

CHAPTER 1879

*An act relating to the conveyance of land to the
City of Capitola.*

[Approved by Governor July 17, 1965 Filed with
Secretary of State July 23, 1965]

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

SECTION 1. There is hereby granted to the City of Capitola, a municipal corporation, in trust, all the right, title and interest of the State of California in and to the surface, and those portions of the subsurface, down to and including two

hundred (200) feet below the surface of the subject lands, for the purposes, and subject to the conditions specified in Section 2, and described as follows:

1. All that real property in the County of Santa Cruz, State of California, described in the deed from J. B. Bias, Jr., et ux. to the State of California dated January 20, 1948, recorded September 2, 1948 in Volume 674 of Official Records, page 193, Santa Cruz County.

2. All that real property in the County of Santa Cruz, State of California, described in the deed from the City of Capitola to the State of California dated September 12, 1960, recorded January 13, 1961 in Volume 1366 of Official Records, page 445, Santa Cruz County.

SEC. 2. It is hereby found and determined:

(a) Because of geographical factors, the city can better administer for public use the subject lands for park, playground, marine, recreational and beach purposes than the state.

(b) The city is willing to accept such administration and control from the state upon the following conditions, which the state finds are necessary, reasonable and proper:

(1) The state shall convey to the city all its right, title and interest in and to the surface of the subject lands, and in and to all portions of the subsurface of said lands down to and including two hundred (200) feet below such surface. The state expressly reserves all rights it now has, if any, to use the surface of the subject lands and all portions of the subsurface of said lands down to and including 200 feet below such surface, for the development and production of oil, gas, other hydrocarbons and minerals from beneath those specific parcels of the subject lands involved.

(2) Except as provided in paragraph (3), the conveyance of the grants is made upon the express condition that the property conveyed hereby shall be used for a public park, or beach used by all the public for recreational purposes, and for no other purposes whatsoever, and should said property or any portion thereof be used for any other purpose, then, in that event, such portion of the property hereby conveyed shall immediately revert unto the grantor herein, its successors or assigns.

(3) The city may for limited periods, not exceeding 99 years, lease any or all of the portion of the subject lands which lie east of the eastern line of the land described in the deed to the Capitola Sanitation District, recorded July 24, 1933, in Volume 245 of Official Records, page 397, Santa Cruz County, for purposes consistent with purposes specified in paragraph (2) of this section, including, but not limited to, motels or hotels, or both.

The conveyance is not to take effect until the execution of an agreement between the City of Capitola and the Department of Parks and Recreation specifying all the conditions and the agreement is approved by the Department of General Services.