

CHAPTER 1828

An act to amend Section 4 of, and to add Section 8 to, Chapter 214 of the Statutes of 1937, and to amend Section 1 of Chapter 1835 of the Statutes of 1961, relating to conveyances in trust of tide and submerged lands to the City of Pittsburg.

[Approved by Governor July 17, 1963. Filed with Secretary of State July 19, 1963.]

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

SECTION 1. Section 4 of Chapter 214 of the Statutes of 1937 is amended to read:

Sec. 4. The City of Pittsburg may lease upon such terms as it shall deem advisable, for a term not exceeding 99 years, any of such land or any wharves, docks or piers constructed thereon, and all such leases so executed shall reserve to the Council of the City of Pittsburg the right and privilege, by ordinance, to annul, change or modify such leases as in its judgment may seem proper subject to the terms and conditions therefor contained in such leases, respectively.

SEC. 1.5. Section 8 is added to Chapter 214 of the Statutes of 1937, to read:

Sec. 8. The lands herein described shall have been, or shall be, within 10 years from the effective date of this section, substantially improved by the City of Pittsburg without expense to the State, and if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title and interest of the city in and to said lands shall cease and said lands shall revert and rest in the State.

SEC. 2. Section 1 of Chapter 1835 of the Statutes of 1961 is amended to read:

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:

(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 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 99 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 99 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 city under the Franchise Act of 1937 and any such franchise shall be effective with respect to said lands.

(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.

(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.

(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 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.

(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.
