

CHAPTER 1510

An act to convey certain tide and submerged lands, situated in Del Norte County, to the Crescent City Harbor District, 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 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. There is hereby granted to the Crescent City Harbor District, 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 under the waters of the Pacific Ocean, whether filled or unfilled, which are described as follows.

Beginning at the intersection of the East City Boundary line with a line 3200 0 feet, at right angles, from and parallel to the center line of Second Street in said City; thence Southwesterly along said parallel line 5280 feet; thence Southeasterly, at right angles, to an intersection with the westerly prolongation of the South line of Section 11, Township 15 North, Range 1 West, H.M.; thence East to the Ordinary High Water Line of the Pacific Ocean; thence Northwesterly along said ordinary High Water Line to Station 11 of the Ordinary High Water Mark as per map recorded in Book 3 of Maps at page 94 in the Office of the Del Norte County Recorder; thence Northwesterly along said Ordinary High Water Mark to Station 1, which is also a point on the East City Boundary; thence South to the point of beginning.

To be forever held by said district, 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 district, 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, navigation, and fisheries, 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 district, 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 district, 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, 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 district under the Broughton Act, and any such franchise shall be effective with respect to said lands when title thereto passes to said district hereunder.

The grant of tide and submerged lands to the Crescent City Harbor District made by this act shall not affect the terms of any franchise or lease presently in effect or any extensions of a lease now provided for in an existing lease.

(b) That said lands shall be improved by said district 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 district 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 upon the granted lands 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 district, 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) That within 10 years from the effective date of this act said lands shall be substantially improved by said district

without expense to the State, and if the State Lands Commission determines that the district has failed to improve said lands as herein required, all right, title, and interest of said district in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

SEC. 2. 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. 3. Nothing contained in this act shall preclude the district 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, or shall preclude the State from expending funds for the purpose of aiding in such development.

SEC. 4. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the office of the County Recorder of Del Norte County, the area of state lands described in this act. Said district 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.