

STATUTES OF CALIFORNIA

CHAPTER 68

An act to convey certain tide and submerged lands to the San Mateo County Harbor District, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof.

In effect
July 7, 1960

[Approved by Governor May 2, 1960. Filed with
Secretary of State May 3, 1960.]

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

San Mateo
County
Harbor
District:
Grant of
Tidelands

SECTION 1. There is hereby granted to the San Mateo County 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 tidelands

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and submerged lands of the northerly portion of Half Moon Bay, whether filled or unfilled, situated and lying within boundaries described as follows:

Beginning at a point on the intersection of the 1959 Ordinary High Water Mark of Halfmoon Bay as surveyed by the State Lands Division with a line parallel to and 80 feet westerly (measured at right angles) of the center line of the West Breakwater of Halfmoon Bay, as said center line is shown upon the U.S. Corps of Engineers drawing No. 15-55-3, Sheet 1 of 1, entitled "Halfmoon Bay, Harbor Improvements, Land for Breakwaters", dated 16 December 1958; said point of beginning is further described as bearing S. 44° 29' 10" .5 E., 1,371.40 feet and N. 83° 17' 21" W., 95.07 feet from California State Lands Commission Triangulation Station "Pillar Point 3, 1959"; thence from said point of beginning S. 26° 00' E., 6,634.95 feet and N. 57° 00' E., 8,717.62 feet to a point on the 1959 Ordinary High Water Mark of Halfmoon Bay, being S. 48° 51' 58" .7 E., 4,706.45 feet from Station 0+00 of the East Breakwater of Halfmoon Bay as shown upon the aforementioned U.S. Corps of Engineers drawing No. 15-55-3, and being S. 36° 30' 36" .5 E., 1,442.91 feet from California State Lands Commission Triangulation Station "Miramar 2, 1959"; thence along said 1959 Ordinary High Water Mark in a northerly and westerly direction to the point of beginning. Containing 1,235 acres more or less.

Bearings and distances used are grid, and conform to the California Coordinate System, Zone 3.

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, including any marine airport or marine aviation facilities, 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 for the construction, maintenance and operation thereon of structures and facilities for public recreational purposes, 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 whatsoever; 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, and collect and retain rents from such franchises, leases and privileges, including, without prejudice to leases made prior to the

Boundaries

Purposes

Powers

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effective date of this act pursuant to completed applications pending before the State Lands Commission on or before March 15, 1960, those certain leases:

(1) Between the State of California and Henry Doelger Builder, Inc., dated May 13, 1947, (P.R.C. 184.1),

(2) Between the State of California and Henry Doelger Builder, Inc., dated May 13, 1947, (P.R.C. 325.1),

(3) Between the State of California and Princeton Properties, Inc., dated March 4, 1947, (P.R.C. 242.1),

(4) Between the State of California and The Romeo Company, dated November 5, 1949; (P.R.C. 720.1).

(b) That said lands shall be improved by said district within 10 years of the effective date of this act 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 other watercraft, owned or operated by the State of California. If the State Lands Commission determines that the district has failed during said 10-year period to improve said lands as herein required, all right, title, and interest of said district in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

(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.

(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.

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SEC. 2. The State Lands Commission shall, at the cost of ^{Survey, etc.} the grantee, survey, monument, plat, and record in the Office of the County Recorder of San Mateo County, the area of state lands described in this act. Said district shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state lands described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs.

SEC. 3. If any provision of this act or the application ^{Severability of provisions} thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 4. Nothing contained in this act shall preclude the ^{Development for other purposes} district from accepting and retaining any grant of funds from the State made available for the purpose of aiding in the development of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation.

CHAPTER 69

An act authorizing the Division of Beaches and Parks to exchange property belonging to the State for property belonging to the City of Capitola, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1960. Filed with Secretary of State May 3, 1960.]

In effect immediately

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

SECTION 1. The Division of Beaches and Parks of the State Department of Natural Resources is authorized to convey to the City of Capitola all right, title and interest of the State in and to certain parcels of land located in the Rio Del Mar Section of Seacliff State Park, in exchange for and upon there being conveyed to the State by the City of Capitola all right, title and interest of the City of Capitola in property belonging to that city, known as the Saba property, located at the corners of Esplanade and Monterey Streets in that city.

The state lands authorized to be conveyed by this act are more particularly described as follows:

All that real property in the County of Santa Cruz, State of California, described as follows:

Lots 28, 29, 30 and 31, in Block 94, as numbered and designated upon the map entitled, "Subdivision No. 8, Aptos Beach Country Club Properties, Aptos, Santa Cruz County, California," filed September 20th, 1928, in Volume 24 of Maps, Page 29, Records of Santa Cruz County.