

CHAPTER 131

An act to amend Section 1 of, and to add Section 3 to, Chapter 1190 of the Statutes of 1947, relating to the Moss Landing Harbor District.

[Approved by Governor May 12, 1967 Filed with
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The people of the State of California do enact as follows:

SECTION 1. It is hereby found and determined:

(a) That by Chapter 1190, Statutes of 1947, the Legislature did grant to the Moss Landing Harbor District in trust for the uses and purposes and upon the express conditions therein set forth, certain tide and submerged land, lands beneath navigable waters, and swamp and overflow lands described in said grant;

(b) That said grant was therein described in part as "the Pacific Ocean opposite said portion of the Old Salinas River with its northerly and southerly boundaries drawn due west;"

(c) That the precise meaning of said part of the description of said grant has proven ambiguous and has given rise to controversy;

(d) That the Legislature intended to and did upon enacting said statute grant to the Moss Landing Harbor District, upon the terms, conditions and trusts set forth in said statute, an area of tide and submerged lands located in Monterey Bay seaward of the ordinary high-water mark for the use of said district in conjunction with the area landward of said ordinary high-water mark on Monterey Bay so granted to the said district;

(e) That the said district, prior to said grant and pursuant to a lease from the State Lands Commission, did use and has used subsequent to said grant and pursuant to said grant, such an area of tide and submerged lands for the uses and purposes authorized by said statute and in conjunction with the said district's public activities;

(f) That it was the intention of the Legislature to include within said grant all those portions of the Pacific Ocean in Monterey Bay in the area described which had actually been used by the said harbor district for any or all of the purposes specified in said grant plus those portions which were reasonably necessary for such purposes in the future;

(g) That said area of tide and submerged lands in Monterey Bay so intended to be granted and so granted consisted of all tide and submerged lands lying between the northerly and southerly boundaries of that portion of the Old Salinas River Channel granted to the said district by Section 1 of Chapter 1190 of the Statutes of 1947, drawn due west, and between the ordinary high-water mark on Monterey Bay and a line 2,000 feet seaward of said ordinary high-water mark;

(h) That paragraph (g) of Section 1 of said statute required substantial improvement of the granted lands by the said district within 10 years of said grant and that if the State Lands Commission determined that the said district had failed to so improve said lands, all lands so granted should revert to the state; that on February 11, 1958, the State Lands Commission by resolution duly adopted found that the conditions of said Section 1(g) had been complied with.

SEC. 2. Section 1 of Chapter 1190 of the Statutes of 1947 is amended to read:

Section 1. There is hereby granted to the Moss Landing Harbor District, hereinafter called "district," a political subdivision of the 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 lands, salt marsh, tidelands, submerged lands, and swamps and overflowed lands described as follows:

The Old Salinas River Channel from the northerly extremity to its mouth southerly to the existing county road across said channel south of the existing bridge at Moss Landing; the Pacific Ocean or Monterey Bay between the ordinary high-water mark and a line 2,000 feet seaward and due west thereof opposite said portion of the Old Salinas River with its northerly and southerly boundaries drawn due west; Bennett Slough, Elkhorn Slough and Moro Cojo Slough between the Old Salinas River and the easterly extremities of tidal action therein.

To be forever held by said district, 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 district, and its successors, only for the establishment, improvement, and conduct of a harbor, 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; and said district, 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 district, 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.

(b) That said lands shall be improved by said district 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 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 district 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; provided, that said excepted and reserved power shall be exercised in a manner not inconsistent or incompatible with the use of said lands by grantee for purposes of commerce and navigation.

(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 without compensation to the district, 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.

SEC. 3. Section 3 is added to Chapter 1190 of the Statutes of 1947, to read:

Sec. 3. That said amended description set forth in Section 1 of this act shall be deemed declaratory of the original meaning of said grant and all acts and agreements within, upon, or in relation to the area herein described done or executed by said district are hereby ratified and approved to the same extent as if said description had originally been set forth as herein amended.

SEC. 4. The State Lands Commission, at the cost of the Moss Landing Harbor District, shall survey and monument the granted lands referred to in this act and record a description and plat thereof in the office of the County Recorder of Monterey County. The survey required by this section shall be completed within two years after the effective date of this act.

SEC. 5. The district shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues, and profits in any manner hereafter arising from the granted lands or any improvements, betterments, or structures thereon.