

CHAPTER CCXVI.

An Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

[Approved March 21, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of said Act is hereby amended so as to read as follows:

Trustees to set apart two public squares. Section 10. The said Trustees, or a majority of them, are hereby empowered and directed, on or before the first day of May, eighteen hundred and sixty-eight, to set apart from the property owned by said city, south of M and east of West Third street, two public squares of the dimensions of six hundred feet by two hundred and seventy feet each; and from the remaining property owned by said city, to select and set apart such lots and parts of lots, and lots covered by water, as the said Trustees may deem proper, for school purposes, fire engine houses, libraries and other public uses, not exceeding in the aggregate twenty original sized lots; and for the purpose aforesaid, the said Trustees are authorized to exchange lots with individuals in such manner as they may see fit; and the said Trustees shall, on or before the first day of July, eighteen hundred and sixty-eight, proceed to sell, at public auction, for gold or silver coin, after giving notice thereof by publication in one daily newspaper in San Francisco, and one newspaper in the County of Solano, for at least thirty days preceding such sale, all remaining property to which the said city has acquired title, either from the Government of the United States or of this State, and to execute conveyances therefor to the purchasers, upon their complying with the terms of sale; *provided*, that any person who has erected a useful and substantial wharf or dock upon any water lots heretofore purchased by him from said city shall have the privilege, within thirty days from the passage of this Act, of further purchasing from said city at private sale, at a fair valuation to be fixed by said Trustees, or receiving in exchange, such other water lots as may be adjoining the lots on which said wharf or dock may be situated, not exceeding three lots of one hundred and twenty-five feet by one hundred and fifty feet each (lots separated only by an alley being considered as adjoining); and the said Trustees shall pay the proceeds of all sales, less their fees, which shall be the same percentage for them all as is allowed by law to the Sheriff on sale of property under execution, to the County Treasurer of said county, who shall be responsible for the same upon his official bond, and who shall apply the same to the extinguishment of the debt of said city, in the same manner as the taxes which may be collected may be applied. The said Trustees shall be entitled to receive for their services the sum of three dollars for each conveyance of one lot, and one dollar for each additional lot conveyed by the

Twenty lots for public uses.

Sell remainder of public property.

Private sale.

Proceeds.

Pay of Trustees.

same instrument, payable in gold coin. The following line is hereby declared to be the permanent water front of said city: Line of water front. Beginning at the intersection of the southerly line of J street with the west line of the city survey, as per a certain map of said city, entitled "Plan of the City of Benicia," showing the water front granted to the said city by an Act of the Legislature, approved May third, eighteen hundred and fifty-five, surveyed and drawn by Em. A. D'Hemicourt, City Surveyor, October, eighteen hundred and fifty-seven; thence easterly on the southerly line of J street, to the westerly line of West Fourteenth street; thence southerly on the westerly line of West Fourteenth street, to the southerly line of I street; thence easterly on the southerly line of said I street, to the westerly line of West Twelfth street; thence southerly on the westerly line of West Twelfth street, to the southerly line of H street; thence easterly on the southerly line of H street, to the westerly line of West Tenth street; thence southerly on the westerly line of West Tenth street, to the southerly line of G street; thence easterly on the southerly line of G street, to the westerly line of West Ninth street; thence southerly on the westerly line of West Ninth street, to the southerly line of F street; thence easterly on the southerly line of F street, to the westerly line of West Seventh street; thence southerly on the westerly line of West Seventh street, to the southerly line of D street; thence easterly on the southerly line of D street, to the westerly line of West Sixth street; thence southerly on the westerly line of West Sixth street, to the southerly line of C street; thence easterly on the southerly line of C street, to the westerly line of West Fifth street; thence southerly on the westerly line of West Fifth street, to the southerly line of B street; thence easterly on the southerly line of B street, to the westerly line of West Fourth street; thence southerly on the west line of West Fourth street, to the southerly line of A street; thence easterly on the southerly line of A street, to the westerly line of West Third street; thence southerly on the westerly line of West Third street, to the southerly line of South street; thence easterly on the southerly line of South street, to the easterly line of West Second street; thence northerly on the easterly line of West Second street, to the southerly line of Union street; thence easterly on the southerly line of Union street, to the east line of First street; thence northerly on the east line of First street, to the southerly line of Front street; thence easterly on the southerly line of Front street, three hundred feet; thence northerly and parallel with First street, to the southerly line of Water street; thence easterly on the southerly line of Water street, seven hundred and sixty feet; thence northerly at right angles with Water street, one hundred and twenty-five feet; thence easterly at right angles with the last described line, three hundred feet; thence northerly at right angles with Water street, to the southerly line of A street; thence easterly on the southerly line of A street, to the easterly line of East Fourth street; thence northerly on the east line of East Fourth street, to the southerly line of B street; thence easterly on the southerly line of B street, to the easterly line of East Fifth street; thence northerly on the easterly line of East Fifth street, one

Line of water front. hundred and twenty-five feet; thence easterly at right angles with Fifth street, to the easterly line of East Sixth street; thence northerly on the easterly line of East Sixth street, to the southerly line of C street; thence easterly on the southerly line of C street, to the easterly line of East Seventh street; thence northerly on the easterly line of East Seventh street, to the southerly line of D street; thence easterly on the southerly line of D street, three hundred and eighty feet; thence northerly at right angles with D street, to the southerly line of E street; thence easterly on the southerly line of E street, to the easterly line of East Eighth street; thence northerly on the easterly line of East Eighth street, to the southerly line of F street; thence easterly on the southerly line of F street, to the easterly line of East Ninth street; thence northerly on the easterly line of East Ninth street, one hundred and twenty-five feet; thence easterly at right angles with East Ninth street, to a north and south line drawn through a point where the western boundary line of the lands belonging to the United States, and now used for military purposes, strikes ordinary high water mark; thence north with said north and south line, to high water mark. All the lands covered by water or subject to overflow within the said water front, as herein described, and within the corporate limits of said city, are hereby confirmed to said city; and where the said Trustees have heretofore made a conveyance of any lots or parts of lots outside of said water front, they are hereby authorized to compromise with such purchasers, their heirs or assigns, by conveying to them other lots within the water front in lieu thereof. Nothing in this Act shall be so construed as to interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, or preclude a judicial examination and adjustment thereof.

Title confirmed. Adverse claims.

Sec. 2. All Acts and parts of Acts, so far only as they conflict with the provisions of this Act, are hereby repealed.

Sec. 3. This Act shall take effect and be in force from and after its passage.