

CHAPTER 607

An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Oakland, including the management, use and control thereof.

[Approved by Governor May 19, 1943. Filed with Secretary of State May 19, 1943.]

In effect
August 4,
1943

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

SECTION 1. There is hereby granted to the City of Oakland, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California held by said State by virtue of its sovereignty in and to all lands, salt marsh, tidelands and submerged lands, whether filled or unfilled, included within that portion of the unincorporated territory of the County of Alameda, State of California, described as follows:

Bounded on the northeast and east by the southwesterly boundary line of the Rancho San Leandro as finally confirmed to Jose Joaquin Estudillo, and the patent of which was recorded November 30, 1863 in Book "A" of patents, at page 105, Alameda County records; on the southwest by the boundary line of the City of Oakland as extended by the board of supervisors of the County of Alameda by its Resolution No. 32731 filed on August 10, 1938 with the Secretary of State of the State of California, and the northeast boundary of tide lots numbered 4, 3, 14 and 15, section 33, T. 2 S., R. 3 W., as shown on Sale Map No. 10 of salt marsh and tidelands, etc., prepared under the direction of the Board of Tide Land Commissioners of the State of California; and on the northwest by the boundary line of the City of Oakland; saving and excepting therefrom the right of way or strip of land occupied by the railroad line of Southern Pacific Company.

To be forever held by said city, and 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, only for the establishment, improvement and conduct

of a harbor, including an airport or aviation facilities and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, 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 purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor.

(b) That said lands shall be improved by said city without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or air craft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), 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.

Fishing
rights

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

Mineral
deposits

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, 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 land.

Use of lands
without
compensation

(f) The lands herein described 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 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 taken or the damages to such interest.