

CHAPTER 1391

An act authorizing the exchange of certain lands conveyed to the County of Marin.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

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

SECTION 1. The Legislature hereby finds and declares that certain portions of those tide and submerged lands heretofore conveyed to the County of Marin by Chapter 497 of the Statutes of 1959 are no longer necessary or useful for the purposes of commerce, navigation, and fisheries, and are hereby declared to be free from the public trust for commerce, navigation, and fisheries and from the uses, trusts and conditions set out in said act. The lands freed from the public trust by this act are described as follows:

All that certain real property situate in the County of Marin, State of California, more particularly described as follows:

Parcel 2

A strip of land of uniform width of 34.5 feet lying northwesterly of and adjacent to the southeasterly line of Canal Street as shown on the plat entitled "Supplementary Plat of the Grant to the County of Marin, Parcel "A", Chapter 497, Statutes of 1959", as recorded in Can "G", Marin County Records, and lying between the northwesterly projection of the northeasterly line of Parcel Two conveyed from Paul J. Smith, et ux, to the State of California by deed recorded in Book 971 at page 511, Marin County Official Records, and a line 65 feet southwesterly of and parallel to the southwesterly line of the 60 foot right of way conveyed from Sausalito Land and Ferry Company to the North Pacific Coast Railroad Company as recorded in Book "Y" of Deeds at page 127, Marin County Records.

Being a portion of Canal Street as shown on said map.

Parcel 3

All that portion of Tomales Street as shown on the plat entitled "Supplementary Plat of the Grant to the County of Marin, Parcel A. Chapter 497, Statutes of 1959", as recorded in Can "G" Marin County Records, said portion of Tomales Street lying between Canal Street and the line of Ordinary High Tide between stations 135 and 136 as shown on said map.

Being all of Tomales Street as shown on said Plat.

Parcel 4

All that portion of Coyote Street as shown on the Plat entitled "Supplementary Plat of the Grant to the County of Marin, Parcel A, Chapter 497, Statutes of 1959", as recorded

in Can "G" Marin County Records, bounded on the south by the line of Ordinary High Tide lying between stations 134 and 135 as shown on said map, on the northwest by the southeasterly line of Block 19½ as shown on said map, and on the northeast by a line of 65 feet southwest of and parallel to the southwesterly line of the 60 foot right of way conveyed from the Sausalito Land and Ferry Company to the North Pacific Coast Railroad Company by deed recorded in Book "Y" of deeds at Page 127, Marin County Records.

Being a portion of Coyote Street as shown on said Plat.

SEC. 2. The State Lands Commission and the County of Marin are hereby authorized to convey to the owners of property abutting said lands all right, title and interest in and to the lands freed from the public trust by Section 1 of this act in exchange for and upon there being conveyed to the County of Marin as trustee for the State of California, by said owners all right, title and interest in and to other lands lying in the same general vicinity and more particularly described as follows:

That certain real property situate within the County of Marin, State of California, and more particularly described as follows:

Parcel 1. A strip of land of uniform width of 65 feet lying southwesterly of and adjacent to the southwesterly line of the 60 foot railroad right of way described in Book "Y" of deeds at page 127, Marin County Records, and in Book 148, page 268, Marin County Official Records; and lying between the northwesterly line of Block 194, "Map No. 1 of Salt Marsh and Tidelands, 1870" filed in Can "F", Marin County Records, and the westerly line of Parcel Two as described in the deed to the State of California, Book 208, Page 17, Marin County Official Records.

Being portions of Block 186 and 194 and Coyote Street as shown on the map entitled "Official Map of Sausalito Land and Ferry Company", Rack 1, Pull 9, Marin County Records.

Said exchange shall be made only if the commission finds that the acreage of the lands to be conveyed is approximately equal to the acreage of the land to be acquired by the County of Marin, and that said lands are of the same character. Such findings, if and when made by the commission, shall be conclusive and binding on all persons.

SEC. 3. The lands acquired by the County of Marin, as trustee for the State of California, pursuant to the provisions of this act, shall be held by said county, in trust, for the same uses and purposes and subject to the same restrictions and conditions as specified in Chapter 497 of the Statutes of 1959, and shall be subject to the following additional conditions:

(1) Within 10 years from the effective date of this act, Parcel 1 described above shall be substantially improved by the county without expenses to the state, and if the State Lands Commission determines that the county has failed to improve the lands as herein required, all right, title, and inter-

est of the county in and to the lands shall cease and the lands shall revert and rest in the state.

In making its determination as to whether such lands have been substantially improved, the commission shall take into consideration the existing improvements made by the county to such lands.

(2) There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

(3) The lands are subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the county, 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 such 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.

(4) The State Lands Commission shall, at the cost of the county, survey and monument Parcel 1 described above and record a description and plat thereof, which depicts the relative positions of Parcels 2, 3, and 4, in the office of the County Recorder of Marin County.

(5) The county 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 lands or any improvements, betterments or structures thereon.

SEC. 4. Before making any exchange herein authorized the commission shall publish notice of intention to make the exchange. The notice need not particularly describe the lands or the interest therein proposed to be exchanged but shall refer to the maps and records on file with the commission for a detailed description thereof and for further particulars. Any affected city or county, within thirty (30) days after the publication of such notice, may request in writing to the commission that a hearing be held with respect thereto. Upon receipt of such request, the commission shall hold such a hearing and give not less than ten (10) days' written notice thereof to each city or county making such request. The notice herein provided for shall be published in a newspaper of general circulation published in the County of Marin. Authority to hold the hearing herein provided for may be delegated by the commission to its officers or employees.

SEC. 5. The grantees of lands hereunder are hereby authorized to institute a quiet title action if they deem such necessary

to perfect their title to said lands. Service of process in any such suit shall be made upon the county, State Lands Commission, and the Attorney General, and it shall be the duty of the Attorney General to represent the state in any such suit. In any such action, whether or not judgment is given against the state, no costs shall be recovered against the state.
