

CHAPTER 1835

An act to convey certain tide and submerged lands to the City of Pittsburg, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof.

[Approved by Governor July 15, 1961 Filed with
Secretary of State July 18, 1961.]

In effect
September
15, 1961

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

SECTION 1. There is hereby granted to the City of Pittsburg, a municipal corporation in the County of Contra Costa, 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 of the tide and submerged lands, whether filled or unfilled, situated within the boundaries of the City of Pittsburg as such boundaries exist on the effective date of this act, except those certain described tide and submerged lands previously conveyed to the City of Pittsburg pursuant to Chapter 214 of the Statutes of 1937, 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:

Grant of
tidelands to
City of
Pittsburg

(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

Purposes,
limitations

promotion and accommodation of commerce and navigation by air as well as by water and for public recreation purposes, and for the establishment, improvement and conduct of utilities, facilities, structures, buildings, works and appliances necessary or convenient for the promotion and accommodation of public recreation, 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, and collect and retain rents from such leases.

Improvements (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 aircraft, or railroad, owned or operated by the State of California.

Conduct of operations, etc (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.

Reservations. Fishing (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 rights (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.

Conditions (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.

Same (g) The lands herein granted are held upon the express condition that within 10 years from the effective date of this

act, said lands shall be substantially improved by the city without expense to the State by the construction of a small craft harbor as approved by the Division of Small Craft Harbors, and if during said 10-year period the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease, and title to said lands shall revert to 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 County Recorder of Contra Costa 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. Survey, etc

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. Severability clause

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. Excluded from the provisions of this act are any expenses to the State that may arise from the administration of the Small Craft Harbors Law or contracts made thereunder affecting the described tide and submerged lands. Retention of funds by city
