

Senate Bill No. 1215

CHAPTER 203

An act to amend Sections 1, 2, 3, 5, 6, 8, and 9 of, to add Section 13.6 to, and to repeal Section 10 of, Chapter 1143 of the Statutes of 1991, relating to San Francisco filled tidelands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 2, 1997. Filed with
Secretary of State August 4, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1215, Burton. San Francisco filled tidelands: Mission Bay Development Area and Western Pacific Property.

Under existing law, the State Lands Commission was authorized to grant to the City and County of San Francisco, subject to such reservations as the commission may determine to be appropriate, filled tidelands and submerged lands within the Mission Bay Development Area, as described, for the purpose of effectuating specified exchanges of lands between the city and county and private property owners to promote public trust uses in accordance with the Mission Bay Specific Plan adopted by the city and county.

This bill would include specified "Western Pacific Property," as described, within those provisions and specify related matters. The bill would impose conditions on any sale or exchange of land involving that property, including a conveyance to the University of California, as prescribed.

The bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 1 of Chapter 1143 of the Statutes of 1991 is amended to read:

Section 1. As used in this act:

(a) "Boundary of the Port of San Francisco" means that line defining the boundary of Parcel "A" in the description of the lands transferred in trust to the City and County of San Francisco pursuant to Chapter 1333 of the Statutes of 1968, recorded on May 14, 1976, in Book C169, pages 573 through 664, in the City and County of San Francisco Recorder's Office.

(b) "Burton Act trust" means the statutory trust imposed by the Burton Act (Chapter 1333 of the Statutes of 1968, as amended), pursuant to which the state conveyed to the City and County of San Francisco, in trust, by transfer agreement, and subject to certain

terms, conditions, and reservations, the state's interest in certain tide and submerged lands, including lands within the Mission Bay Development Area and the Western Pacific Property.

(c) "City" means the City and County of San Francisco, a municipal corporation of the State of California, and where necessary to effectuate the land exchanges contemplated in this act, the city acting by and through the San Francisco Port Commission.

(d) "Granted tidelands" means tidelands or submerged lands, or any interest therein, located within the Mission Bay Development Area or the Western Pacific Property and heretofore conveyed or conveyed pursuant to this act by the state to the city.

(e) (1) "Mission Bay Development Area" means those lands within the city which are located in the city above the present line of mean high tide and enclosed by a line BEGINNING at the intersection of the northerly line of Mariposa Street (66.00 feet wide) with the easterly line of Pennsylvania Street (90.00 feet wide) running thence from that point of intersection easterly along the northerly line of Mariposa Street north $86^{\circ}49'04''$ east 940.17 feet; thence leaving that northerly line of Mariposa Street north $3^{\circ}10'56''$ west 433.04 feet; thence easterly and parallel with that northerly line of Mariposa Street north $86^{\circ}49'04''$ east 280.00 feet; thence north $3^{\circ}10'56''$ west 433.04 feet to the southerly line of Sixteenth Street (90.00 feet wide); thence easterly along that southerly line of Sixteenth Street north $86^{\circ}49'04''$ east 100.00 feet to the westerly line of Third Street (100.00 feet wide); thence southerly along the westerly line of Third Street south $3^{\circ}10'56''$ east 866.08 feet to that northerly line of Mariposa Street; thence easterly crossing Third Street and running along that northerly line of Mariposa Street north $86^{\circ}49'04''$ east 360.00 feet to the easterly line of Illinois Street (80.00 feet wide); thence southerly along that easterly line of Illinois Street south $3^{\circ}10'56''$ east 129.85 feet; thence north $35^{\circ}06'05''$ east 616.30 feet; thence northeasterly along an arc of a curve to the left tangent to the preceding course with a radius of 440.00 feet through a central angle of $12^{\circ}49'53''$ an arc distance of 98.54 feet; thence tangent to the preceding curve north $22^{\circ}16'12''$ east 700.07 feet; thence northerly along an arc of a curve to the left tangent to the preceding course with a radius of 340.00 feet through a central angle of $12^{\circ}28'00''$ an arc distance of 73.98 feet; thence tangent to the preceding curve north $9^{\circ}48'12''$ east 86.42 feet; thence northerly along the arc of a curve to the left tangent to the preceding course with a radius of 340.00 feet, through a central angle of $11^{\circ}58'09''$, an arc distance of 71.03 feet; thence tangent to the preceding curve north $2^{\circ}09'57''$ west 121.44 feet; thence north $3^{\circ}10'56''$ west 198.86 feet; thence north $2^{\circ}19'47''$ west 292.70 feet; thence northwesterly along an arc of a curve to the left tangent to the preceding course with a radius of 481.57 feet through a central angle of $24^{\circ}30'49''$, an arc distance of 206.04 feet; thence tangent to the preceding curve north $26^{\circ}50'36''$ west 402.03

feet; thence northwesterly along an arc of a curve to the right tangent to the preceding course with a radius of 236.29 feet, through a central angle of $9^{\circ}00'04''$ an arc distance of 37.12 feet; thence tangent to the preceding curve north $17^{\circ}50'32''$ west 679.08 feet; thence south $86^{\circ}49'04''$ west 282.38 feet; thence south $17^{\circ}34'00''$ east 2.58 feet; thence south $86^{\circ}49'04''$ west 397.43 feet to the easterly line of Third Street (88.50 feet wide); thence along that easterly line north $3^{\circ}10'56''$ west 1,265.04 feet; thence south $64^{\circ}21'26''$ west 95.76 feet to the point of intersection of the westerly line of Third Street (80.00 feet wide) with the southeasterly line of Channel Street (165.00 feet wide); running thence along that southeasterly line of Channel Street south $46^{\circ}18'07''$ west 772.99 feet to the northeasterly line of Fourth Street (82.50 feet wide); thence along that northeasterly line of Fourth Street north $43^{\circ}41'53''$ west 440.00 feet to the southeasterly line of Berry Street (82.50 feet wide); thence along that southeasterly line of Berry Street north $46^{\circ}18'07''$ east 825.95 feet to the southwesterly line of Third Street; thence northwesterly along that southwesterly line of Third Street north $43^{\circ}41'53''$ west 667.50 feet to the southeasterly line of Townsend Street (82.50 feet wide); thence along that southeasterly line of Townsend Street south $46^{\circ}18'07''$ west 3,549.21 feet to the northeasterly line of Seventh Street (82.50 feet wide); thence along that northeasterly line of Seventh Street south $43^{\circ}41'53''$ east 3,166.69 feet to a point on the easterly line of Pennsylvania Street (90.00 feet wide); thence southerly along that easterly line of Pennsylvania Street south $3^{\circ}10'56''$ east 556.59 feet to THE POINT OF BEGINNING; and contains 307.09 acres, more or less.

Excepting therefrom the following described lands:

Beginning at the intersection of the southerly line of Sixteenth Street (90.00 feet wide) with the easterly line of Third Street (100.00 feet wide) and continuing easterly along that southerly line of Sixteenth Street north $86^{\circ}49'04''$ east 260.00 feet to a point on the easterly line of Illinois Street (80.00 feet wide), that point being the northwesterly corner of parcel one as described in the deed to Esprit de Corps, a California corporation, recorded on July 12, 1988, on Reel E634 at Image 1334, Document No. E203992, in the Office of the Recorder of the City and County of San Francisco, that point also being the true point of beginning of this description; thence along the northerly line of that parcel one north $86^{\circ}49'04''$ east 335.00 feet; thence along the easterly line of that parcel one south $14^{\circ}29'32''$ east 107.08 feet, thence south $3^{\circ}10'56''$ east 232.00 feet; thence south $26^{\circ}50'57''$ west 72.77 feet to the most easterly corner of parcel two as described in that deed; thence along the easterly line of that parcel two south $26^{\circ}50'57''$ west 92.41 feet; thence along the southerly line of that parcel two south $86^{\circ}49'04''$ west 273.33 feet to the easterly line of Illinois Street; thence along the westerly line of that parcel two north $3^{\circ}10'56''$ west 80.00 feet to the southwesterly corner of that parcel one; thence along the westerly line of that parcel one north

3°10'56" west 400.00 feet to the true point of beginning; and containing 3.762 acres of land, more or less.

(2) All streets and street lines described in paragraph (1) are in accordance with that certain map entitled "Record of Survey Map of Mission Bay," recorded July 28, 1992, Book Y of Records of Survey, at pages 62 to 82, inclusive (Reel 5679, Image 620), in the Office of the Recorder of the City and County of San Francisco, State of California. The bearings are based upon the bearing north 43°41'53" west on the northeasterly line of Seventh Street, as shown on Caltrans right-of-way map no. R-174.14 and as shown on that same Record of Survey Map of Mission Bay.

(f) "Public trust" means the public trust for commerce, navigation, and fisheries.

(g) "Substantially in the configuration shown on the diagram contained in Section 13.6" means a configuration of lands or interests in land subject to the public trust or the Burton Act trust, or both trusts, within the Mission Bay Development Area, which the State Lands Commission has found does not differ significantly from the configuration shown in Section 13.6 and is equal or greater in value to the value of the area of that configuration and does not result in any significant impairment of the public trust uses and values provided for in that configuration.

(h) "University" means the University of California.

(i) "Western Pacific Property" means those lands within the city described as follows:

All of that real property situated in the City and County of San Francisco, State of California, described as follows:

Beginning at the point of intersection of the northerly line of Army Street with the easterly line of Illinois street; running thence easterly along said northerly line of Army Street and its easterly extension 240 feet to the centerline of Michigan Street; thence at a right angle northerly along said centerline of Michigan Street 161 feet; thence at a right angle easterly parallel with said northerly line of Army Street 840 feet to the centerline of Maryland Street; thence at a right angle northerly along said centerline of Maryland Street 39 feet; thence at a right angle easterly parallel with the former northerly line of Army Street, as said Army Street existed prior to any vacation thereof, a distance of 570 feet to the former centerline of Massachusetts Street, now vacated; thence at a right angle northerly along said former centerline of Massachusetts Street and along the present centerline of Massachusetts Street 233.138 feet to the centerline of Twenty-sixth Street, extended easterly; thence at a right angle along the centerline of Twenty-sixth Street easterly 250 feet to the direct extension southerly of the eastern line of Potrero Nuevo Block No. 509; thence at a right angle along said extension, and along the eastern lines of said Block No. 509, and Potrero Nuevo Block No. 508, northerly 899.116 feet to the northern line of said Block No. 508; thence along

the last named line westerly 200 feet to the western line of said Block No. 508; thence along the last named line southerly 77.774 feet; thence at a right angle westerly 620 feet to the centerline of Maryland Street; thence along the last named line southerly 355.203 feet to the centerline of Twenty-fifth Street, formerly Yolo Street; thence along the last named line westerly 1080 feet to the direct extension northerly of the easterly line of Illinois Street; thence along said extension, and thence along the easterly line of Illinois Street 899.277 feet to the point of beginning.

Being entire Block Nos. 433, 434, 440, 467, 474, 493, and 500; and portions of Block Nos. 439, 468, 473, 494, and 499; and also portions of Michigan Street, Georgia Street, Louisiana Street, Maryland Street, Delaware Street, Massachusetts Street, Twenty-fifth Street, and Twenty-sixth Street, as certain of said blocks and streets are delineated on that certain map entitled "Map of Golden City Homestead Association," recorded on December 12, 1865, in Map Book "C" and "D," at pages 20 and 21, in the Office of the Recorder of the City and County of San Francisco; all of said blocks and streets also being delineated on that certain map entitled "Map of the Salt Marsh and Tide Lands and Lands Lying Under Water South of Second Street, and Situated in the City and County of San Francisco," recorded in Map Book "W," at pages 46 and 47, in the Office of the Recorder of the City and County of San Francisco.

Also being Block Nos. 508 and 509, and portions of Block Nos. 492 and 501, of the Potrero Nuevo.

Excepting therefrom that portion of the above described land conveyed to the State of California by that certain instrument recorded on August 20, 1964, in Book A805, of Official Records, at page 815, in the Office of the Recorder of the City and County of San Francisco.

Also excepting therefrom that portion of the above described land conveyed to the State of California by that certain instrument recorded on May 24, 1966, in Book B52, of Official Records, at page 596, in the Office of the Recorder of the City and County of San Francisco.

Excepting therefrom all minerals and mineral rights, but without the right of surface entry, as set forth and reserved in deed from the Union Pacific Railroad Company, rerecorded June 19, 1987, as Instrument EOO9928, in Reel E367, Image 758, Official Records.

SEC. 2. Section 2 of Chapter 1143 of the Statutes of 1991 is amended to read:

Sec. 2. The Legislature hereby finds and declares as follows:

(a) Certain of the lands within the Mission Bay Development Area and the Western Pacific Property are tide or submerged lands that have been filled and reclaimed.

(b) The filled and reclaimed tide and submerged lands within the Mission Bay Development Area and the Western Pacific Property

have been filled and reclaimed for, and in connection with, a highly beneficial plan of improvement for harbor development.

(c) Certain of the tide and submerged lands within the Mission Bay Development Area and the Western Pacific Property have been authorized to be, and have been, laid off and sold to private parties pursuant to various acts, including Chapter 41 of the Statutes of 1851, Chapter 160 of the Statutes of 1853, Chapter 407 of the Statutes of 1863-64; Chapter 543 of the Statutes of 1867-68; Chapter 490 of the Statutes of 1871-72; Chapter 265 of the Statutes of 1903, Chapter 434 of the Statutes of 1947, and Chapter 1252 of the Statutes of 1953.

(d) Certain of the streets originally laid out within the Mission Bay Development Area and the Western Pacific Property are filled and not used, suitable, or necessary for navigation purposes and certain portions of those streets are not necessary for street purposes.

(e) Section 3 of Article X of the California Constitution allows the sale to any city, city and county, municipal corporation, private person, partnership, or corporation of tidelands reserved to the state solely for street purposes, which tidelands the Legislature finds and declares are not used and not necessary for navigation purposes, subject to such conditions as the Legislature may impose to protect the public interest.

(f) There is a dispute between the city and the state with respect to the extent to which certain street areas within the Mission Bay Development Area may be subject to the public trust or other encumbrances that may have arisen because the lands were once sovereign lands of the state. The state contends that a total of approximately 40 disputed acres within the Mission Bay Development Area was (1) reserved to the state for street purposes, and (2) is held by the city subject to the public trust. The city contends that it holds those disputed street areas in fee simple free of the public trust or any other such encumbrances. It is in the public interest that this dispute be resolved in a manner that furthers public trust purposes.

(g) There is also a dispute between and among the city, the state, and the current private owner of the Western Pacific Property with respect to the extent to which certain portions of the Western Pacific Property may be subject to the public trust or other encumbrances that may have arisen because the Western Pacific Property was once sovereign land of the state. It is in the public interest that this dispute also be resolved in a manner that furthers public trust purposes.

(h) The existing fragmented pattern of public and private ownership within the Mission Bay Development Area and the Western Pacific Property, especially the industrial area street system and parcelization imposed on those areas largely as the result of subdivisions and sales in the latter half of the 19th century, limit both the potential development of those areas and the expansion of desirable public uses in those areas, including, but not limited to, the

expansion of the San Francisco campus of the university and uses consistent with the public trust and the Burton Act trust, such as open space and parks along the waterfront and elsewhere within those areas, and public access to and along the shoreline of the Mission Bay Development Area and the Western Pacific Property. Consolidation of public and private ownerships, together with addressing the environmental condition as required by applicable law of all real property to be subjected to the public trust or the Burton Act trust, or both trusts, or to be made available for the San Francisco campus of the university, will permit the development of improved open space, public access, waterfront parks, and other public facilities consistent with the public trust and the Burton Act trust and the expansion of the San Francisco campus of the university. This development would otherwise not be feasible because of existing ownership patterns and lack of city and state funds. The consolidation of public and private ownerships referred to in this section will also be facilitated by the resolution of the dispute with the state over the extent to which the street areas within the Mission Bay Development Area and the Western Pacific Property are subject to the public trust. It is intended that the resolution of that dispute and the consolidation of public and private ownerships will be accomplished by and through sales and exchanges of lands. The proposed sales will be consistent with Section 3 of Article X of the California Constitution, and the proposed exchanges will not interfere with, and will, in fact, be consistent with and further the purposes of the public trust and the Burton Act trust, provided that all of the following conditions are met:

(1) The consideration for the sale of lands or interests in lands pursuant to Section 3 of Article X of the California Constitution shall be the conveyance to the university of lands or interests in lands for expansion of its San Francisco campus, the value of which equals or exceeds the value of the lands or interests in lands that are to be sold pursuant to Section 3 of Article X of the California Constitution.

(2) The value of the lands or interests in lands to be conveyed, in exchange, to the city and subjected to the public trust or the Burton Act trust, or both trusts, the value of the public trust easement to be conveyed, in exchange, to the city over certain other lands, and the value of the public trust interest created by the agreement of the city that certain of the street areas in dispute with the state and other areas shall be subjected to the public trust by easement or otherwise within the Mission Bay Development Area and along the shoreline of the Western Pacific Property are equal to, or greater than, the value of the lands to be conveyed, in exchange, by the city and the value of the public trust or Burton Act trust interest to be terminated pursuant to those exchanges.

(3) The lands or interests in lands to be exchanged or sold by the city and over which the public trust or the Burton Act trust, or both

trusts, will be terminated within the Mission Bay Development Area and the Western Pacific Property have been filled and reclaimed, those parcels consisting entirely of dry land lying above the present line of mean high tide and being no longer needed or required for the purposes of the public trust or the Burton Act trust.

(4) The lands or interests in lands to be exchanged or sold by the city and over which the public trust or the Burton Act trust, or both trusts, will be terminated within the Mission Bay Development Area are nonwaterfront, having been cut off from direct access to the waters of San Francisco Bay by past filling of intervening property or by a major roadway (Terry Francois Boulevard), which has provided, and will continue to provide, lateral public access to the water along the entirety of the Mission Bay Development Area.

(5) The lands or interests in lands to be exchanged by the city and over which the public trust or the Burton Act trust, or both trusts, will be terminated within the Western Pacific Property are nonwaterfront, having been cut off from direct access to the waters of San Francisco Bay by past filling of intervening property, and the lands that will be subject to the public trust and the Burton Act trust, or both trusts, at the conclusion of the exchanges contemplated by this act will provide lateral public access to the water along the entirety of the shoreline of the Western Pacific Property.

(6) The lands or interests in lands to be exchanged or sold by the city and over which the Burton Act trust or the public trust, or both trusts, will be terminated within the Mission Bay Development Area and the Western Pacific Property constitute a relatively small portion of the granted tidelands.

(7) Upon completion of the sales and exchanges contemplated by this section, the lands subject to the public trust or the Burton Act trust, or both trusts, within the Mission Bay Development Area and the Western Pacific Property shall meet all of the following criteria:

(A) Within the Mission Bay Development Area, those lands shall be substantially in the configuration shown on the diagram in Section 13.6.

(B) On the Western Pacific Property, those lands shall consist of all lands waterward of the present line of mean high tide, and a parcel of property landward of and contiguous to the present line of mean high tide, not less than 25 feet in width at any point, that, at a minimum, is equal in area to the area within the Western Pacific Property of the shoreline band jurisdiction of the San Francisco Bay Conservation and Development Commission, as that jurisdiction presently exists pursuant to subdivision (b) of Section 66610 of the Government Code, and, at a maximum, is equal in area to 1.5 times the area of that shoreline band jurisdiction.

(C) Within both the Mission Bay Development Area and the Western Pacific Property, no uses shall be allowed on those lands other than public parks, open space, public access to and along the

shoreline, rail within existing public roadways, and utility facilities that do not significantly impair the use of those lands for those uses, provided that other uses may be made of those lands so long as the trust administrator has the right, at any time, to convert those lands to use for public parks, open space, public access to and along the shoreline, rail within existing public roadways, or utility facilities that do not significantly impair the use of those lands for those uses, and, in connection with that conversion, to discontinue such other uses without the obligation to pay for any existing improvements on those lands, and to have those lands delivered to it free of surface improvements, subject to any necessary governmental approvals for the removal of rail facilities, without cost to the trust administrator. The existing overhead freeway, roadways, and the passenger rail right-of-way that cross portions of those lands shall be considered uses that provide public access to the shoreline.

(i) Substantial portions of the approximately 40 acres of granted tidelands in dispute within the Mission Bay Development Area to be conveyed into private ownership were reserved to the state for street purposes and are not used or necessary for navigation purposes, and therefore under Section 3 of Article X of the California Constitution can and should be conveyed into private ownership for uses consistent with and in furtherance of this act.

(j) It is therefore the intent of the Legislature, on and subject to the terms and conditions set forth in this act, (1) to authorize, ratify, and confirm any agreement by the city to enter into an exchange or exchanges of granted tidelands and to terminate the public trust or the Burton Act trust, or both trusts, over granted tidelands consistent with the findings and declarations stated in this act, and (2) to authorize the city to dispose of any and all granted tidelands originally laid out and reserved to the state for street purposes for private use free from those trusts.

SEC. 3. Section 3 of Chapter 1143 of the Statutes of 1991 is amended to read:

Sec. 3. (a) For the purposes of effectuating the sales and exchanges of lands referred to in subdivision (h) of Section 2, including the conveyance of certain of those lands by the city free of the public trust and the Burton Act trust, the State Lands Commission is hereby authorized to do all of the following:

(1) Convey to the city by patent all of the right, title, and interest held by the state by virtue of its sovereign trust title to tide and submerged lands, including any public trust interest or Burton Act reservation or trust interest, and not heretofore conveyed, in and to all of the filled tidelands and submerged lands within the Mission Bay Development Area and the Western Pacific Property, subject to such reservations as the State Lands Commission may determine to be appropriate.

(2) Receive and accept on behalf of the state in its sovereign capacity any lands or any interest in lands, conveyed to the state in its sovereign capacity by the city or by any private party pursuant to this act and pursuant to any exchange authorized, ratified, or confirmed by this act, including, but not limited to, any public trust easement conveyed to the state in its sovereign capacity by the city or by a private party in any such lands.

(3) Convey to the city by patent all of the right, title, and interest of the state in any lands conveyed to the state in its sovereign capacity by the city or by any private party pursuant to this act and pursuant to any exchange authorized, ratified, or confirmed by this act, including, but not limited to, any public trust easement, conveyed to the state in its sovereign capacity by the city or by a private party, in any such lands, subject to such terms, conditions, and reservations as the State Lands Commission may determine are necessary to meet the requirements of Section 8.

(b) In any case where the state, pursuant to this act, conveys filled tidelands and submerged lands transferred to the city pursuant to Chapter 1333 of the Statutes of 1968, as amended, the state shall reserve all minerals and all mineral rights in the lands of every kind and character now known to exist or hereafter discovered, including, but not limited to, oil and gas and rights thereto, together with the sole, exclusive, and perpetual right to explore for, remove, and dispose of those minerals by any means or methods suitable to the state or to its successors and assignees, except that, notwithstanding Chapter 1333 of the Statutes of 1968, as amended, or Section 6401 of the Public Resources Code, any such reservation shall not include the right of the state or its successors or assignees in connection with any mineral exploration, removal, or disposal activity, to do either of the following:

(1) Enter upon, use, or damage the surface of the lands or interfere with the use of the surface by any grantee or by the grantee's successors or assignees.

(2) Conduct any mining activities of any nature whatsoever above a plane located 500 feet below the surface of the lands without the prior written permission of any grantee of the lands or the grantee's successors or assignees.

(c) No private owner is required to transfer, pursuant to this act, any mineral rights which it does not own or possess, and similarly, neither the city nor the state is required to transfer any mineral rights which either does not own or possess.

SEC. 4. Section 5 of Chapter 1143 of the Statutes of 1991 is amended to read:

Sec. 5. (a) In addition to the authorization contained in Section 4, the city is hereby authorized pursuant to Section 3 of Article X of the California Constitution to sell to any private person, partnership, or corporation, with the approval of the State Lands Commission as

specified in subdivision (b), any and all portions of the granted tidelands that were laid off and reserved to the state for street purposes, provided that the city shall first find that any such sale is consistent with the legislative findings and declarations set forth in Section 2.

(b) No such sale shall be effective unless and until the State Lands Commission, at a regular open meeting with the proposed sale as a properly scheduled agenda item, does or has done, both the following:

(1) Finds, or has found, that the consideration for the sale of lands or interests in lands pursuant to Section 3 of Article X of the California Constitution shall be the conveyance to the university of lands or interests in lands for the expansion of its San Francisco campus, the value of which equals or exceeds the value of the lands or interests in lands that are to be sold pursuant to Section 3 of Article X of the California Constitution.

(2) Adopts, or has adopted, a resolution approving the sale which finds and declares that the granted tidelands to be sold have been filled and reclaimed, are cut off from access to the waters of San Francisco Bay, and are no longer needed or required for the promotion of the public trust or the Burton Act trust; and, further, that no substantial interference with the public trust or Burton Act trust uses and purposes will ensue by virtue of the sale; and further that the sale is consistent with the findings and declarations in Section 2 and the sale is in the best interests of the state and city. Upon adoption of the resolution, or at such time as may otherwise be specified in the resolution, the granted tidelands to be sold shall thereupon be free from the public trust and the Burton Act trust.

SEC. 5. Section 6 of Chapter 1143 of the Statutes of 1991 is amended to read:

Sec. 6. (a) The city is hereby authorized to settle by agreement, exchange, or quitclaim, any dispute concerning whether or not particular land within the Mission Bay Development Area or the Western Pacific Property constitutes land in private or proprietary ownership by reason of title traceable to a state patent or other valid source, or rather constitutes granted tidelands, title to which is vested in the city.

(b) In the settlement of that dispute, the city may, by that agreement, exchange, or quitclaim, establish boundary or compromise boundary lines between granted tidelands and bordering private or proprietary lands. No settlement by agreement, exchange, or quitclaim pursuant to this section shall be effective unless and until the State Lands Commission, at a regular open meeting with that settlement as a properly scheduled agenda item, approves or has approved this settlement.

SEC. 6. Section 8 of Chapter 1143 of the Statutes of 1991 is amended to read:

Sec. 8. (a) Any lands, or interests in lands, received by the city pursuant to any exchange authorized by this act and located within the boundary of the Port of San Francisco and within the Mission Bay Development Area and those portions of the Western Pacific Property described in subparagraph (B) of paragraph (7) of subdivision (h) of Section 2 shall be held by the city subject to the public trust and the Burton Act trust and subject to those exceptions and reservations to the state, including, but not limited to, subsurface mineral deposits, contained in Chapter 1333 of the Statutes of 1968, as amended, as if those lands had been transferred to the city pursuant to Chapter 1333 of the Statutes of 1968, as amended, except that, notwithstanding this section or Chapter 1333 of the Statutes of 1968, as amended, any conveyance to the city of lands outside the Mission Bay Development Area shall not include minerals or mineral rights, including, but not limited to, oil and gas and rights thereto, if the owner of the lands has not held those minerals or mineral rights since January 1, 1990, and the owner of the minerals or mineral rights or that owner's successors or assignees, in connection with any mineral exploration, removal, or disposal activity, do not have the right to do either of the following:

(1) Enter upon, use, or damage the surface of the lands or interfere with the use of the surface by any grantee of those lands or by the grantee's successors or assignees.

(2) Conduct any mining activities of any nature whatsoever above a plane located 500 feet below the surface of the lands without the prior written permission of any grantee of the lands or the grantee's successors or assignees.

(b) Any lands, or interest in lands, received by the city outside the boundary of the Port of San Francisco, but within the Mission Bay Development Area, shall be held by the city subject to the public trust, except for those lands or interests in lands with respect to which the public trust or the Burton Act trust is terminated pursuant to the exchange.

SEC. 7. Section 9 of Chapter 1143 of the Statutes of 1991 is amended to read:

Sec. 9. The city is hereby authorized to make minor adjustments by agreement, exchange, or quitclaim in the location of the boundaries between lands that are subject to the public trust or the Burton Act trust, or both trusts, and lands that are not subject to those trusts, whether the lands are privately owned or owned or held by the city, as those boundaries may be established pursuant to any agreements approved by the State Lands Commission with respect to the granted tidelands or any other lands within the Mission Bay Development Area or the Western Pacific Property, provided that the following conditions are met:

(a) The city determines that any such adjustment does not result in any significant net reduction in either the area or value of lands

subject to the public trust or the Burton Act trust, or both trusts, within the Mission Bay Development Area or the Western Pacific Property or in any significant impairment of the public trust uses provided for in this act.

(b) (1) The city notifies the State Lands Commission in writing of any such proposed adjustment, and the State Lands Commission either consents or objects to the adjustment within 45 days from the date of notification, specifying in writing to the parties to any agreement establishing or affecting the boundaries proposed to be adjusted the basis for any objections to the proposed adjustment.

(2) The State Lands Commission schedules a public hearing on any such objections within 60 days of the mailing of the written objection to the parties and expeditiously attempts to resolve those objections with the parties. Any lands that may be determined or agreed to be free of the public trust or the Burton Act trust, or both trusts, by virtue of the adjustment shall thereupon be free of those trusts; and any lands that may be determined or agreed to be held subject to those trusts by virtue of the adjustment shall thereupon be held subject to those trusts in accordance with Section 8 of this act.

SEC. 8. Section 10 of Chapter 1143 of the Statutes of 1991 is repealed.

SEC. 9. Section 13.6 is added to Chapter 1143 of the Statutes of 1991, to read:

Sec. 13.6. The following diagram is hereby made a part of this act:

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Certain granted tidelands are proposed to be contributed to the University of California for the expansion of its San Francisco campus in connection with a development project that will also contribute additional lands to the university for that purpose. Certain other of the granted tidelands are proposed to be conveyed into private ownership under Section 3 of Article X of the California Constitution in connection with that development project and the expansion of the San Francisco campus. That development project will also maximize benefit to the trust purposes, in furtherance of which the remaining granted tidelands are held. In order to immediately authorize the terms and conditions under which those granted tidelands may be made available to the university and conveyed under Section 3 of Article X of the California Constitution, so that the university will be able to proceed with its plans for the expansion of the San Francisco campus, it is necessary that this act take effect immediately.