

CHAPTER 799

An act to amend Section 1 of Chapter 1064 of the Statutes of 1959, relating to tide and submerged lands in the County of Sonoma.

[Approved by Governor June 12, 1961. Filed with
Secretary of State June 12, 1961.]

In effect
September
15, 1961

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

SECTION 1. Section 1 of Chapter 1064 of the Statutes of 1959 is amended to read:

Section 1. There is hereby granted to the County of Sonoma, 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 bounded and described as follows:

That part of Bodega Harbor, in Sonoma County, California, situated inside and landward of a straight line beginning at the southwest 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:

(a) That said lands shall be used by said county, 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 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.

Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise granted by said county under the Broughton Act, and any such franchise shall be effective with respect to said lands when title thereto passes to said county hereunder.

(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: provided, that any lease of said land proposed to be made by said county may, with respect to the reservation of mineral rights by the State set forth in this subdivision (e), be submitted by said county to the State Lands Commission. Acting by and through the State Lands Commission, indicated by appropriate endorsement on the proposed lease, the State may agree that, for the term of said lease, the State, its successors or assigns, shall not have the right to enter upon the surface of the lands proposed to be leased for the purpose of extracting or removing said minerals, but shall have the right to extract and remove said minerals by means of slant-drilled wells located on adjacent or nearby land or by any other means that shall not require entry upon the surface of the premises proposed to be leased, and which will not impair the lateral or subjacent support of the demised premises and of any fill or improvements then on the demised premises or which may thereafter be placed thereon. As a condition precedent to such action, the State Lands Commission shall first ascertain that the State has immediate and unimpaired access to lands adjacent or contiguous, or both, to the premises described in the proposed lease for the purpose of carrying out such mineral extractions, without cost to the State, and that such access by the State shall remain unimpaired for the term of the proposed lease. Any interruption of such unimpaired access by the State, during the term of the lease, shall operate to terminate any limitation upon its rights which may have been accepted by the State, pursuant to this subdivision (e), prior to the effective date of the lease.

(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 per-

son entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(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 rest in the State.

(h) Within 10 years from the effective date of this act said county may present to the State Lands Commission a plan for the improvement and development of said lands. If the commission determines that the plan and the improvements contemplated therein would, if completed, constitute substantial improvement within the meaning of subdivision (g) of this section, it shall conditionally approve the plan. Completion of the improvements thus conditionally approved, if completed within 10 years of the effective date of this act, and a determination of such completion by the commission, shall constitute a conclusive determination that the lands have been "substantially improved" within the meaning of subdivision (g), and, upon such determination by the commission, subdivision (g) and the conditions expressed therein shall be of no force or effect. Such improvements must be completed within the 10-year period, but such determination of their completion by the commission may be made after the 10-year period has elapsed.
