

CHAPTER 28.

An act conveying certain tidelands and lands lying under inland navigable waters, situate in the bay of San Diego to the city of National City, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

[Approved March 21, 1917. In effect July 27, 1917.]

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

WHEREAS, Since the admission of California into the Union, all tidelands along the navigable waters of this state and all lands lying beneath the navigable waters of the state have been and now are held in trust by the state for the benefit of all the inhabitants thereof for the purpose of navigation, commerce and fishing; and

WHEREAS, It is the duty of the state to govern, administer and control such lands and to improve and develop navigation, commerce and fishing thereon and thereover; and

WHEREAS, The state has not the general power of alienation of such lands, but may, when the interests of commerce, navigation and fishing require it, convey to municipalities limited and defined areas of such lands with the power to govern, control, improve and develop the same in the interests of all the inhabitants of the state; and

WHEREAS, The conveyance to the city of National City of the lands hereinafter described, together with the right to govern, control, improve and develop the same will result in great advantage and benefit to all the inhabitants of the state, it is provided:

SECTION 1. There is hereby granted and conveyed to the city of National City, in the county of San Diego, State of California, all of the lands situate on the city of National City side of said bay, lying and being between the line of mean high tide and the pier head line in said bay, as the same has been or may hereafter be established by the federal government, and between the prolongation into the bay of San Diego to the pier head line of the boundary line between the city of National City and the city of San Diego, and the prolongation into the bay of San Diego to the pier head line of the boundary line between the city of National City and the city of Chula Vista.

SEC. 2. The city of National City shall have and there is hereby granted to it the right to make upon said premises all improvements, betterments and structures of every kind and character, proper, needful and useful for the development of commerce, navigation and fishing, including the construction of all wharves, docks, piers, slips, and the construction and operation of a municipal belt line railroad in connection with said dock system.

Tidelands
granted to
National
City.

Use of
lands.

SEC. 3. No grant, conveyance or transfer of any character shall ever be made by the city of National City of the lands described in section one, or of any part thereof, but the said city shall continue to hold said lands and the whole thereof unless the same revert or be ceded to the State of California. The harbor of National City shall remain always a public harbor and the said city shall never charge or permit to be charged on any of the premises by this act conveyed any unreasonable rate or toll, nor make nor suffer to be made any unreasonable charge, burden or discrimination. In the event of a violation of any of the provisions of this act, the said lands and the whole thereof shall revert to the State of California.

No discrim-
ination in
rates.

SEC. 4. The city of National City may lease for a term not exceeding twenty-five years any wharves, docks or piers constructed by it, and all such leases so executed shall reserve to the board of trustees of the city of National City, the right and privilege, by ordinance, to annul, change or modify such leases as in its judgment may seem proper. The aggregate amount of all wharves, docks and piers so leased by said city shall never exceed seventy-five per cent of all the wharves, docks and piers actually constructed.

Maximum
term of
lease.

SEC. 5. The city of National City, may lease not to exceed an aggregate of seventy-five per cent of the lands conveyed to it by this act, for a term not to exceed twenty-five years and upon which wharves, docks or piers have not been actually constructed, and, except by consent of the board of trustees of the city of National City under an ordinance of such board duly adopted, such leases shall not be assignable or transferable, nor shall any lessee have the right to sublet the leased premises or any part thereof, and all such leases so executed shall reserve to the board of trustees of the city of National City, the right and privilege, by ordinance to annul, change or modify such leases as in its judgment may seem proper; *provided, however,* that nothing in this act contained shall operate as a limitation upon the right and authority of the harbor commission of the State of California, at any time prior to the city of National City issuing its bonds as required in section six hereof, of leasing any of the lands herein granted and conveyed to said National City, and the right and authority to enter into such leases at any time prior to issuing of such bonds, is hereby expressly conferred upon said harbor commission.

Conditions
of lease.

SEC. 6. The foregoing conveyance is made upon the condition that the city of National City shall, within five years from the approval of this act, exclusive of such time as said city may be restrained from so doing by injunction issued out of any court of this state or of the United States, and exclusive of such further delay as may be caused by unavoidable misfortune or great public or municipal calamity, issue its bonds for harbor improvement purposes in an amount of not less than

Harbor
improvement
by city.

one hundred thousand dollars, and shall, within five years after the approval of this act, exclusive of the time in this section hereinbefore mentioned, commence the work of such harbor improvement, and the said work and improvement shall be prosecuted with such diligence, that not less than one hundred thousand dollars shall be expended thereon within five years from the approval of this act. 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 National City shall revert to the State of California.

State's right
to use docks.

SEC. 7. The state hereby reserves unto itself at all times, the reasonable use of and access to all wharves, docks, piers, slips and quays hereafter constructed under the provisions of this act, for any vessel or water craft owned, leased, or operated by the state.