

CHAPTER 1658

An act to amend Sections 1 and 2 of Chapter 2125 of the Statutes of 1961, relating to a conveyance of tide and submerged lands to the City of Redwood City.

[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 2125 of the Statutes of 1961 is amended to read:

Section 1. There is hereby granted to the City of Redwood City, a municipal corporation of the State of California, and to its successors, all of the rights, title and interest of the State

of California held by said State by virtue of its sovereignty in and to all lands, tidelands and submerged lands, swamps and overflowed lands, whether filled or unfilled, included within that portion of the City of Redwood City, County of San Mateo, State of California, particularly described as follows:

All of Deepwater Slough lying within Sections 5 and 8 of Township 5 South, Range 3 West, Mount Diablo Base and Meridian.

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 the construction, maintenance, and operation of flood control projects, including the use of said lands for the purpose of depositing thereon spoils from dredging operations in connection with channel improvements in Redwood Creek, 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. Nothing contained in this subdivision (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; provided, however, that dredging operations may be conducted by or on behalf of said grantee in any part of the granted areas for the improvement of navigation in Redwood Creek and the spoils resulting from such dredging may be disposed of at the discretion of the City of Redwood City, and if any monetary benefit is derived from the disposal of sand or shell, such benefit shall inure to the State of California.

(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 right-of-way 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) That within 10 years from the effective date of this act said lands shall be substantially improved by said city 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 said city in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

SEC. 2. Section 2 of said act is amended to read:

Sec. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the Recorder of San Mateo County, the area of state lands described in this act; provided, that if the lands granted pursuant to this act have been surveyed by a licensed engineer, such survey shall be adopted by the State Lands Commission in the absence of error, and in lieu of making a survey as required by this section, in order to avoid the cost of a second survey at the expense of the grantee.