

CHAPTER 24

An act relating to the tide and submerged lands granted to the City of Vallejo by Chapter 310 of the Statutes of 1913, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. The parcel to which the provisions of this act are applicable consists of that portion of the tide and submerged lands heretofore conveyed to the City of Vallejo upon certain trusts and conditions by Chapter 310 of the Statutes of 1913, more fully described as follows:

Bounded on the Northeast by the Southwesterly boundaries of lands heretofore conveyed by Patents from the State of California to private individuals as tideland surveys; and

Bounded on the Southwest by the combined Pierhead and Bulkhead line as established by the U.S. Army Corps of Engineers; and

Bounded on the East by the West line of the area described in Chapter 63 (First Extraordinary Session) of the year 1962, Statutes of California entitled "An act relating to the tide and submerged lands granted to the City of Vallejo by Chapter 310 of the Statutes of 1913"; said boundary running North and South along a line which is the Southerly projection of a line at or near 655 feet East of the East line of Santa Clara Street as shown on the Official Map of the City of Vallejo prepared by E. H. Rowe filed in the Office of the County Recorder of Solano County, California on September 19, 1868 in Book 1 of Maps at Page 123; and

Bounded on the North by the line which was the North boundary of the City Limits of the City of Vallejo as of the date of the adoption of the aforementioned Chapter 310 of the year 1913 of Statutes of California approved June 11, 1913, being the same boundary as shown on the Official Map of the City of Vallejo prepared by E. H. Rowe filed in the Office of the County Recorder of Solano County, California on September 19, 1868 in Book 1 of Maps at Page 123;

The area hereinbefore described being that strip of land lying between the combined U. S. Pierhead and Bulkhead line and the boundaries of tideland Surveys No. 3, 4, 21 and 22.

There is hereby conveyed and confirmed to the City of Vallejo, a municipal corporation, and to its successors, all of the right, title and interest of the State of California in and to the land hereinabove described, subject to all the terms and provisions of said Chapter 310 of the Statutes of 1913 and of this act.

SEC. 2. (a) In addition to the purposes expressed in Chapter 310 of the Statutes of 1913, the tide and submerged lands

included in the parcel described in Section 1 may be used by the City of Vallejo and its successors for purposes in which there is a general statewide purpose as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities.

(3) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snack bars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) The city or its successors shall not, at any time, grant, convey, give or alienate lands included in the parcel described in Section 1, or any part thereof, to any individual, firm or

corporation for any purposes whatever; provided, that said city, or its successors, may, notwithstanding any provision in Chapter 310 of the Statutes of 1913 to the contrary, grant franchises thereon for limited periods, not exceeding 99 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 99 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this section shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937 or said city's charter, and any such franchise shall be effective with respect to said lands.

(c) Said lands shall be improved without expense to the State; provided, however, that nothing contained in this section shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the State, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the State or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, 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 lands.

(h) Said lands 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, betterments or structures 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, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the city, survey and monument said lands and record a description and plat thereof in the office of the County Recorder of Solano County.

(j) If said lands, or any part thereof, are not used for the additional purposes authorized by this section within 10 years from the effective date of said section, or if such use is discontinued thereafter, the 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. 3. Notwithstanding any provision in Chapter 310 of the Statutes of 1913 and notwithstanding any provision of this act, the State hereby consents and authorizes the City of Vallejo to grant its right, title and interest in and to all or a portion of the tide and submerged lands described in Section 1 of this act, whether filled or unfilled, to the Redevelopment Agency of the City of Vallejo, a public body, corporate and politic, organized and activated under the provisions of the Community Redevelopment Law as contained in Part 1 (commencing with Section 33000), Division 24 of the Health and Safety Code, to be held in trust by said agency for the uses and purposes and upon the conditions and limitations and to be vested with the rights and powers set forth in Section 2 of this act and in Chapter 310 of the Statutes of 1913

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The City of Vallejo, through the Redevelopment Agency of the City of Vallejo, has undertaken an urban renewal program for a project area containing 125 acres, 25 acres of which are located between the combined Pierhead-Bulkhead line and the existing shore, and essentially within the parcel of tidelands described in this act. The area lying between these two waterfront developments is a part of the urban renewal project which specifies the building of a permanent seawall and filling in of the waterfront area behind the seawall to create new land which could be easily utilized to promote commerce, navigation and fisheries in place of tidal mudflats which have retarded such development. The earth to be used for filling the waterfront area is located eastward of the tidelands and is contained within the balance of the redevelopment project so that the installation of the seawall on the tideland parcel described in this act must precede the cut and fill and grading operations in the balance of the project area and thus must precede the redevelopment and renewal of essentially all of the

project area necessitating basically a standstill of action by the Redevelopment Agency of the City of Vallejo until bids are called for the construction of the seawall, and such bids cannot be called for until conveyance of the rights, title and interests of the City of Vallejo in the tidelands area described in this act can be conveyed to the Redevelopment Agency and until the trust purposes in the 1913 grant to the City of Vallejo are amended by this act to conform to identical trust purposes established for other portions of this original tidelands grant by prior legislative action. The Redevelopment Agency of the City of Vallejo has outstanding \$1,240,000 in tax allocation bonds and \$7,500,000 in other indebtedness upon which interest and charges are accumulating and will continue to accumulate pending the completion of this project. There exists an urgent necessity to begin building this project in order to effect a substantial financial savings to the City of Vallejo and to the Redevelopment Agency of the City of Vallejo, a state agency, and to secure commitments for the redevelopment of this tideland area for the furtherance of the trust purposes of commerce, navigation and fisheries, and unless authority is granted to convey title to the Redevelopment Agency of the City of Vallejo these advantages to these public agencies will be lost.
