

CHAPTER 46.

An act conveying certain tide lands and lands lying under inland navigable waters, situate in the bay of San Diego to the city of National City, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

[Approved April 27, 1923.]

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

WHEREAS, Since the admission of California into the union, all tide lands along the navigable waters of this state and all lands lying beneath the navigable waters of the state have been and now are held in trust by the state for the benefit of all the inhabitants thereof for the purpose of navigation, commerce and fishing; and

WHEREAS, It is the duty of the state to govern, administer and control such lands and to improve and develop navigation, commerce and fishing thereon and thereover; and

WHEREAS, The state has not the general power of alienation of such lands, but may, when the interests of commerce, navigation and fishing require it, convey to municipalities limited and defined areas of such lands with the power to govern, control, improve and develop the same in the interests of all the inhabitants of the state; and

WHEREAS, The conveyance to the city of National City of the lands hereinafter described, together with the right to govern, control, improve and develop the same will result in great advantage and benefit to all the inhabitants of the state; it is provided:

SECTION 1. There is hereby granted and conveyed to the city of National City, in the county of San Diego, State of California, all of the lands situate on the city of National City side of said bay, lying and being between the line of mean high tide and the pier head line in said bay, as the same has been or may hereafter be established by the federal government, and between the prolongation into the bay of

Lands
granted to
National
City.

San Diego to the pier head line of the boundary line between the city of National City and the city of San Diego, and the prolongation into the bay of San Diego to the pier head line of the northerly line of the street commonly known as Thirtieth street, same being the southerly boundary of the city of National City, California.

Use of
lands.

SEC. 2. The city of National City shall have and there is hereby granted to it the right to make upon said premises all improvements, betterments and structures of every kind and character, proper, needful and useful for the development of commerce, navigation and fishing, including the construction of all wharves, docks, piers, slips, and the construction and operation of a municipal belt line railroad in connection with said dock system.

Lands not
to be
alienated.

SEC. 3. No grant, conveyance or transfer of any character shall ever be made by the city of National City of the lands described in section one, or of any part thereof, but the said city shall continue to hold said lands and the whole thereof unless the same revert or be reeded to the State of California. The harbor of National City shall remain always a public harbor and the said city shall never charge or permit to be charged on any of the premises by this act conveyed any unreasonable rate or toll, nor make nor suffer to be made any unreasonable charge, burden or discrimination. In the event of a violation of any of the provisions of this act, the said lands and the whole thereof shall revert to the State of California.

Harbor to
be public.

Leases.

SEC. 4. The city of National City may lease for a term not exceeding twenty-five years any wharves, docks or piers constructed by it, and all such leases so executed shall reserve to the board of trustees of the city of National City, the right and privilege, by ordinance, to annul, change or modify such leases upon the violation of any of the provisions thereof by the lessee as in its judgment may seem proper. The aggregate amount of all wharves, docks and piers so leased by said city shall never exceed seventy-five per cent of all the wharves, docks and piers actually constructed.

Limitation
and
restrictions.

SEC. 5. The city of National City, may lease not to exceed an aggregate of seventy-five per cent of the lands conveyed to it by this act, for a term not to exceed twenty-five years and upon which wharves, docks or piers have not been actually constructed, and, except by consent of the board of trustees of the city of National City under an ordinance of such board duly adopted, such leases shall not be assignable or transferable, nor shall any lessee have the right to sublet the leased premises or any part thereof without such consent.

Use by
state

SEC. 6. The state hereby reserves unto itself at all times the reasonable use of and access to all wharves, docks, piers, slips and quays hereafter constructed under the provisions of this act, for any vessel or water craft owned, leased or operated by the state.