

CHAPTER 836

An act respecting the tidelands and submerged lands granted to the City of Coronado pursuant to Chapter 49, Statutes of 1923, Chapter 293, Statutes of 1931, and Chapter 1563, Statutes of 1947, located in San Diego Bay, and granting additional lands to said city, and reserving certain rights to the State of California.

[Approved by Governor June 5, 1957. Filed with Secretary of State June 6, 1957.]

In effect
September
11, 1957

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

SECTION 1. There is hereby granted to the City of Coronado, a municipal corporation, and 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 lands, salt marsh, tidelands and submerged lands, whether filled or unfilled, situated on the Coronado side of San Diego Bay and within Glorietta Bay, a part of said San Diego Bay, County of San Diego, State of California, lying between the line of mean high tide as set out on a map entitled "Map Showing Location of Mean High Tide Line or Ordinary High Water Mark, Within Corporate Limits of City of Coronado, California, dated October, 1931, and filed at the request of the City of Coronado on March 11, 1932, designated Miscellaneous Map No. 121, file number 11037, Official Records, San Diego County," and a straight line drawn between Stations 183 and 189 of the pier-head line in said Glorietta Bay as said pierhead line has been established and shown on map of harbor lines of San Diego Bay by the United States Corps of Engineers in May, 1952, 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 for the establishment, improvement and conduct of the harbor, 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 of commerce, navigation and fisheries; but said city 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 whatsoever; except that said City of Coronado may grant franchises thereon for wharves, docks, piers, slips, quays, and any other public uses and purposes, and may lease said lands or any part thereof for any of said uses or purposes hereinabove enumerated, or for any purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation of said harbor, to persons, firms or corporations for a period not exceeding 50 years; provided, however, that said city may have the right to renew such lease or leases for the

further term not exceeding 25 years, or to terminate the same upon such terms, reservations and conditions as may be stipulated in such lease or leases; provided further, that said lands may also be used for the construction, maintenance and operation of public buildings, public works and playgrounds, and for public recreational purposes, to the extent that such uses and purposes do not interfere with the use of said lands for commerce and navigation.

Every such lease shall provide for the payment of rentals to the City of Coronado, which said rentals shall either be at an agreed figure, or shall be arrived at in such manner as may be mutually agreed upon, and provided for in said lease or leases.

Said leases shall also provide that at no time during their term, shall the said City of Coronado be required to make any improvements on or for the benefit of the leased lands. Every lease so executed shall reserve to the city council and to the people of the City of Coronado, the right and privilege, by ordinance duly adopted, to terminate, change or modify such lease or leases on such terms, reservations and conditions as may be stipulated in such lease or leases.

(b) That said harbor shall be improved by said city without expense to the State of California, and it shall always remain a public harbor for all purposes of commerce, 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 constructed on said land or any part thereof for any vessel or other watercraft or railroad, owned and operated by the State of California.

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

(d) Reserving, however, for 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 purpose.

(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.

(f) Said lands 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, or for the purposes of a toll tube or other toll highway crossing of San Diego Bay, without compensation to the city, or its successors, 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 such purpose or 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

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the County Recorder of San Diego County, the area of state lands described in this act. Said city shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state lands described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs.

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 4. Nothing contained in this act shall preclude the city from accepting and retaining any grant of funds from the State made available for the purpose of aiding in the development of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation by air and water.