
CHAPTER 245.

An act granting to the city of San Mateo the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom, and grant franchises and leases thereon, and regulating the management, use and control thereof, and authorizing suits against said city and the State to quiet title to any such lands, and regulating the procedure therein and conditions under which said suits may be brought.

[Approved by the Governor May 8, 1933. In effect August 21, 1933.]

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

Grant of
tidelands
to city of
San Mateo

SECTION 1. There is hereby granted to the city of San Mateo, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State

of California, held by said State by virtue of its sovereignty, in and to all the salt marsh, tide and submerged lands whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit: That said lands shall be used by said city and its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, 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 purpose whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods for purposes consistent with the trusts upon which said lands are held by the State of California and with the requirements of commerce or navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with reversion to the said city, on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street, or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes, and for such public and municipal purposes and uses as may be deemed necessary by the said city; provided, however, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands, within the boundaries of the city of San Mateo, shall have the right to obtain a lease for a term of twenty-five years from said city of said land and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same, or to terminate the lease so renewed during the term of such

Conditions.

Lease to adjacent owners for wharfing purposes

renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify. Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quitclaim to said city any right they or any of them may claim or have to the said lands hereby granted. This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted. The State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other water craft or railroad owned or operated by the State of California. 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 city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section. There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose. This grant is without prejudice to the rights of any person, firm or corporation who may claim title to any such land or lands by virtue of any sale thereof under the provisions of the following act, to wit: An act entitled "An act to provide for the management and sale of lands belonging to the State," approved March 28, 1868, or under the provisions of the act entitled "An act to provide for the sale of certain lands belonging to the State," approved April 27, 1863, where full payment has been made therefor and no patent has been made or delivered by or on behalf of the State of California, or where the patent from the State of California therefor has been lost or destroyed, and was never recorded in the office of the county recorder of San Mateo County, or where relief has been granted to a purchaser or purchasers under the provisions of an act entitled "An act for the relief of purchasers of State lands," approved March 27, 1872; and any such person, firm or corporation is hereby authorized to bring suit against the said city of San Mateo and the State of California in any court of competent jurisdiction in said State, to quiet title to said land, or any portion thereof, and to prosecute the same to final judgment. In any case where such full payment has been made, or in any case where relief has been granted under the provisions of said act approved March 27, 1872, the title of the plaintiff may be quieted against the said city of San Mateo and the State of California in and by such judgment, whether or not any such patent has been made or delivered; provided, however, that it shall first appear that all taxes levied against such property during the thirty years next preceding the commencement of the action, have been fully paid.

Discrimination in rates prohibited.

Right to fish reserved.

Prior grantees of State protected

Stats 1867-8, p 507
Stats 1863, p 591.

Stats 1871-2, v 587

SEC. 2. All the provisions and rules of law relating to suits to quiet title and appeals therein shall apply to such suits as may be brought under this act. If judgment be given against the State in any such suit, no costs shall be allowed against the State.

Procedure
applicable.

SEC. 3. Any such suits to quiet title shall be commenced within one year after this act takes effect.

Limitation

SEC. 4. Service of summons on the State in such suits shall be made on the Surveyor General and the Attorney General.

Summons

SEC. 5. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in the land granted by this act and there is also reserved to the State of California or persons authorized by the State, the right to prospect for, mine and remove such deposits from said land.

Reserva-
tions