

CHAPTER 142

An act granting certain lands, tidelands and submerged lands of the State of California to the City of San Diego upon certain trusts and conditions.

[Approved by Governor April 27, 1945 Filed with Secretary of State
April 28, 1945]

In effect
September
15, 1945

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

SECTION 1. There is hereby granted to the City of San Diego, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California, held by said State by virtue of its sovereignty, in and to all tidelands and submerged lands whether filled or unfilled in or adjacent to Mission Bay or its entrance, and also all the right, title and interest of the State of California in the following described parcels of land previously granted to the State of California by the Mission Beach Company on January 15, 1936, and recorded in Book 530, Page 10, on file in the office of the County Recorder of San Diego County, California:

City of San
Diego Grant
of Tidelands
etc

Parcel A: A parcel of land lying along the shore line on the east line of Mission Beach; beginning at the intersection of the northerly boundary line of San Fernando Place produced easterly and the easterly boundary line of Bayside Walk, as shown on the official map of Mission Beach and filed in the county recorder's office as Map 1809; thence in a southerly direction along the easterly side of Bayside Walk to the northerly line of San Diego Place; thence northeasterly along the northerly line of San Diego Place produced to the intersection of the mean high tide line as shown on the official map approved by the State Board of Harbor Commissioners for the Bay of San Diego, March 4, 1926, and filed in the county recorder's office as Misc. Map 72; thence in a northerly direction along the mean high tide line to a point at the intersection of the mean high tide line with the northerly line of San Fernando Place produced easterly; thence southwesterly along the said northerly line of San Fernando Place produced to the point of beginning.

Parcel B: A parcel of land lying along the shore line on the east side of Mission Beach; beginning at the intersection of the southerly boundary line of Ventura Place produced easterly and the easterly line of Bayside Walk, as shown on the official map of Mission Beach, filed in the county recorder's office as Map 1809; thence in a northerly direction along the easterly boundary line of Bayside Walk to the center line of Verona Court produced easterly; thence in a northeasterly direction along the center line of Verona Court produced easterly to the

intersection of the mean high tide line, as shown on the official map approved by the State Board of Harbor Commissioners for the Bay of San Diego, March 4, 1926, and filed in the county recorder's office as Misc. Map 72; thence in a southerly direction along the said mean high tide line to the intersection of the mean high tide line with the southerly boundary line of Ventura Place produced easterly; thence in a southwesterly direction along the southerly boundary line of Ventura Place produced to the point of beginning.

Conditions
of trust

To be forever held by said city, and by its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and by its successors solely for the purpose of establishing, improving and conducting a harbor for small boats and for the construction, maintenance and operation thereon of wharves, structures and appliances necessary or convenient for the protection or accommodation of commerce, navigation and fisheries and for the establishment and maintenance of parks, playgrounds, bath-houses, recreation piers and facilities necessary or convenient for the inhabitants of said city; for educational, commercial, and recreational purposes, including the necessary streets, highways and other facilities convenient thereto; and said city or its successors shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm or corporation for any purpose whatsoever; provided, that said city or its successors may grant franchises thereon for limited periods, but in no event exceeding 50 years, for wharves and other public uses and purposes and may lease said lands or any part thereof for limited periods, but in no event exceeding 50 years, for purposes consistent with the trust upon which said lands are held by the State of California and with the requirements of commerce, navigation or fisheries.

(b) That said harbors and tidelands shall be improved by said city without expense to the State and shall always remain public harbors and public tidelands for all purposes of commerce, navigation and fisheries; and the State of California shall have at all times the right to use without charge all wharves, docks, piers and other improvements constructed on said lands or any part thereof for any vessel or other water craft or railroad owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbors and tidelands or of any of the utilities, structures or appliances mentioned in paragraphs preceding, no discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is also reserved to the people of the State of California the absolute right to fish in the waters of Mission Bay with the right of convenient access to such waters under the real property hereby granted for the purpose of fishing. There is also reserved to the State of California all the deposits of min-

eral, including oil and gas in the real property hereby granted, and there is reserved to the State of California or persons authorized by the State of California the right to prospect, mine and remove such deposit from the real property granted and to occupy and use so much of the surface as may be required therefor.

(e) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway right-of-way purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.
