

CHAPTER 1938

An act to amend Section 1 and repeal Sections 2 and 3 of Chapter 687 of the Statutes of 1935, relating to the granting of certain tidelands and submerged lands of the State to the County of Santa Cruz.

In effect
September
18, 1959

[Approved by Governor July 16, 1959. Filed with
Secretary of State July 17, 1959.]

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

SECTION 1. Section 1 of Chapter 687 of the Statutes of 1935 is amended to read:

Section 1. There is hereby granted to the County of Santa Cruz and to its successors all right, title and interest of the State of California, held by said State by virtue of its sovereignty, in and to all those tidelands and submerged lands in the present County of Santa Cruz, and more particularly bounded and described as follows, to wit: All tidelands and submerged lands in Monterey Bay fronting the village of Capitola in said county, situated east of a prolongation of the easterly line of Forty-ninth Avenue, produced southerly, and west of a prolongation of the westerly line of Central Avenue, produced southeasterly; to be forever held by said County of Santa Cruz in trust for the uses and purposes and upon the expressed conditions following, to wit:

(a) That said lands shall be used by said county for the establishment, improvement and conduct of the 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 of commerce, navigation and fisheries, and for the establishment and maintenance of bathhouses and bathing facilities and boathouses necessary or convenient for the inhabitants of said county, and said county 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, however, that said County of Santa Cruz may grant franchises thereon for wharves, docks, piers, slips, quays, bathhouses and bathing facilities, boathouses and any other public uses and purposes, and may lease said lands, or any part thereof, for any of said uses or purposes hereinabove enumerated, for any purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce or navigation of said harbor, to persons, firms or corporations for a period not exceeding 50 years; provided, however, that said county may have the right to renew such lease or leases for the further term not exceeding 25 years, or to terminate the same upon such terms, reservations and conditions as may be stipulated in such lease or leases.

Nothing contained in this subdivision (a) shall be deemed to affect the validity or term of any franchise previously granted by the County of Santa Cruz under Article 1 (commencing at Section 6001), Chapter 1, Division 3 of the Public Utilities Code, and any such franchise shall be effective with respect to said land when title thereto passes to said county hereunder.

Every such lease shall provide for the payment of rentals to the County of Santa Cruz, which said rentals shall be either at an agreed figure, or shall be arrived at in such manner as may be mutually agreed upon, and provided for in said lease or leases.

Said leases shall also provide that at no time during their term, shall the said County of Santa Cruz be required to make any improvements on or for the benefit of the leased lands. Every lease so executed shall reserve to the board of supervisors and to the people of the County of Santa Cruz the right and privilege by ordinance duly adopted, to terminate, change or modify such lease or leases on such terms, reservations and conditions as may be stipulated in such lease or leases.

(b) That said harbor shall be improved by said county without expense to the State of California, and shall always remain a public harbor for all purposes of commerce and navigation, 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 constructed on said land or any part thereof for any vessel or other water craft or railroad owned and operated by the State of California.

(c) There is hereby reserved, however, in the people of the State of California the absolute right to fish in all the waters of said harbor, with the right of convenient access to said waters over said land for said purpose.

(d) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, 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 lands.

(e) 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 county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements 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 interests. If the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, has filled any tide or submerged lands and such lands are taken by the State for highway purposes, the State shall reimburse the county, its successors or assigns, or any person, firm or public or pri-

vate corporation claiming under it, for expenditures incurred in filling such lands.

(f) The provisions of this section shall not be construed to prevent the County of Santa Cruz from conveying to another public agency, within 10 years from the effective date of the amendment of this section made at the 1959 Regular Session of the Legislature, the tide lands and submerged lands referred to in this section, subject to the trusts and conditions and for the uses and purposes expressed herein; provided, that the board of supervisors has found and determined that such a conveyance would be in the public interest; and provided, that notification of such conveyance be given to and acknowledged by the State Lands Commission prior to the effective date of such conveyance.

SEC. 2. Section 2 of said act is repealed.

SEC. 3. Section 3 of said act is repealed.
