

CHAPTER 1367

An act granting and conveying free of trust certain lands now in the possession and control of the City and County of San Francisco, acting through the Harbor Commission of the City and County of San Francisco, declaring such lands free of the public trust for purposes of navigation, commerce, and fisheries, and declaring such lands free from any possibility of reverter upon breach of condition.

[Approved by Governor August 31, 1969 Filed with
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The people of the State of California do enact as follows:

SECTION 1. In accordance with Section 18 of the Burton Act (Chapter 1333 of the Statutes of 1968), this act amends and modifies in part the transfer of lands in trust to the City and County of San Francisco provided for in the Burton Act.

SEC. 2. The state hereby grants and conveys free of the public trust for purposes of navigation, commerce, and fisheries to the City and County of San Francisco, all of its right, title and interest in and to the lands described as follows, reserving to the State of California all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits contained in the land conveyed, and further reserving to the State of California and persons authorized by the state, the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine, and remove such deposits of other minerals from the land conveyed, subject to the provision that the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine, and remove such deposits of other minerals, shall not disturb the surface, or the ground within 100 feet of the surface, of the real property conveyed:

(a) Parcel No. 1. Beginning at the point of intersection of the westerly line of Davis Street and the southerly line of Clay Street as shown on map entitled "Record of Survey Map of the Golden Gateway," recorded September 29, 1961, in Book "T" of Maps, at pages 22, 23 and 24, in the office of the Recorder of the City and County of San Francisco, State of California; running thence easterly along said line of Clay Street 68.75 feet to the easterly line of Davis Street; thence at a right angle southerly along said line of Davis Street 275 feet to the northerly line of Sacramento Street; thence at a right angle westerly along said line of Sacramento Street 68.75 feet to the westerly line of Davis Street; thence at a right angle northerly along said line of Davis Street to the point of beginning.

(b) Parcel No. 2. Beginning at the point of intersection of the westerly line of Davis Street and the southerly line of Broadway as shown on map entitled "Record of Survey Map of the Golden Gateway," recorded September 29, 1961, in Book "T" of Maps, at pages 22, 23 and 24 in the office of the Recorder of the City and County of San Francisco, State of California; running thence easterly along said line of Broadway 68.75 feet to the easterly line of Davis Street; thence at a right angle southerly along said line of Davis Street 275 feet to the northerly line of Pacific Avenue; thence at a right angle westerly along said line of Pacific Avenue 68.75 feet to the westerly line of Davis Street; thence at a right angle northerly along said line of Davis Street to the point of beginning.

The above-described parcels are portions of Davis Street in the City and County of San Francisco, as shown on the map referred to in this section.

SEC. 3. The State Director of Finance shall execute and deliver to the City and County of San Francisco, a deed or quitclaim deed of all of the right, title and interest of the state in and to the property described in Section 2, subject to the reservation contained in Section 2 of this act. Such deed or quitclaim deed shall be sufficient to convey title of such lands to the City and County of San Francisco, free of trust.

SEC. 4. The Legislature hereby finds and declares that the lands described in Section 2 of this act have ceased to be tide and submerged lands and are therefore free of the public trust for navigation, commerce, and fisheries and such lands are conveyed to the City and County of San Francisco by the provisions of this act free of any previously existing public trust for the purpose of navigation, commerce, and fisheries.

SEC. 5. The lands described in Section 2 of this act shall be sold at a price equal to the fair market value of the state's interest in such lands, which shall be determined by agreement between an appraiser representing the State Lands Commission and an appraiser representing the City and County of San Francisco. In the event the two appraisers are unable to agree,

they shall agree on a third appraiser who shall determine such fair market value. The cost of the appraisals shall be borne by the City and County of San Francisco.

SEC. 6. The lands described in Section 2 of this act shall not be subject to reversion to the state by reason of any breach by the City and County of San Francisco of any condition imposed by any provision of the Burton Act or of any other law requiring a reversion to the state upon breach of condition.

SEC. 7. The City and County of San Francisco is authorized to bring or defend any action to establish its title to the lands described in Section 2 of this act. Any suit against the state or against any agency of the state to establish title in the City and County of San Francisco is authorized and consent to any such suit is hereby given.

SEC. 8. Service of summons in any actions or suits with respect to the sale of lands under Section 6 of this act shall be made upon the Attorney General and the Attorney General shall represent the state in any such actions or suits. Cost of such suits, including reasonable attorneys fees, shall be borne by the City and County of San Francisco.

SEC. 9. Any money received by the City and County of San Francisco from the sale of lands described in Section 2 of this act shall be used by the Harbor Commission of the City and County of San Francisco to retire bonded indebtedness incurred for San Francisco Harbor improvements and for which the state is primarily liable.
