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CHAPTER 1884

*An act to amend Section 1 of Chapter 303 of the Statutes of 1943, relating to tidelands, submerged lands and filled tidelands of the City of Avalon.*

[Approved by Governor July 19, 1963 Filed with  
Secretary of State July 19, 1963 ]

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

SECTION 1. Section 1 of Chapter 303 of the Statutes of 1943 is amended to read:

Section 1. There is hereby granted to the City of Avalon, 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 of the tidelands, submerged lands and filled tidelands lying within the corporate limits of the City of Avalon and bordering upon, in and under the Pacific Ocean, situated below the line of mean high tide of the Pacific Ocean, to be forever held by the City of Avalon and its successors in trust for the uses and purposes and upon the express conditions following, to wit:

(a) Said lands shall be used by said city and by its successors solely for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor and for the establishment and construction of bulkheads, or breakwaters for the protection of lands within its boundaries, or for the protection of its harbor, and for the construction, maintenance and operation thereof of wharves, docks, piers, slips, quays, ways and streets and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation, and for the protection of the lands within said city. 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 purpose whatever; provided, that said city or its successors may grant franchises thereon for a period not exceeding 50 years for wharves and other public uses and purposes, and may lease said lands or any part thereof for limited periods, in any event not to exceed 50 years for any and all purposes which shall not interfere with commerce or navigation and are not inconsistent with the trusts upon which said lands are held by the State of California or with the requirements of commerce or navigation at said harbor.

(2) For the construction, reconstruction, repair, maintenance and operation of parks, playgrounds, bathhouses and bathing facilities, 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.

(3) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, 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 snack bars, cafes, restaurants, motels, 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.

(b) 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 improvement 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) In the management, conduct or operation of said harbor or 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 by its successors. The absolute right to fish in the waters of said harbor with the right of convenient access to said water over said lands for said purpose is hereby reserved to the people of the State of California.

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 such land.

(d) If the lands, or any part thereof, granted to the city by this act are not used for the additional purposes authorized by the amendments of this section made at the 1963 Regular Session of the Legislature within 10 years from the effective date of such amendments, or if such use is discontinued thereafter, the rights, title, and interest of the city in and to said lands shall cease and said lands shall revert and rest in the State.

(e) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Los Angeles County.

(f) Said lands 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, betterments or structures 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, betterments or structures taken or the damages to such interest.