
CHAPTER 534.

An act to amend an act entitled "An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Berkeley, and regulating the management, use and control thereof," approved June 11, 1913.

[Approved May 27, 1915. In effect August 8, 1915.]

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

SECTION 1. Section one of an act entitled "An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf

out therefrom to the city of Berkeley, and regulating the management, use and control thereof," approved June 11, 1913, is hereby amended to read as follows:

Tide Lands
granted to
Berkeley.

Conditions
of grant.

Franchises
for wharves,
etc

Persons in
possession
to have
first right

Sec. 1. There is hereby granted to the city of Berkeley, 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 the 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 Berkeley, shall have a 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 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.

Right to use wharves, etc., reserved to state.

No discrimination in rates.

Right to fish reserved.

SEC. 2. Section two of an act entitled "An act granting to the city of Berkeley the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the city of Berkeley, and regulating the management, use and control thereof," approved June 11, 1913, is hereby amended to read as follows:

Sec. 2. The foregoing conveyance is made upon the condition that the city of Berkeley shall, on or before the first day of July in the year 1920, issue its bonds for harbor improvements in an amount of money of not less than five hundred thousand (\$500,000) dollars, and shall within said time commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence that not less than five hundred thousand dollars (\$500,000) shall be expended thereon within such time; *provided, however,* that should the said city of Berkeley be restrained from so prosecuting the work of such harbor improvements by injunction, issued out of any court of this state or of the United States, or the further delay as a result of any unavoidable misfortune of great public or municipal calamity then, and in such event, such time shall not be included within the time herein set forth, but whatever length of time of said city shall be prevented from commencing or completing such harbor

Must issue \$500,000 bonds before July 1, 1920.

Lands may
revert to
state

improvement as the result of such injunction or unavoidable misfortune of great public or municipal calamity, such time caused by such delay shall be added to the time herein set forth. If said bonds be not issued or said work be not prosecuted and completed as, and in the manner herein provided, then the lands by this act conveyed to the city of Berkeley shall revert to the State of California.
