

CHAPTER 1406

An act conveying certain tidelands and lands lying under inland navigable waters, situate in Bodega Harbor to the County of Sonoma, in furtherance of navigation and commerce and the fisheries and for public recreational purposes, and providing for the government, management and control thereof, reserving rights to the State.

[Approved by Governor July 9, 1951 Filed with
Secretary of State July 10, 1951]

In effect
September
22, 1951

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

SECTION 1. There is hereby granted and conveyed to the County of Sonoma all of the tide and submerged lands of Bodega Harbor situated within and bordering the County of Sonoma, more particularly bounded and described as follows: Tide, submerged lands of Bodega Harbor Grant to Sonoma County)

“That part of Bodega Harbor, in Sonoma County, California, situated inside and landward of a straight line beginning at the southwesterly end of the South Jetty at the entrance to said Bodega Harbor at its intersection with Bodega Head, running thence north to a point in the North Jetty on the sand spit locally known as ‘Doran Park’; said tide and submerged lands lie bayward of the ordinary high water mark as meandered and shown on the United States General Land Office Plat for Bodega Ranch, and specifically described on said plat between

stations; and by courses numbered 79 to 131, both inclusive, as surveyed by the U. S. Surveyor General for California and dated November 21, 1857.”

To be forever held by said county, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

Conditions
of grant

(a) That said lands shall be used by said county, and its successors, only 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, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, maintenance, and operation thereon of public buildings and public parks and playgrounds, and for public recreational purposes, and said county, 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 county, 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, and collect and retain rents from such leases.

(b) That said lands shall be improved by said county 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 aircraft, 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 county or its successors.

(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.

(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 person authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(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 county, 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.

Conditions
of grant

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said county without expense to the State, and if the State Lands Commission determines that the county has failed to improve said lands as herein required, all right, title, and interest of said county in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the Recorder of Sonoma County, the area of state lands described in this act.

Survey,
recording,
etc.

There is hereby reserved to the State of California the area lying between points No. B98 and B99, as surveyed by the U. S. Surveyor General for California and dated November 21, 1857, an area described as follows:

Beginning at a point on the survey line of Bodega Rancho which is approximately P + B98, thence S 1° 04' E, 100' + to a point on the mean high tide line of Bodega Bay; thence along said high tide line S 47° 42' E, 800.0' to a point, thence S 56° 12' E, 172.9' to a point still on said high tide line. Thence leaving said high tide line N 51° 50' E to a point on the approximate survey line of Bodega Rancho, between Station B98 and B99; thence in a northwesterly direction along the said Bodega Rancho line to the point of beginning, and also any accretions bayward which has taken place since the date of this deed which was recorded October 22, 1935, Book 394, Page 229, Records of Sonoma County.