

CHAPTER 964

An act to amend Section 7 of, and to add Section 2.5 to, Chapter 1333 of the Statutes of 1968, relating to San Francisco Harbor lands.

[Became law without Governor's signature September 23, 1975. Filed with Secretary of State September 23, 1975.]

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

SECTION 1. Section 2.5 is added to Chapter 1333 of the Statutes of 1968, to read:

Sec. 2.5. Notwithstanding the exception and reservation to the State of California of subsurface mineral deposits, as set forth by Section 2 of this act, as to those materials in the area known as Presidio and Alcatraz Shoals commonly used for purposes of land fill, including, but not limited to, earth, sand, gravel, and aggregates, on or after January 1, 1976, any contract to lease or franchise, or other agreement concerning such area shall be entered into by the mutual agreement of the State Lands Commission and the City and County of San Francisco acting by and through the San Francisco Port Commission. The area subject to this section is hereby more particularly described as follows:

Beginning at Alcatraz Light (X = 1,445,185; Y = 488,602) located on Alcatraz Island; running thence in a direct line northerly toward Point Blunt Rock (X = 1,446,515; Y = 498,171) located on Angel

Island, for a distance of 900 yards; thence westerly in a direct line toward North Tower (X = 1,428,696; Y = 488,678) of the Golden Gate Bridge, for a distance of 2,100 yards to a point due South of Point Knox; thence southwesterly in a direct line toward South Tower (X = 1,428,995; Y = 484,489) of the Golden Gate Bridge, for a distance of 2,800 yards; thence due South to the shore line of San Francisco; thence generally easterly along the shore line of San Francisco to its intersection with a direct line between Coit Tower (X = 1,449,719; Y = 479,821) and aforesaid Alcatraz Light; thence northwesterly on last aforesaid line to Alcatraz Light and the point of beginning.

Coordinates shown are California State Grid, Zone 3.

It is not the intent of this section to change any existing right of any party in the subject area.

SEC. 2. Section 7 of Chapter 1333 of the Statutes of 1968 is amended to read:

Sec. 7. As to the accumulation and expenditure of revenues for any single capital improvement on the transferred lands involving an amount in excess of two hundred fifty thousand dollars (\$250,000) in the aggregate, the City and County of San Francisco shall file with the Department of Finance a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. Unless the Department of Finance, within 90 days after the time of such filing, notifies the City and County of San Francisco that such capital improvement is not in the statewide interest and benefit or is not authorized by any of the subdivisions in Section 5 of this act, the City and County of San Francisco may proceed with the improvement. The Department of Finance may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the City and County of San Francisco with the notice of its determination. In the event the Department of Finance notifies the City and County of San Francisco that such capital improvement is not authorized, the City and County of San Francisco shall not disburse any revenue for or in connection with such capital improvement, unless and until permitted by an order or judgment of a court of competent jurisdiction in a suit brought for the purpose of determining whether such proposed capital improvement is in the statewide interest and benefit. The city and county may bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the Department of Finance and the Attorney General, and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered against the state.