

CHAPTER 647

An act conveying certain tidelands, lands lying under inland navigable waters, swamp and overflow lands, situate at San Luis Bay and San Luis Creek, to the Port San Luis Harbor District, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof, reserving rights to the State.

[Approved by Governor May 21, 1955 Filed with Secretary of State May 21, 1955.]

In effect
September
7, 1955

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

SECTION 1. There is hereby granted to the Port San Luis Harbor District, hereinafter called "district," a political subdivision of the State of California, and to its successors, all the right, title, and interest now held by the State of California by virtue of its sovereignty, in and to all lands, salt marsh, tidelands, submerged lands, and swamp and overflowed lands described as follows:

Grant to
Port San
Luis Harbor
District

That portion of San Luis Bay lying between the line of ordinary high tide line of the Pacific Ocean and a line parallel thereto and distant westerly therefrom three miles and bounded on the north by that certain lighthouse, with latitude 35 degrees, 9 minutes 38 seconds north and longitude 120 degrees, 45 minutes 37 seconds west, at Point San Luis at the westerly end of San Luis Bay and a line extending south 30 degrees, no minutes west therefrom and on the south by the most southerly line of Lot 7 in Block 14 of Tract No. 57, El Pismo Manor No. 1, as per map thereof recorded in Book 5, page 76 of maps in the Office of the County Recorder of the County of San Luis Obispo, State of California, extending into the Pacific Ocean on a bearing due south, together with all salt marsh, tidelands, submerged lands, and swamp and overflowed lands within San Luis Creek.

Description

To be forever held by said district, and its successors, in trust for the uses and purposes and upon the express conditions following, to-wit:

Conditions
of grant

(a) That said lands shall be used by said district, and its successors, for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, maintenance and operation thereon of public buildings and public parks and playgrounds, and for public recreational purposes, and said district, or its successors, shall not at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatsoever; provided, that said district, or its successors, may grant franchises

thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases, franchises and privileges including those certain leases (1) between the State of California and Port San Luis Transportation Company, dated April 13, 1951, as amended March 26, 1954 (P. R. C. 560.1), (2) between the State of California and the Union Oil Company of California, dated February 28, 1941 (Lease 675/PC—339), and (3) between the State of California and California Packing Corporation and Carmel Canning Company, dated September 5, 1951 (P. R. C. 644.1).

(b) That said lands shall be substantially improved by said district within 10 years of the effective date of this act without expense to the State, and shall always remain available for public use for all purposes consistent with the trust under which the State holds sovereign lands, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other watercraft or aircraft, or railroad, owned or operated by the State of California. If the State Lands Commission determines that the district has failed during said 10-year period to improve said lands as herein required, all right, title, and interest of said district in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said district or its successors.

Reservations
and
exceptions

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes together with the right of navigation.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes, without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event im-

provements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the Recorder of San Luis Obispo County, the area of state lands described in this act. Said district shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state land described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs as a condition precedent to the grant of lands hereunder.

Survey
recodation,
etc

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Severability