

CHAPTER 415

An act to amend Section 1 of Chapter 515 of the Statutes of 1919, relating to tidelands and submerged lands in the City of Emeryville, County of Alameda.

[Approved by Governor June 28, 1968. Filed with
Secretary of State June 28, 1968]

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

SECTION 1. Section 1 of Chapter 515 of the Statutes of 1919 is amended to read:

Section 1. There is hereby granted to the City of Emeryville, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty in and to all tidelands and submerged lands, whether filled or unfilled, which are included within the present boundaries of the City of Emeryville, 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, 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 and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city 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 city 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, which franchises and leases shall be for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor, including, but not limited to, recreational, educational, industrial, and commercial purposes in which there is a general statewide interest. Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise previously granted by said city under the Franchise Act of

1937 (Chapter 2 (commencing at Section 6201), of Division 3 of the Public Utilities Code), and any such franchise shall be effective with respect to said land when title thereto passes to said city hereunder.

(b) That said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor 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 constructed on said lands, or any part thereof, for any vessel or other watercraft, 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 or appliances 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 city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in all the waters of said harbor, with the right of convenient access to said waters over said land for said purpose.

(e) There is hereby excepted and reserved to 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.

(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 city, 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 interests. If the city has filled any tide or submerged lands and such lands are taken by the state for highway purposes, the state shall reimburse the city for expenditures incurred in filling such lands.

(g) If the lands, or any part thereof, granted to the city by this act are not used for the additional purposes authorized by the amendment of this section made at the 1959 Regular Session of the Legislature by the 61st day following the adjournment of the 1979 Regular Session of the Legislature, the authorization to use said lands for such additional purposes shall automatically terminate and lapse.