

CHAPTER 676.

*An act to amend sections four, five and six of an act, entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911.*

[Approved June 8, 1915 In effect August 8, 1915]

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

SECTION 1. Section 4 of an act of the legislature of the State of California, entitled, "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof" approved May 1, 1911, is hereby amended to read as follows:

Sec. 4. The city of San Diego may lease for a term not exceeding fifteen years any wharves, docks, piers, or bulkhead piers constructed by it, and may grant franchises or privileges for wharves, docks, piers or bulkhead piers to be erected by others than said city for a term not exceeding fifteen years, except as otherwise hereinafter provided in section 5, and all such leases, franchises or privileges shall be authorized by ordinance of said city and shall reserve to the common council and the people of the city of San Diego the right and privilege by ordinance of said city to annul, change or modify such leases, franchises and privileges as in their judgment may seem proper upon paying said lessee or holder of said franchise or privilege reasonable compensation for damages occasioned by such modifications, amendments, or repeal. The aggregate amount of all wharves, docks, piers, or bulkhead piers, leased by said city after construction by it shall never exceed seventy-five per cent of all the wharves, docks, piers or bulkhead piers actually constructed by it.

San Diego may lease wharves

Not to exceed 75 per cent

SEC. 2. Section 5 of said above entitled act is hereby amended to read as follows:

Sec. 5. The city of San Diego may lease lands granted and conveyed to it by this act under the following restrictions and conditions:

Restrictions on land leases

(a) All that portion of the said lands lying on the shores of the bay of San Diego, between a prolongation into the bay of San Diego of the south line of Laurel street and the prolongation into the bay of San Diego of the northerly line of the United States military reservation on Point Loma, and also that portion of said lands lying between a prolongation into the bay of San Diego of the easterly line of Twenty-eighth street, and a prolongation into the bay of San Diego, of the

Term of 50 years

boundary line between the city of San Diego and the city of National City, which shall not have been developed or improved by the city of San Diego at the date of such leasing may be leased by the said city in such areas as, in the judgment of the common council of said city of San Diego, may seem proper, and for a term not to exceed fifty years; *provided, however*, that said city may have the right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases. Every such lease shall provide for the payment of rentals to the city of San Diego, which said rentals shall be either an agreed per cent of the gross earnings derived from the leased lands, or shall be fixed upon a basis of the valuation of such lands. In the event that the rental is an agreed per cent of the gross earnings, the lease shall provide a method for ascertaining and determining from time to time during the term, such gross earnings. In the event that the rentals shall, by any such lease, be provided to be fixed upon the basis of the valuation of the leased lands, then in such event the lease shall provide a method for ascertaining at stated periods during the term, the reasonable value of the leased lands, and in all cases in which the rental is provided to be fixed upon the basis of the valuation of the leased lands, then in such event the lease shall provide a method for ascertaining at stated periods during the term, the reasonable value of the leased lands, and in all cases in which the rental is provided to be fixed upon the basis of the value of the leased lands, the lease shall provide for the payment of a certain per cent of such value ascertained in the manner provided by the lease, and such per cent shall be the rental to be paid until a different valuation is fixed; *provided, however*, that there shall be no revaluation of any leased lands for the purpose of fixing the rentals oftener than once every ten years. Said leases shall also provide that at no time during their terms shall the said city of San Diego be required to make any improvements on or for the benefit of the leased lands. The lessees named in such leases shall have the right to sublet the said lands, or any part thereof, which sub-leases shall be subject to the same conditions and restrictions as the original and each lease executed by the city shall contain provisions to this effect. The said city of San Diego may grant wharf franchises for wharves adjoining and extending into the bay from the above mentioned territory for terms, not to exceed in duration the terms of the leases on the adjacent lands, and the right to regulate and control the waters of the harbor adjacent to said leased land and to fix reasonable rates and tolls for the use of such wharves and docks abutting or adjoining such leased lands, shall be reserved to the city of San Diego and the State of California. Said lease or leases shall provide that a sum of money be expended upon the improvement of said lands by the said lessee or lessees within a

Rentals

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reasonable time and said lease or leases shall contain provisions fixing the amount of money to be so expended and the time within which it shall be spent. The city may place such further restrictions or conditions in such leases and franchises when granted as do not conflict with the terms of this act and all grants of leases or franchises shall be authorized by ordinance.

(b) All the remaining portions of the said lands may be leased for a term not to exceed twenty-five years with a right reserved to the city to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases at the expiration of said term or to renew such lease for a further term not to exceed twenty-five years, and no such lease shall be for a larger area than forty acres, and 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 the consent of the common council by ordinance duly adopted, and all such leases so executed shall reserve to the common council and the people of the city of San Diego the right and privilege by ordinance to annul, change, or modify such leases as in their judgment may seem proper upon paying to said lessee reasonable compensation for damages occasioned by such annulment, change or modification.

Term of 25 years

(c) The city of San Diego shall reserve over the lands mentioned in sections (a) and (b) a continuous right of way for a municipal belt line of railway tracks which right of way shall be not less than one hundred feet in width and shall be so located as to practically parallel the United States bulkhead line, and no lease, franchise or privilege shall be granted upon any of the lands mentioned in said sections (a) and (b) that will in any way interfere with said right of way unless there be reserved in said lease, franchise or privilege to the city a right of way for said railroad of not less than one hundred feet in width.

Right of way reserved

SEC. 3. Section 6 of said above entitled act is hereby amended to read as follows:

Sec. 6. The foregoing conveyance is made upon the condition that the city of San Diego, shall, within twelve months from the approval of this act, exclusive of such time as said city may be restrained from so doing by injunction issued out of any court of this state or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes in an amount of not less than one million dollars, and shall within eighteen months after the approval of this act, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than one million dollars shall be expended thereon within five years from the original approval of this act exclusive of the time in this

Improvement bonds to be issued

section hereinbefore mentioned. The said harbor improvement work shall be so done and performed that accommodation will be furnished and maintained for ocean going vessels of the largest class, and a depth of water shall be obtained and maintained at the piers of not less than thirty-five feet. If said bonds be not issued or said work be not prosecuted and completed as and in the manner herein provided, then the lands by this act conveyed to the city of San Diego shall revert to the State of California.

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