

CHAPTER 2064

An act conveying in trust certain tidelands and submerged lands lying under the waters of the Pacific Ocean to the City of Carlsbad in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof, and reserving rights to the State.

[Approved by Governor July 23, 1963 Filed with
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The people of the State of California do enact as follows:

SECTION 1. There is hereby granted and conveyed in trust to the City of Carlsbad (hereinafter referred to as the "city") in the County of San Diego, State of California, all the right, title and interest of the State of California (hereinafter referred to as the "State"), except as hereinafter reserved and upon the conditions specified herein, held by said State by virtue of its sovereignty in and to all of the certain tide and submerged lands under the waters of the Pacific Ocean, whether filled or unfilled, which are described as follows and referred to hereinafter as "granted lands":

Beginning at the point of intersection of the northern city limit of the City of Carlsbad and the ordinary high water mark of the Pacific Ocean; thence extending out into the Pacific Ocean at a 90 degree angle from the general direction of the shore in the vicinity of said northern city limit for three statute miles to a point; thence in a southeasterly direction parallel to the ordinary high water mark to a point on a line drawn at a 90 degree angle from the general direction of the shore at the intersection of the southern city limit and the ordinary high water mark; thence along said line drawn at a 90 degree angle from the general direction of the shore to the intersection of the ordinary high water mark with the southern city limits; thence northwesterly following the ordinary high water mark to the point of beginning.

SEC. 2. The city shall have and there is hereby granted to it and its authorized agents and lessees the right to make within and upon the granted lands, or within and upon the granted lands in combination with neighboring lands of the city, all improvements, betterments and structures of every kind and character proper, needful, useful, convenient or incidental to and for the development of commerce, navigation and fisheries, including, without limiting the generality of the foregoing, the following:

(a) The establishment, improvement and conduct of a harbor, and the construction, reconstruction, repair and maintenance of works and facilities incidental to a harbor;

(b) The construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, beltline railroads and other transportation facilities or betterments incidental to a harbor;

(c) The construction, reconstruction, repair and maintenance of small boat harbors, marinas, aquatic playground and similar recreational facilities, together with structures and facilities incidental thereto;

(d) The construction, reconstruction, repair and maintenance of wharves, docks, piers, warehouses, and commercial and industrial buildings, plants and facilities.

SEC. 3. No grant, conveyance or transfer of the granted lands or any part thereof shall be made by the city and the city shall continue to hold the granted lands in trust and the whole thereof unless the same revert or be receded to the State of California.

The city may, however, lease the granted lands, or any part thereof, and any utilities, structures, improvements or appliances thereon, for periods not to exceed 50 years, or such greater periods as may be permitted by general law, for purposes consistent with the trusts upon which the granted lands are held by the State of California and with the requirements of commerce and navigation at said harbor. Any such lease made by the city shall contain, in addition to terms and conditions deemed desirable or necessary by the city, the following provisions:

(a) The lease may be terminated by the city upon violation of any of the provisions of the lease by the lessee; and

(b) Neither the lease nor the leased premises may be assigned, transferred or sublet without the prior written consent of the city.

SEC. 4. The granted lands shall be improved and all improvements, betterments and structures thereon shall be made or erected by the city or its authorized agents or lessees, without expense to the State of California; provided, however, that nothing contained in this act shall preclude the city from accepting and expending any grant of funds from the State of California for the development of the granted lands for any public purpose not inconsistent with the trusts for commerce, navigation and fishery. In the management, conduct, operation and control of the granted lands or any improvements, betterments or structures thereon, the city and its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

This grant is made upon the express condition that within 10 years from the effective date of this act the granted lands shall be substantially improved by the city without expense to the State and that if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and all said right, title

and interest in the granted lands shall revert and rest in the State.

SEC. 5. Except as provided in Section 7 hereof, the city shall have the right hereunder to all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon, from and after the effective date of the grant, and the city may use such rents, revenues, issues and profits for any purpose or use set forth in Section 2 hereof, including the payment, refunding or discharge of any indebtedness incurred or sustained by the city in connection with any such purpose or use.

SEC. 6. There is hereby reserved to the people of the State of California the right to fish in the waters upon the granted lands with the right of convenient access to said waters over the granted lands for said purpose.

SEC. 7. There is hereby excepted and reserved to the State of California the following:

(a) All deposits of minerals, including oil and gas in said land, together with the right of the State of California or persons authorized by the State of California to prospect for, mine and remove such deposits from the granted lands;

(b) The right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the granted lands for any vessel or other watercraft or railroad owned or operated by the State of California;

(c) The right at any time in the future to use the granted lands or any portion thereof for highway purposes without compensation to the city, its successors, or any person, firm or public corporation claiming under it, except as to improvements, betterments or structures made or erected within or upon the portions of the granted lands so used by the State for which compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures so used or the damages to such interest.

SEC. 8. In the event of a violation of any of the provisions of this act, the granted lands and the whole thereof shall revert to the State of California.

SEC. 9. The State Lands Commission shall, at the expense of the city, survey and monument the granted lands, prepare a metes and bounds description and plat of the granted lands, and record such description and plat in the office of the County Recorder of San Diego County.

SEC. 10. 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 this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.