

CHAP. CCXIX.—*An Act concerning the water front of the City and County of San Francisco.*

[Approved March 15, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. So much of the line for a harbor embankment or sea-wall of the Port of San Francisco, adopted on the twelfth day of September, one thousand eight hundred and seventy-seven, by the Governor, the Mayor of the City and County of San Francisco, and the State Harbor Commissioners, and indicated on the maps filed in the office of the said Board of Harbor Commissioners and of the Recorder of the City and County of San Francisco, as extends from the east line of Taylor Street to the boundary line between the City and County of San Francisco and the County of San Mateo, is hereby ratified and confirmed, and shall be known as the "Water Front Line" of the City and County of San Francisco; and so much of said line of harbor embankment or sea-wall as extends from the east line of Taylor street to the eastern line of the Presidio Reservation is hereby annulled and vacated.

Line for harbor embankment ratified.

SEC. 2. The inshore limit of the jurisdiction of the Board of State Harbor Commissioners, shall be and remain the same as defined in section twenty-five hundred and twenty-four of the Political Code; but when any section of the sea-wall and thoroughfare hereinafter mentioned is constructed and ready for use, then the inshore limit of their jurisdiction as to such section shall be the inner line of said thoroughfare. But their jurisdiction in and over China, Central, South, India,

Limit of jurisdiction.

and Dry Dock Basins, and in and over Channel Street, and Islais Creek Channel, and the canal opening into South Basin, shall extend as far as the ebb and flow of tide-water.

Thoroughfare to be opened.

SEC. 3. The said Commissioners are authorized and directed to lay out and open along said water front line, a thoroughfare of the uniform width of two hundred feet, the inner line of which shall be parallel with the water front line; *provided*, that its inner line between Market Street and Folsom Street shall correspond with the present line of East Street, and its inner line between Clay Street and Sacramento Street shall be a straight line drawn from the intersection of the north line of Clay Street, with the inner line of the thoroughfare to the intersection of the north line of Sacramento Street with the north line of Market Street extended, and its roadways and sidewalks shall conform to such deviation from its uniform width; *provided further*, that a sum not less than one hundred thousand dollars shall be expended in the construction of wharves, piers, ferry-slips, or bulkhead, on the water front between the westerly line of Mason Street and the easterly line of Kearny Street, as may seem best in the judgment of the State Board of Harbor Commissioners; the said money to be expended, and the work to be done, within one year from and after the passage of this Act. It shall have a roadway of one hundred and eighty feet, and a sidewalk on its inner side of twenty feet in width. It shall be known and designated on the map of the city and county as "East Street." The said roadway shall be constructed and kept in repair by the said Commissioners. It shall be constructed by contract, as provided in section twenty-five hundred and thirty-six of the Political Code, and be kept in repair as provided in section twenty-five hundred and twenty-four of same Code. The sidewalk shall be constructed and kept in repair in the manner provided by law for the construction and repair of sidewalks on other streets of the City of San Francisco. In case the said roadway or sidewalk be obstructed, the said Commissioners shall cause such obstructions to be removed in the manner provided in section twenty-five hundred and twenty-four of the Political Code, and section nine of this Act; *provided*, that they may grant the use and occupation of spaces along the water front for offices and baggage rooms, and for scales for weighing freight, and may charge therefor a reasonable rent. The said Commissioners shall have jurisdiction over said thoroughfare for the purposes of construction, repair, removal of obstruction, and collection of dockage, wharfage, rents, and tolls, and for commercial purposes; and no franchise or privilege for a railroad track along said thoroughfare shall be granted by the Supervisors of the City and County of San Francisco.

Construction of wharves, piers, etc.

Roadway constructed.

Obstructions.

Jurisdiction of Commissioners.

Repeal.

SEC. 4. So much of the Act approved March 11th, eighteen hundred and seventy-four, entitled "An Act to amend an Act entitled an Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same, and other tide lands belonging to the State of California, to said City and County of San Francisco, for

commercial purposes, and other matters relating thereto, approved March thirteenth, eighteen hundred and seventy-two, as grants to the City and County of San Francisco, the power to lease the basins known as China and Central Basins, is hereby repealed; and the said basins, and also South, India, and Dry Dock Basins, as laid out by the Board of Tide Land Commissioners, and Channel Street, Islais Creek Channel, and the canal opening into South Basin, as far as the ebb and flow of tide in them, are hereby dedicated to public use for the purposes of commerce and navigation, and shall be subject, together with the streets inclosing or bounding on them, and the sea-wall and thoroughfare constructed across their openings, to the jurisdiction of the said Commissioners, as provided in the Act approved February twenty-eighth, eighteen hundred and seventy-six, entitled "An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a new section thereto." In case the sea-wall or thoroughfare be extended across them, openings therein, with proper draw-bridges, shall be constructed, of sufficient width to allow free and easy entrance and exit, and then they shall be dredged to such depth as may be needed by the class of vessels using them.

Dedication of docks to public use.

Draw-bridges to be constructed.

SEC. 5. Whenever any section of the sea-wall and thoroughfare is constructed and ready for use, the Board of Supervisors shall cause the streets of the city to be extended and constructed, so as to intersect said section; and in case any such streets have been widened by the Harbor Commissioners, they shall be con[tracted] to their original width before such widening, and be so extended. When extended, they shall be deemed public streets, and their roadways and sidewalks, to the intersection of the thoroughfare, shall be constructed and kept in repair in the manner provided by law for the construction and repair of the public streets of the City of San Francisco.

Streets to intersect said sea-wall.

SEC. 6. The said Commissioners shall cause the blocks or parts of blocks formed by the change of the water front and by the extensions of the streets to the thoroughfare, to be divided into lots of a frontage, as nearly equal as possible, not exceeding forty-five feet ten inches; and shall cause two maps to be made, showing such blocks, lots, and extended streets; one of which shall be filed in their office, and the other in the office of the Recorder of the City and County of San Francisco. The said maps must be attested by their signatures. The Commissioners may pile, cap, and plank, or solidly fill in the lots and blocks formed on the inner side of the thoroughfare, and shall control and regulate their use, remove any obstruction placed thereon, in the same manner as provided for the removal of obstructions from the piers, wharves, and thoroughfares, and have exclusive jurisdiction over them.

Equality of frontage lots.

Power of Commissioners.

SEC. 7. The said sea-wall and thoroughfare is hereby declared a public use, in the laying out and construction of which the right of eminent domain may be exercised by the

Sea-wall declared a public use.

Harbor Commissioners, in the name of the people of the State, for the estates and rights, and in the manner provided in Part Three, Title Seven, of the Code of Civil Procedure; and said Commissioners are authorized to pay out of the Harbor Improvement Fund any compensation and damages assessed in such proceedings. But said Commissioners, for the purpose of obtaining the material for such construction, may enter into contract without resorting to such proceedings.

Berths and slips.

SEC. 8. The Commissioners are authorized to assign berths and slips for the exclusive use of sea-going steamers, ferry boats, and steamboats navigating the waters of the Bay of San Francisco and its tributaries, and to construct suitable offices, sheds, and inclosures for the accommodation of their business, and may charge for such exclusive use, a reasonable sum, irrespective of their tonnage or the number of days such berth is occupied.

Wharfage and tolls; how enforced.

SEC. 9. For the purpose of enforcing the charge for wharfage or tolls on goods, wares, and merchandise landed on any wharf, pier, or thoroughfare, or remaining thereon longer than the time prescribed by the Harbor Regulations, the said Commissioners are authorized to take possession of such goods, wares, and merchandise, and if such charge be not paid within two days thereafter, may remove and store the same at the charge, risk, and expense of the owner or consignee thereof, or may sell the same by public auction, with or without notice, at their discretion; and for the purpose of keeping the wharves, piers, and thoroughfares free of obstructions, the said Commissioners shall cause a written notice to be served on the owner, agent, consignee, or person in possession of any such obstructing material or structure, or may post a notice thereon, at their discretion, requiring its removal within twenty-four hours thereafter; and, on failure to comply therewith, the Commissioners may remove, store, or sell the same by public auction, at their discretion. From the proceeds of any such sale, they shall retain all the wharfage and tolls due, with ten per cent. thereon, and in case of obstructions, twenty-five dollars for each and every [day] during which the wharf, pier, or thoroughfare has been obstructed, and also all the expenses attending such sale, and the surplus, if any, shall be paid to the proper party. Such sale shall be made subject to immediate removal.

Removal of obstruction.

Penalty for non-payment of wharfage.

SEC. 10. Any water-craft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay, in addition to the penalty prescribed by Section 2524 of the Political Code, the sum of ten dollars.

SEC. 11. This Act shall take effect from and after its passage.