

An act to convey certain tide and submerged lands to the City of Santa Cruz, in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof, and reserving rights to the state.

[Approved by Governor August 30, 1969 Filed with
Secretary of State August 31, 1969]

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

SECTION 1. There is hereby granted to the City of Santa Cruz 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 the state by virtue of its sovereignty in and to all tide and submerged lands, whether filled or unfilled, lying between Santa Cruz Point and the west jetty of the small craft harbor, more particularly described as follows:

Beginning at a station in the Bay of Monterey from which a granite monument at the Northwestern corner of lands conveyed by Almus L. Rountree and Elizabeth E. Rountree, his wife, to the United States of America by deed dated May 16, 1868, and recorded in Volume 11 of Deeds at Page 495, Santa Cruz County Records, bears North 38° West 1000.00 feet distant; thence from said point of beginning Northeasterly in a direct line to a station from which an "X" cut in the concrete at the intersection of the Eastern line of 4th Avenue with the Northern line of Atlantic Avenue, as said intersection is shown on "Record of Survey Map of the Lands of Russell Giffin Et Ux", filed in Volume 37 of Maps at Page 62, Santa Cruz County Records, bears North 22° 45' West 1618.00 feet distant; thence due East 100 feet, a little more or less, to the line of low tide on the Western side of the Western jetty at the entrance to the Santa Cruz Small Craft Harbor; thence Northerly along said low tide line to its intersection with the low tide line of the Bay of Monterey; thence Westerly along said last mentioned low tide line to the Eastern boundary of the tidelands conveyed to the Town of Santa Cruz by the People of the State of California, as described in Section 2 of an act entitled "An Act supplementary to and amendatory of an act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six", approved March

21. 1872, as Chapter CCCXLII of the Statutes of California of the Nineteenth Session of the Legislature of the State of California; thence Westerly along the Southern boundary of said last mentioned lands to a station from which the place of beginning bears due East; thence due East about 100 feet to the place of beginning.

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

(a) That the lands shall be used by the city and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(3) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(4) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) The city, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the city, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years,

for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to the lands.

Any plan for development involving filling, dredging or other improvements must first be approved by the State Lands Commission 90 days prior to commencement of work thereon. In the event that the commission does not respond within 90 days of receipt, approval of the project is deemed to be given. The purpose of this provision is to insure that the provisions of Chapter 1642, Statutes of 1967, are being carried out and that any developments by local agencies pursuant to legislative grants or otherwise will be in accord with policies and plans included in the California Comprehensive Ocean Area Plan.

(c) Within 10 years from the effective date of this act, the lands shall be substantially improved by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve the lands as herein required, all right, title, and interest of the city in and to all lands granted by this act shall cease and the lands shall revert and rest in the state.

Nothing contained in this act, however, shall preclude expenditures for the development of the lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The state shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(f) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

(g) There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

(h) Such lands are granted subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Santa Cruz County.

(j) The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon.