

An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of Chula Vista in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof, the construction and maintenance of improvements thereon, and the disposition and expenditure of revenue therefrom, and reserving rights to the State and repealing Chapter 120 of the Statutes of 1925, Chapter 184 of the Statutes of 1947 and Chapter 593 of the Statutes of 1953.

In effect
September
18, 1959

[Approved by Governor May 29, 1959 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 Chula Vista (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 held by said State by virtue of its sovereignty in and to all of those certain tide and submerged lands in and underlying San Diego Bay, whether filled or unfilled, bordering upon, under or lying between the ordinary high water mark fronting on the city and the pierhead line in said bay as the same was established by the Federal Government pursuant to recommendation of the Department of the Army, Office of the Chief of Engineers, dated April 21, 1958, as approved by the Secretary of the Army on April 24, 1958, and between the northern and southern boundary lines (and westerly prolongations thereof) of the city (hereinafter referred to as the "granted lands").

SEC. 2. The city shall have and there is hereby granted to it and its authorized agents and lessees the right to make with and upon the granted lands or upon the granted lands and abutting or 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 any character shall be made by the city of the granted lands or any part thereof, 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 of 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. Any such lease made by the city shall contain, in addition to terms and conditions deemed desirable or necessary by the city, the following:

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

(b) Provision that the lease and the leased premises shall not 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 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.

These lands are held upon the express condition that within 10 years from the effective date of this act said 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 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 said 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, 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 on which the granted lands may front 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 with, in 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 cost of the city, survey and monument the granted lands and record a description and plat thereof 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.

SEC. 11. Chapter 120 of the Statutes of 1925, Chapter 184 of the Statutes of 1947, Chapter 593 of the Statutes of 1953,

and all laws or portions thereof dealing with the granted lands or the city's ownership thereof which are in conflict with the provisions of this act are hereby repealed.
