

CHAPTER 977

An act to amend Sections 1 and 2 of, and to repeal Sections 3 and 4 of, Chapter 299 of the Statutes of 1867-68, relating to the cession of certain tidelands and submerged lands to the Town of Crescent City.

[Approved by Governor June 17, 1963 Filed with
Secretary of State June 18, 1963.]

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

SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Section 1. The State of California hereby grants to the City of Crescent City, in the County of Del Norte, the property described as follows:

Beginning at a point where the southerly prolongation of the East City Limit Line of the City of Crescent City inter-

sects a line which is 3200.0 feet southeasterly, at right angles, from and parallel to the City Base Line on the center line of Second Street in said City; thence Southwesterly along said parallel line to the center line of the main Breakwater in Crescent City Harbor; thence Northwesterly along the center line of said Breakwater and the centerline of "A" Street to the Southeasterly line of Front Street in said City; thence Northeasterly and Easterly along the Southeasterly line of Front Street and the Southerly line of Highway U.S. 101 to the East City Limit Line; thence South along said East City Limit and its Southerly prolongation to the point of beginning.

The land hereinabove described is to be forever held by said city and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and its successors for purposes in which there is a general statewide interest 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; 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.

(b) Said city, or its successors shall not, at any time, grant, convey, give or alienate 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, not exceeding 66 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 66 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 paragraph (b) 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.

(c) Said lands shall be improved without expense to the State; provided, however, that nothing contained in this act 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 the granted lands and record a description and plat thereof in the office of the County Recorder of Del Norte County.

(j) If the lands, or any part thereof, granted to the city by this act are not used for the purposes authorized by the amendment of this section made at the 1963 Regular Session of the Legislature within 10 years from the effective date of said amendment, 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. 2. Section 2 of said act is amended to read :

Sec. 2. The said waterfront and overflowed lands herein granted shall not be subject to execution upon any judgment against said city.

SEC. 3. Section 3 of said act is repealed.

SEC. 4. Section 4 of said act is repealed.