning at a post, said post being a witness corner between sections eleven (11) and fourteen (14), township sixteen south, range one west, Mount Diablo meridian, said post further being the intersection between said section line and said United States meander line; thence along said United States meander line in a westerly and southerly direction to the north bank of the Carmel river at or near the mouth of said river; thence in an easterly direction along the north bank of the Carmel river along said United States meander line to the intersection of said meander line and the north boundary line of the Spanish land grant lands of the Rancho el Portrero, and Rancho San Jose y sur Chiquito; thence westerly following said north boundary of said Spanish land grant lands along the south bank of the Carmel river to the mouth of the Carmel river; then westerly and southerly for a distance of three thousand feet; thence due west into Pacific ocean to the intersec-

tion of said line and the twenty fathom line; thence northerly along said twenty fathom line to the point of the intersection of said twenty fathom line and the westerly prolongation of the said section line between sections eleven (11) and fourteen (14) as hereinabove described; thence along said line in an easterly direction to the point of beginning; all said lands being sovereign lands of the State of California.

SEC. 2. None of said lands shall be used or devoted to any purpose other than for necessary and convenient sanitary facilities, said uses to conform in principle and in practice to the rules and regulations of the board of health of the State of California; and for other public uses not inconsistent with the terms of this grant as may from time to time arise; and said Carmel sanitary district and its successors, shall not at any time grant, convey or alien said lands, or any portion thereof, to any person, firm or corporation for any purpose whatsoever; *provided, however*, that nothing contained herein shall be so construed as to prevent the granting or use of franchises, or leases, of limited duration for rights of way in, under, over, or across said lands for power, telephone, telegraph, or cable lines, or for other public purposes consistent with the trust under which these lands are granted and held.

Conditions
and restric-
tions

SEC. 3. Any improvement to, or upon said lands shall be made by the Carmel sanitary district without expense to the State of California, and such improvements shall always remain for public purposes, and for none other; and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays, or other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad owned and operated by the State of California.

Improve-
ments

SEC. 4. In the management, conduct, and use of said lands, or of the improvements thereto or thereupon, or of any of the utilities, appliances or structures placed thereon, no discrimination in the rates, tolls, or charges or in the use, or service in connection therewith, shall ever be made, authorized, or permitted by the said Carmel sanitary district, or by its successors.

Discrimina-
tions
prohibited

SEC. 5. The absolute right to fish in the waters of the Pacific ocean over said lands, with the right of convenient access to said waters over said lands, for said purpose, is hereby expressly reserved to the people of the State of California.

Reservation
of fishing
rights.

SEC. 6. The provisions of this act shall be liberally construed both as to the provisions specifically set forth herein, and those which are necessary and incident thereto, and which it would be competent for the act to set forth specifically and in detail, to effect and promote the objects thereof. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have

Construction.

Constitution-
ality.

passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Urgency
measure.

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the constitution of the State of California and shall take effect immediately.

The facts constituting such an urgency are as follows:

The lands mentioned in section 1 hereof are needed by the Carmel sanitary district for additions to and development of its disposal plant, to take care of sewage within the thickly populated territory of the district, and if such sewage is not taken care of promptly, the lives and health of the citizens residing therein will be menaced and endangered.