

CHAPTER 70

An act to amend Section 1 of Chapter 1076 of the Statutes of 1947, relating to tidelands and submerged lands in San Luis Obispo County.

In effect
July 7, 1960

[Approved by Governor May 2, 1960 Filed with
Secretary of State May 3, 1960]

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

SECTION 1. Section 1 of Chapter 1076 of the Statutes of 1947 is amended to read:

San Luis
Obispo
County
Grant of
tidelands

Section 1. There is hereby granted and conveyed to the County of San Luis Obispo and to its successors, all of the right, title, and interest of the State of California, held by it by virtue of its sovereignty, in and to the tidelands and submerged lands, whether filled or unfilled, in or adjacent to Morro Bay, and more particularly bounded and described as follows:

Boundaries

Beginning at the northwesterly corner of Section 6, T. 30 S., R. 11 E., M. D. M., being also the northeast corner of Lot 5, Section 1, T. 30 S., R. 10 E., M. D. M., as shown on General Land Office Township Plat of T. 30 S., R. 10 E., approved October 17, 1889, thence south a distance of 1149.70 feet to a point, as shown on "Map of Survey of Parcels of Land in Lot 5 of Section 1, T. 30 S., R. 10 E., M. D. M., San Luis Obispo County, California, Pacific Engineers and Surveyors, Inc., September 1952" and recorded in Book 6 page 73 of

Records of Surveys, San Luis Obispo County Records, thence west on a true line to the ordinary high water mark of Morro Bay, the true point of beginning; thence from the true point of beginning, in a northwesterly direction to the northeasterly corner of Lot 1, Section 1, T. 30 S., R. 10 E., M. D. M.; thence along the ordinary high water mark of Morro Bay and the Pacific Ocean to the northwesterly corner of Lot 1, Section 2, T. 30 S., R. 10 E., M. D. M., thence west to a point 3 miles seaward of the ordinary high water mark of the Pacific Ocean; thence in a northerly direction to the point of intersection with the westerly prolongation of the center line of 66th Street, Atascadero Beach, 3 miles seaward of the ordinary high water mark of the Pacific Ocean as it existed prior to the construction of the seawall extending from Atascadero Beach to Morro Rock; thence along said ordinary high water mark of the Pacific Ocean and Morro Bay, as shown on a plat entitled "Map Showing Survey of San Luis Obispo County Property in Lot 1, Block 31, Atascadero Beach and Line of Mean High Water along the Pacific Ocean Adjacent to and North and South of Said Property and Near the Proposed Breakwater at Morro Rock, Surveyed by Kenneth Beek, County Surveyor, March 1934" and recorded in Book 2 at page 39 of Licensed Surveyors' Maps, San Luis Obispo County Records, to the point of intersection with the northwesterly line of Tidelands Survey No. 14, as shown on plat entitled "Map of Survey of Parcels of Land Being Portions of Lots 1 and 2 of Block 31 and Speedway, Atascadero Beach, and Portion of Block F, Town of Morro, San Luis Obispo County, California, Pacific Engineers & Surveyors, Inc., December 1954" and filed in Book 7, page 60 of Records of Surveys, San Luis Obispo County Records, thence along the landward boundary lines of Tidelands Surveys Nos. 14 and 10, thence continuing along the ordinary high water mark of Morro Bay to the true point of beginning, excepting therefrom tidelands patented by the State under Tidelands Surveys Nos. 10 and 14, and any land owned by the State under the jurisdiction of the Division of Beaches and Parks, State of California, consisting of 3,300 acres, more or less.

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:

Purposes and conditions

(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, and for recreational use, public park, parking, highway, playground, and business incidental thereto; 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 persons 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.

(g) There is hereby excepted and reserved to the State of California and the people thereof the absolute right, as the case may be, to regulate, control, establish, provide for, and dispose of oyster beds pursuant to the provisions of Article 4 (commencing with Section 6480) Chapter 5, Part 1, Division 6 of the Fish and Game Code of this State.

(h) If the lands, or any part thereof, granted to the county by this act are not used for the additional purposes authorized by the amendment of this section made at the 1960 First Extraordinary Session of the Legislature within 10 years from the effective date of said amendment, or if such use is discontinued thereafter, the authorization to use said lands for such additional purposes shall automatically terminate and lapse.
