

CHAPTER 1586

An act to amend Section 1 of Chapter 1939 of the Statutes of 1955, relating to certain lands lying under inland navigable waters situated in the San Joaquin River.

[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. Section 1 of Chapter 1939 of the Statutes of 1955 is amended to read:

Section 1. There is hereby granted to the City of Antioch, State of California, and to its successors, all the right, title and interest now held by the State of California by virtue of its sovereignty in and to all of the tide and submerged lands in the San Joaquin River and fronting on the City of Antioch, more particularly described as follows:

Beginning at the point where a line running directly north from the monument at the southeast corner of the intersection of Wilbur Avenue and A Street intersects the ordinary high-water mark; thence continuing north on said line into the San Joaquin River to where it intersects the common boundary of Contra Costa and Sacramento Counties; thence downstream in the San Joaquin River along said common boundary to where the west line of O Street in the City of Antioch extended meets said common boundary; thence southerly along said west line of O Street extended to a point of intersection with the ordinary high-water mark of the San Joaquin River; thence easterly along said ordinary high-water mark to the point of beginning, excepting from the foregoing any sovereign lands heretofore sold validly by the State of California.

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, 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 the construction, maintenance, and operation thereon of public buildings and public parks and playgrounds, and for public recreational purposes, 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 whatsoever; 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, franchises and privileges, except that there is hereby reserved to the State of California during the term or any extension thereof, the jurisdiction and all revenues payable to the State under that certain lease between the State of California and John J. Rodgers, dated May 21, 1953 (P.R.C. 805.1).

(b) That said lands shall be substantially improved by said city within 20 years of the effective date of Chapter 1939 of the Statutes of 1955 without expense to the State, and shall always remain available for public use for all purposes consistent with the trust under which the State holds sovereign lands, 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 watercraft or aircraft, or railroad, owned or operated by the State of California. If the State Lands Commission determines that the city has failed during said 20-year period 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 said lands shall revert and vest in the State.

(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 together with the right of navigation.

(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 or for other state purposes, including small boat harbors, 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 interests.