

CHAPTER 1266

An act granting and conveying certain tide and submerged lands to the City of Sacramento, a municipal corporation of the State of California, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof, and reserving rights to the state.

[Approved by Governor September 16, 1970 Filed with
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The people of the State of California do enact as follows:

SECTION 1. The state hereby grants and conveys to the City of Sacramento, a municipal corporation, and to its successors, all of its right, title, and interest in and to the lands described as follows, reserving to the State of California all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits contained in the land conveyed, and further reserving to the State of California and persons authorized by the state, the right to drill for and extract such deposits of oil and gas or gas, and to prospect for, mine, and remove such deposits of other minerals from the land conveyed, subject to the provision that the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine and remove such deposits of other minerals, shall not disturb the surface, or the ground within 100 feet of the surface, of the real property conveyed:

Parcel No. 1.

Beginning at a point on the mesne low water line on the East bank of the Sacramento River said point being North

53° 38½' East 49.72 feet and South 71° 01½' East 1507.32 feet from the intersection of the South line of Broadway (Y Street) and the center line of Front Street; thence, from said point of beginning South 49° 48½' East 335.10 feet; thence, South 71° 01½' East 202.72 feet to the westerly right of way line of the Southern Pacific Railroad Company's Walnut Grove Branch; thence, along said westerly line (measured at right angles) 20.00 feet from the center line of said track the following eleven courses and distances; South 1° 32½' East 113.06 feet; thence, South 1° 26.8' East 801.71 feet; thence, South 1° 57' East 100.00 feet; thence South 2° 37' East 100.01 feet; thence South 3° 05' East 100.04 feet; thence, South 3° 36½' East 100.06 feet; thence, South 4° 59.2' East 53.83 feet; thence, South 5° 22' East 491.83 feet; thence, South 13° 35' East 968.60 feet; thence, South 20° 02' East 120.26 feet; thence South 20° 19' East 308.00 feet; thence North 77° 46' West 108.16 feet to the low water line of the Sacramento River; thence following said low water line North 19° 00' West 375.00 feet; thence, North 48° 53' West 390.00 feet; thence North 38° 55' West 765.30 feet; thence, North 44° 08' West 590.18 feet; thence North 14° 40½' West 493.61 feet; thence, North 3° 35' East 365.00 feet; thence, North 16° 50' East 273.00 feet; thence, North 29° 00' East 465.00 feet; thence, North 42° 27' East 432.82 feet to the point of beginning.

Parcel No. 2.

All that certain real property being in the City of Sacramento, County of Sacramento, State of California, described as follows:

A strip of land 30 feet in width measured at right angles and contiguous on the westerly side of the following described line beginning at a point on the mesne low water line on the east bank of the Sacramento River, said point being north 53° 38½' east 49.72 feet and south 71° 01½' east 1507.32 feet from the intersection of the south line of Broadway (Y Street) and the center line of Front Street; thence from said point of beginning following said low water line south 42° 27' southwest 432.82 feet; thence south 29° 00' west 465 feet; thence south 16° 50' west 273.00 feet; thence south 03° 35' west 365.00 feet; thence south 14° 40½' east 493.61 feet; thence south 44° 08' east 590.81 feet; thence south 38° 55' east 765.30 feet; thence south 48° 53' east 390 feet; thence south 19° 00' east 375 feet to a point which bears north 77° 46' west 108.61 feet from the westerly right-of-way line of the Southern Pacific Railroad Company's Walnut Grove Branch.

The above-described parcels of real property, which are a portion of Miller Park in the City of Sacramento, shall be forever held by such city and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That the lands shall be used by the city and its successors for the following purposes insofar as there is a general statewide interest therein:

(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.

(2) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(3) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, parks, playgrounds, bathhouses and bathing facilities, public recreation and fishing piers, public recreation facilities, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(4) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities available for public use, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(5) For the establishment, preservation, restoration, improvement, or maintenance of the unique recreational and aesthetic values connected with the waterfront area of the City of Sacramento herein described and for the use thereof for the aforementioned trust purposes.

(b) The city, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided that, the 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 the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trust upon which the lands are held by the state, 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. Revenues and rents from said leases, franchises and privileges

shall be expended by the city for the improvement, maintenance or operation of the lands herein conveyed or for the acquisition, improvement, maintenance or operation of other public parks, or public harbors or marinas of statewide benefit on lands within the city which are contiguous with tide and submerged lands on the Sacramento or American Rivers. Any of said revenues and rents derived from the lands conveyed or acquired under the terms and conditions of this act shall be deposited in a trust fund established by the city in a manner prescribed by the Department of Finance and shall be expended in accordance with the terms of this act.

(c) Nothing contained in this act shall preclude expenditures for the development of the herein described lands for any public purpose if statewide benefit 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 shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(f) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

(g) Such lands are granted 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 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 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.

(h) The city shall, at no cost to the state, survey and monument the granted lands and, following review and approval of said survey by the State Lands Commission shall record a description and plat thereof in the office of the County Recorder of Sacramento County.

(i) The city 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.

SEC. 2. In the event that the city fails or refuses to file, within 30 days after written notice to it, with the Department of Finance the statement of receipts and expenditures required to be made and filed pursuant to subdivision (i) of Section 1 of this act, or fails or refuses, within 30 days after written notice to it, to carry out the terms of this act, the State Lands Commission shall, within 60 days, notify the Chief Clerk of the Assembly and the Secretary of the Senate.

The Attorney General shall, upon request of the commission, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any properties and assets situated on the granted lands or derived therefrom.

SEC. 3. The State Lands Commission may from time to time, at the request of the Legislature, institute a formal inquiry to determine that the terms and conditions of this act have been complied with and that all other applicable provisions of law concerning either the granted lands or regulating all granted lands, are being complied with in good faith.

SEC. 4. The Attorney General, upon formal request of the State Lands Commission (which may only be made after a public hearing, held, after notice, at which the city has been given an opportunity to fully express any disagreement with the commission findings or describe any extenuating circumstances causing the violation), or by concurrent resolution of either house of the Legislature, shall bring an action in the Superior Court of Sacramento County to declare that the grant under which the city holds the lands herein granted and conveyed is revoked for gross and willful violation of the terms of this act, or to compel compliance with the terms and conditions of this act.

SEC. 5. At the end of each fiscal year, that portion of revenues and rents derived from the lands granted and conveyed herein in excess of two hundred fifty thousand dollars (\$250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or the maintenance of beaches, harbors, and other trust activities have been made, shall be deemed excess revenue; provided, that any funds deposited in a reserve fund for future capital expenditures, or any funds required to service or retire general obligation or revenue bond issues, the moneys from which have been, or will be, used for purposes authorized by law, shall not be deemed excess revenue. The excess revenue, as determined pursuant to this section, shall be divided as follows: 85 percent to the General Fund in the State Treasury, and 15 percent to the city to be deposited in the city's trust fund and used for any purpose authorized by the provisions of this act.

SEC. 6. A dispute exists between the City of Sacramento and the state as to the ownership of the parcels of property described as Parcel No. 1 and Parcel No. 2 in Section 1 of this

act, and title to a portion or portions of such parcels may lawfully be vested in the City of Sacramento; therefore, in the event that such dispute shall hereafter be resolved by a court of competent jurisdiction or by agreement between the state and the City of Sacramento, the provisions of Section 1 of this act shall apply only to such portion or portions of such parcels as shall so be determined to constitute tide and submerged lands and subject to the jurisdiction of the state.

SEC. 7. The Legislature finds and determines that the City of Sacramento in conjunction with the state and other public agencies, has adopted or is engaged in the process of preparing master plans for a system of regional parks and parkway areas which are located upon or which border upon state lands along the American and Sacramento Rivers and that the development of access to such parks and parkway areas will improve and make more available such lands for statewide recreational uses, and therefore declares that the expenditure of rents and revenues from the lands herein conveyed for the purposes herein specified will be for a public purpose of statewide benefit.