

CHAPTER 18

An act to convey certain tide and submerged lands, situated in Solano County, to the City of Benicia, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof.

[Approved by Governor April 16, 1964 Filed with
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The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City of Benicia 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 salt marsh, tide and submerged lands, whether filled or unfilled, which are described as follows:

Beginning at the point of intersection of the Southerly Line of Benicia Arsenal as said line has been established by the State Lands Commission of the State of California in conjunction with the General Services Administration of the United States Government and the City of Benicia and the Westerly line of State Highway IV, X-CC., SOL-75, 74-MTZ, BEN said point being near the Northerly end of the Benicia-Martinez Bridge; thence along the above mentioned agreement line South $48^{\circ} 51' 22''$ West, 257.19 feet; thence South 75°

52' 05" West, 290.80 feet; thence South 23° 08' 45" West, 142.47 feet; thence South 21° 34' 17" East, 462.39 feet; thence South 85° 58' 18" West, 142.35 feet; thence South 35° 13' 03" West, 104.04 feet; thence North 82° 27' 38" West, 205.78 feet; thence South 43° 41' 17" West 92.66 feet; thence North 40° 38' 56" West, 130.48 feet; thence South 69° 52' 36" West, 139.52 feet; thence South 37° 08' 48" West, 82.80 feet; thence South 76° 10' 17" West, 200.82 feet; thence South 68° 38' 44" West, 142.80 feet; thence North 51° 58' 22" West, 198.04 feet; thence South 62° 33' 37" West, 117.18 feet; thence South 9° 15' 12" West, 151.13 feet; thence North 57° 12' 57" West, 68.63 feet; thence North 65° 33' 22" West, 48.33 feet; thence North 87° 12' 26" West, 82.10 feet; thence West 108.00 feet; thence South 85° 38' 45" West, 197.57 feet; thence South 82° 12' 32" West, 693.40 feet; thence South 78° 28' 35" West, 210.24 feet; thence South 72° 30' 15" West, 96.46 feet; thence South 65° 38' 49" West, 104.28 feet; thence South 52° 15' 11" West, 196.02 feet to the Easterly City Limits line of the City of Benicia; thence along said line South 1° 00' 12" West, 1253.22 feet to the Pierhead line as said line is shown on the map entitled "Harbor Lines for Carquinez Strait, California", issued by the U. S. Engineer Office, San Francisco, California and dated March 1, 1940, amended August 24, 1962; thence along said Pierhead line North 87° 37' 29" East, 658.54 feet; thence North 57° 33' 13" East, 3025.97 feet; thence North 27° 11' 11" East, 865.28 feet to the Westerly line of the above mentioned State Route IV-SOL-75; thence along said line North 31° 30' 25" West, 289.48 feet to the point of beginning.

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:

(a) That said lands shall be used by said 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 all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities, as may be specified by the city council, after public hearing.

(3) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances

incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, 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 1.

(5) 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.

(6) 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, motels, 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) Said city, or its successors shall not at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said 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 said lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which said lands are held by the State of California, 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 said lands.

(c) Within 10 years from the effective date of this act, said lands shall be substantially improved by said city without expense to the State, and if the State Lands Commission determines that the city has failed to improve said lands as

herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

Nothing contained in this act, however, shall preclude expenditures for the development of said 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.

The acquisition by the City of Benicia of the pier and wharf facilities which on March 1, 1964, are located on said lands shall constitute substantial improvement of the lands within the meaning of this subdivision.

(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 of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the State of California.

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

(g) There is hereby excepted and reserved in 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.

(h) Said lands 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 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 said 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 Solano County.