

CHAPTER 670

An act to amend Section 2 of Chapter 1333 of the Statutes of 1968, and to amend Section 1 of Chapter 437 of the Statutes of 1935, relating to San Francisco lands.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

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

SECTION 1. Section 2 of Chapter 1333 of the Statutes of 1968 is amended to read:

Sec. 2. The Director of Finance is hereby authorized to negotiate with the City and County of San Francisco for the transfer, in conformity with the provisions of this act, to the City and County of San Francisco, a municipal corporation of the State of California, or to its successor, in trust for purposes of commerce, navigation, and fisheries and subject to the terms and conditions specified in this act, all of the right, title and interest held by the State of California and acquired by virtue of its sovereignty or otherwise, in and to the real property located in the City and County of San Francisco and presently under the jurisdiction and control of the San Francisco Port Authority, together with all improvements, rights, privileges, easements and appurtenances connected therewith or in anywise appertaining thereto, and any and all personal property of every kind and description owned or controlled by the State of California and used in connection with the operation and maintenance of San Francisco Harbor and including any deposits of funds held by or for the San Francisco Port Authority; excepting and reserving unto the State of California all subsurface mineral deposits, including oil and gas deposits, together with the right of ingress and egress on the properties conveyed to the City and County of San Francisco for exploration, drilling and extraction of such mineral, oil and gas deposits, subject, however, to the provision that during the term of any lease, franchise, permit or license of such property pursuant to Section 3 of this act, such mineral rights herein reserved to the State of California, including the right of ingress and egress, shall not be exercised so as to disturb or otherwise interfere with the leasehold estate or the rights or encumbrances to which any such lease, franchise, permit or license may be subject; provided, however, that any lease, franchise, permit or license of

such property pursuant to Section 3 of this act must contain a provision specifying at least one point from which and the manner in which the right of ingress or egress to said subsurface deposits may be exercised, which said point or points may be outside the area of the leasehold, franchise, permit or license, providing the point or points are adequate to permit the rights reserved to the state to be exercised; and also reserving to the people of the State of California the right to hunt and fish in and over the waters of San Francisco Harbor. The negotiations shall be concluded by October 21, 1968, unless such time is extended by mutual agreement. In lieu of any survey which might otherwise be required by law, within three years after the effective date of this act, the State Lands Commission shall, at the cost of the Port Commission of the City and County of San Francisco, provide a description of the transferred lands, using such references and designations as are commonly known place names and geographical and political boundaries, and surveying and monumenting only when known designations or points of reference are not available. The description so prepared and a plat thereof shall thereafter be recorded by the State Lands Commission in the office of the Recorder of the City and County of San Francisco. This act shall not apply to any property or interest in property, whether real or personal, owned by or under the jurisdiction or control of the Department of Public Works, Division of Highways, Division of Bay Toll Crossings, or the California Toll Bridge Authority. All that property described in Section 1770 of the Harbors and Navigation Code and transferred to the City and County of San Francisco by this act shall remain subject to any requirements of the Department of Public Works, Division of Bay Toll Crossings, Division of Highways, or the California Toll Bridge Authority for future right-of-way, or easement, or material for the construction, location, realignment, expansion and maintenance of bridges, highways or other transportation facilities without compensation to the City and County of San Francisco, except that in the event improvements, betterments or structures have been placed upon the property transferred, compensation shall be made to the City and County of San Francisco, and to any third party entitled thereto, for the value of the improvements, betterments, or structures taken, and except property that was originally acquired for valuable consideration, in which case compensation shall be made to the City and County of San Francisco. The Director of Finance shall be assisted in such negotiations by the Secretary for Agriculture and Services and the San Francisco Port Authority.

SEC. 2. Section 1 of Chapter 437 of the Statutes of 1935 is amended to read:

Section 1. There is hereby granted to the City and County of San Francisco, a municipal corporation of the State of California, all the right, title and interest of the State of California held by said state by reason of its sovereign power,

in and to the following described parcel of land situate in the City and County of San Francisco, State of California, and described as follows, to wit:

Beginning at a point on the westerly line of Lyon Street, if produced in a northerly direction, said line being the easterly boundary of the Presidio U. S. Military Reservation, distant thereon 609.62 feet northerly from the northerly line of Marina Boulevard and running thence easterly in a straight line, and parallel with the northerly line of Marina Boulevard, 3648 feet 9 inches, more or less, to the westerly line of Webster Street if produced northerly; thence northerly along said line of Webster Street produced 1000 feet; thence at a right angle westerly 3648 feet 9 inches, more or less, to the westerly line of Lyon Street produced, and thence southerly along said line of Lyon Street produced 1000 feet, more or less, to the point of beginning.

Reserving, however, unto the State of California all rents due or to become due under the terms and conditions of any existing lease or leases of all, or any part of the hereinabove described real property heretofore entered into by the State of California, or by any board or commission of the State of California, and which said rent is payable to the State of California or to any board or commission of the State of California.

All of the above described real property hereby granted shall be forever held by said City and County of San Francisco and by its successors in trust for the uses and purposes and upon the express conditions following, to wit: said real property shall be used solely for aquatic, recreational, boulevard, park and playground purposes.

Provided, however, that said City and County of San Francisco shall have power to set apart and assign, or lease, any of said property hereinbefore described for a period not to exceed 40 years, to any corporation, club or association organized for the purpose of developing and promoting aquatic sport; provided, that no part of said property shall be set apart and assigned, or leased to any corporation, club or association the object of which is pecuniary profit.