

AMENDED IN SENATE JUNE 25, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2964**

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**Introduced by Assembly Member Shelley**

February 25, 2002

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An act relating to the Hunters Point Shipyard.

LEGISLATIVE COUNSEL'S DIGEST

AB 2964, as amended, Shelley. Hunters Point Shipyard Conversion Act of 2002.

(1) Existing law contains provisions governing military base closures.

This bill would grant to, and vest in, the San Francisco Redevelopment Agency, all of the state's right, title, and interest in the Hunters Point trust lands, and, upon conveyance by the federal government to the agency, in appurtenances located on Hunters Point submerged lands, subject to the public trust and the terms and conditions of this bill. The bill would authorize the agency to use, conduct, operate, maintain, manage, administer, regulate, improve, lease, and control the Hunters Point trust lands in conformance with this bill and the public trust. The bill would authorize the agency to grant franchises, permits, privileges, licenses, easements, or leasehold interests in connection with the Hunters Point trust lands, or any part thereof, for a term not exceeding 66 years.

The bill would require the agency to deposit all moneys collected by the agency arising out of the use or operation of any of the Hunters Point trust lands into a special fund maintained by the agency. The bill would require the agency to prepare an annual statement of financial

conditions and operations and to submit the statement to the State Lands Commission each year on or before October 1, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Hunters Point Shipyard Conversion Act of 2002.
- 3 SEC. 2. The following definitions apply for purposes of this
- 4 act:
- 5 (a) "Agency" means the San Francisco Redevelopment
- 6 Agency.
- 7 (b) "Burton Act" means Chapter 1333 of the Statutes of 1968,
- 8 as amended.
- 9 (c) "City" means the City and County of San Francisco.
- 10 (d) "Public trust" or "trust" means the public trust for
- 11 commerce, navigation, and fisheries.
- 12 (e) "Redevelopment area" means the project area as described
- 13 in the redevelopment plan, consisting of the Hunters Point
- 14 Shipyard and the Hunters Point submerged lands.
- 15 (f) "Redevelopment plan" means the Hunters Point Shipyard
- 16 Redevelopment Plan adopted by the agency pursuant to Chapter
- 17 4.5 (commencing with Section 33492) of Part 1 of Division 24 of
- 18 the Health and Safety Code.
- 19 (g) "Hunters Point trust lands" means all lands, including tide
- 20 and submerged lands, within the redevelopment area that



1 presently, or upon conveyance out of federal ownership, are  
2 subject to the public trust.

3 (h) “Hunters Point Shipyard” or “Shipyard” means all that  
4 real property situate in the City and County of San Francisco, State  
5 of California, and depicted on that certain Record of Survey  
6 entitled “Hunters Point Shipyard,” filed October 3, 2000, in Book  
7 Z of Maps at Pages 135-147, inclusive, Official Records of said  
8 County, described as follows:

9 Beginning at a point on the boundary of said Shipyard, said  
10 point being the intersection of the northeasterly line of Palou  
11 Avenue with the southeasterly line of Arelious Walker Drive, as  
12 said northeasterly line and said southeasterly line are shown and  
13 so designated on said Record of Survey; thence along said  
14 boundary the following forty two (42) courses depicted on said  
15 Record of Survey:

- 16 (1) South  $66^{\circ}25'05''$  East 774.37 feet.
- 17 (2) South  $74^{\circ}08'55''$  East 68.77 feet.
- 18 (3) North  $25^{\circ}47'05''$  East 177.17 feet.
- 19 (4) North  $65^{\circ}01'12''$  West 377.67 feet.
- 20 (5) North  $51^{\circ}36'00''$  West 202.50 feet.
- 21 (6) North  $65^{\circ}32'10''$  West 227.49 feet.
- 22 (7) North  $67^{\circ}44'21''$  West 60.90 feet.
- 23 (8) North  $69^{\circ}21'38''$  West 156.62 feet.
- 24 (9) North  $74^{\circ}41'44''$  West 78.46 feet.
- 25 (10) North  $74^{\circ}20'28''$  West 383.85 feet to said northeasterly  
26 line of Palou Avenue.
- 27 (11) Along said northeasterly line North  $53^{\circ}20'05''$  West  
28 25.88 feet to the southeasterly line of Griffith Street.
- 29 (12) Along said southeasterly line North  $36^{\circ}38'03''$  East  
30 199.69 feet to the southeasterly extension of the southwesterly line  
31 of Oakdale Avenue.
- 32 (13) Along said extension North  $53^{\circ}19'35''$  West 33.05 feet to  
33 the former centerline of said Griffith Street.
- 34 (14) Along said former centerline North  $36^{\circ}40'25''$  East  
35 599.49 feet to the former centerline of McKinnon Avenue.
- 36 (15) Along said former centerline South  $53^{\circ}19'35''$  East  
37 664.03 feet to the centerline of said Arelious Walker Drive.
- 38 (16) Along said centerline North  $36^{\circ}40'25''$  East 319.20 feet  
39 to the former northeasterly line of LaSalle Avenue.



- 1 (17) Along said former northeasterly line South  $53^{\circ}19'35''$
- 2 East 632.03 feet to the northwesterly line of Earl Street and the
- 3 beginning of a nontangent curve to the right having a radius of
- 4 105.00 feet, through which beginning of curve a radial line bears
- 5 South  $53^{\circ}18'24''$  East.
- 6 (18) Southwesterly 69.26 feet along said curve through a
- 7 central angle of  $37^{\circ}47'31''$  to a radial line of said curve which
- 8 bears South  $15^{\circ}30'53''$  East
- 9 (19) Along the southerly prolongation of said radial line South
- 10  $15^{\circ}30'53''$  East 50.00 feet to the beginning of a non-tangent curve
- 11 to the right having a radius of 20.00 feet, through which beginning
- 12 of curve a radial line bears North  $15^{\circ}30'53''$  West.
- 13 (20) Easterly 16.92 feet along said curve through a central
- 14 angle of  $48^{\circ}28'06''$  to the former centerline of said Earl Street.
- 15 (21) Along said former centerline South  $36^{\circ}42'05''$  West
- 16 398.89 feet.
- 17 (22) North  $64^{\circ}13'49''$  West 22.16 feet.
- 18 (23) South  $25^{\circ}46'11''$  West 157.97 feet.
- 19 (24) South  $64^{\circ}13'49''$  East 727.86 feet.
- 20 (25) North  $25^{\circ}46'11''$  East 174.63 feet.
- 21 (26) North  $36^{\circ}38'36''$  East 889.96 feet.
- 22 (27) North  $53^{\circ}03'31''$  West 48.02 feet.
- 23 (28) North  $36^{\circ}49'35''$  East 206.88 feet to the southwest line of
- 24 Innes Avenue.
- 25 (29) Along said southwest line North  $53^{\circ}19'35''$  West 641.26
- 26 feet to the centerline of said Earl Street.
- 27 (30) Along said centerline North  $36^{\circ}42'05''$  East 40.00 feet to
- 28 the centerline of said Innes Avenue.
- 29 (31) Along said centerline South  $53^{\circ}19'35''$  East 32.00 feet to
- 30 the southeasterly line of said Earl Street (labeled on said Record
- 31 of Survey as the easterly line of said Earl Street).
- 32 (32) Along said southeasterly line and its northeasterly
- 33 extension North  $36^{\circ}42'05''$  East 3,151.02 feet to the 1948
- 34 Bulkhead Line.
- 35 (33) Along said 1948 Bulkhead Line South  $35^{\circ}56'38''$  East
- 36 2,553.02 feet.
- 37 (34) South  $30^{\circ}48'41''$  West 50.70 feet to the beginning of a
- 38 non-tangent curve to the right having a radius of 1800.00 feet,
- 39 through which beginning of curve a radial line bears North  $21^{\circ}45'$
- 40  $47.3''$  East.



1 (35) Southeasterly 2727.35 feet along said curve through a  
2 central angle of  $86^{\circ}48'51.3''$ .

3 (36) North  $53^{\circ}17'47''$  West 453.20 feet to the 1941 Bulkhead  
4 Line.

5 (37) Along said 1941 Bulkhead Line South  $13^{\circ}41'06''$  West  
6 4345.404 feet.

7 (38) South  $53^{\circ}17'47''$  East 235.706 feet to said 1948 Bulkhead  
8 Line.

9 (39) Along said 1948 Bulkhead Line South  $12^{\circ}07'46''$  West  
10 1985.64 feet to the San Francisco/San Mateo County Line.

11 (40) Along said County line North  $88^{\circ}54'38''$  West 127.35 feet  
12 to the southeasterly extension of the northeasterly line of Bancroft  
13 Avenue.

14 (41) Along said extension North  $53^{\circ}17'47''$  West 7,483.89 feet  
15 to the southwesterly extension of said southeasterly line of  
16 Arelious Walker Drive.

17 (42) Along said extension and said southeasterly line North  
18  $36^{\circ}42'13''$  East 2,800.00 feet to the point of beginning.

19 (i) "Hunters Point submerged lands" means all that real  
20 property situate in the City and County of San Francisco, State of  
21 California and depicted on that certain Record of Survey entitled  
22 "Hunters Point Shipyard", filed October 3, 2000, in Book Z of  
23 Maps at Pages 135-147, inclusive, Official Records of said  
24 County, and on that certain United States Army Corps of  
25 Engineers map entitled "San Francisco Bay, California, Harbor  
26 Lines, San Francisco," Drawing Number 1-4-19, Sheet 8 of 8,  
27 dated February 13, 1948, on file at the Port of San Francisco,  
28 Department of Engineering, San Francisco, described as follows:

29 Beginning at a point on the boundary of said Shipyard as shown  
30 on said Record of Survey, said point being the intersection of the  
31 northeasterly extension of the southeasterly line of Earl Street  
32 (labeled on said Record of Survey as the easterly line of said Earl  
33 Street) with the 1948 Bulkhead Line, as shown on said Record of  
34 Survey; thence along said northeasterly extension North  
35  $36^{\circ}42'05''$  East 838.15 feet, more or less, to the Pierhead Line, as  
36 shown on said Record of Survey and on said United States Army  
37 Corps of Engineers map; thence along said Pierhead Line South  
38  $35^{\circ}56'38''$  East 4627.85 feet and South  $13^{\circ}41'06''$  West 7538.62  
39 feet, more or less, to the San Francisco/San Mateo County Line;  
40 thence along said County Line North  $88^{\circ}54'38''$  West 542.21 feet,



1 more or less, to said 1948 Bulkhead Line and said boundary of said  
2 Shipyard; thence along said boundary the following seven (7)  
3 courses depicted on said Record of Survey: along said 1948  
4 Bulkhead Line North  $12^{\circ}07'46''$  East 1985.64 feet; North  
5  $53^{\circ}17'47''$  West 235.706 feet to the 1941 Bulkhead Line; along  
6 said 1941 Bulkhead Line North  $13^{\circ}41'06''$  East 4345.404 feet;  
7 South  $53^{\circ}17'47''$  East 453.20 feet to the beginning of a  
8 non-tangent curve to the left having a radius of 1800.00 feet,  
9 through which beginning of curve a radial line bears South  $71^{\circ}25'$   
10  $21.3''$  East; northwesterly 2727.35 feet along said curve through  
11 a central angle of  $86^{\circ}48'51.3''$ ; North  $30^{\circ}48'41''$  East 50.70 feet  
12 to said 1948 Bulkhead Line, and along said 1948 Bulkhead Line  
13 North  $35^{\circ}56'38''$  West 2553.02 feet to the point of beginning.

14 SEC. 3. The Legislature finds and declares the following:

15 (a) The purpose of this act is to delegate to the agency the  
16 responsibility of administering the public trust on trust lands  
17 within the redevelopment area following the transfer of the  
18 Hunters Point Shipyard, or portions thereof, from the United  
19 States Department of the Navy to the agency.

20 (b) The Hunters Point Shipyard and adjacent areas include  
21 lands that were historically tide and submerged lands subject to the  
22 public trust, as well as historic uplands that were not subject to the  
23 trust. Beginning in 1861, some of the tide and submerged lands  
24 were granted to private owners under various state statutes.  
25 Portions of those lands were subsequently filled and reclaimed.  
26 Tide and submerged lands that were not filled, as well as certain  
27 portions of the filled lands, remained subject to the public trust.

28 (c) In 1939, the United States began acquiring lands for  
29 purposes of constructing and operating what came to be known as  
30 the Hunters Point Shipyard. The shipyard was used primarily as a  
31 Navy industrial operation for the modification, maintenance, and  
32 repair of ships. The shipyard was closed in 1974, but continued to  
33 be used for ship docking and repair activities. Portions were also  
34 leased to several small businesses, artisans, and others.

35 (d) Hunters Point Shipyard was designated by the Navy for  
36 closure and potential reuse by the community pursuant to the  
37 Defense Base Closure and Realignment Act of 1990 (Public Law  
38 101-510) and subsequent amendments thereto. The Navy has the  
39 authority under federal law to convey the property to the city or to  
40 the agency as the local reuse authority approved by the city.



1 (e) In 1997, the agency and the city adopted the redevelopment  
2 plan to provide for the economic development and revitalization  
3 of the Hunters Point Shipyard. The agency is responsible for  
4 administering the redevelopment plan.

5 (f) The Navy is presently in negotiations with the city for the  
6 transfer of the Hunters Point Shipyard, or portions thereof, to the  
7 agency.

8 (g) All former and existing tide and submerged lands within the  
9 redevelopment area over which the public trust has not been  
10 terminated are subject to the public trust upon their release from  
11 federal ownership. To facilitate the conversion of the Hunters  
12 Point Shipyard to productive civilian reuse while ensuring that  
13 public trust lands within the shipyard are effectively and properly  
14 managed, it is necessary to vest the authority to administer the trust  
15 in the agency because the agency is responsible for the  
16 redevelopment of the shipyard.

17 (h) This act grants the state's sovereign interest in the Hunters  
18 Point trust lands to the agency and establishes the agency as the  
19 trust administrator for those lands. This act advances the purposes  
20 of the Community Redevelopment Law (Part 1 (commencing with  
21 Section 33000) of Division 24 of the Health and Safety Code) and  
22 the public trust, and is in the best interests of the people of this  
23 state.

24 SEC. 4. (a) All of the State of California's right, title, and  
25 interest, acquired by virtue of its sovereignty, in the Hunters Point  
26 trust lands, or any portion thereof, conveyed by the federal  
27 government to the agency, is granted to and vested in the agency,  
28 subject to the public trust and the terms and conditions of this act.

29 (b) Upon conveyance by the federal government to the agency  
30 of any piers or other appurtenances located in part on Hunters  
31 Point submerged lands, all of the State of California's right, title,  
32 and interest, acquired by virtue of its sovereignty, in the Hunters  
33 Point submerged lands are granted to and vested in the agency,  
34 subject to the public trust and the terms and conditions of this act.

35 (c) The Burton Act does not apply to any Hunters Point trust  
36 lands acquired by the agency. Any right, title, and interest of the  
37 city in those lands acquired by virtue of the Burton Act is  
38 transferred to the agency.

39 (d) The agency and its successors in interest shall hold any  
40 acquired Hunters Point trust lands in trust for the benefit of all the



1 people of the state for purposes of commerce, navigation, and  
2 fisheries, and for other public trust purposes, subject to the terms  
3 of this act.

4 SEC. 5. The agency shall be the public trust administrator for  
5 any Hunters Point trust lands acquired by the agency.

6 SEC. 6. The agency may use, conduct, operate, maintain,  
7 manage, administer, regulate, improve, lease, and control the  
8 Hunters Point trust lands and do all things necessary in connection  
9 with that authority that conform with the terms of this act and the  
10 public trust. Except as provided in this act, the agency shall use the  
11 Hunters Point trust lands only in a manner that is consistent with,  
12 necessary and convenient for, or incidental or ancillary to, the  
13 purposes of the public trust.

14 SEC. 7. The agency shall not grant, convey, give, or alienate  
15 the Hunters Point trust lands, or any part thereof, to any individual,  
16 firm, or corporation for any purpose, except as provided in this act  
17 or as otherwise provided by statute.

18 SEC. 8. The agency may grant franchises, permits, privileges,  
19 licenses, easements, or leasehold interests (collectively referred to  
20 as “leases”) in connection with the Hunters Point trust lands, or  
21 any part thereof, for a term not exceeding 66 years. Any leases for  
22 use of the Hunters Point trust lands must be solely for uses that are  
23 consistent with, necessary and convenient for, or incidental or  
24 ancillary to, the purposes of the public trust, except that leases may  
25 be entered into for other uses if the agency has made all of the  
26 following determinations:

27 (a) There is no immediate trust-related need for the property  
28 proposed to be leased.

29 (b) The proposed lease is of a duration of no more than five  
30 years and can be terminated in favor of trust uses as they arise.

31 (c) The proposed lease prohibits the construction of new  
32 structures or improvements on the subject property that, as a  
33 practical matter, could prevent or inhibit the property from being  
34 converted to any permissible trust use if necessary.

35 (d) The proposed use of the leased property would not interfere  
36 with commerce, navigation, fisheries, or any other existing trust  
37 uses or purposes.

38 SEC. 9. (a) The agency may exchange certain portions of the  
39 Hunters Point trust lands with any state agency, political  
40 subdivision, person, entity, or corporation, or the United States or



1 any agency thereof, for other lands, if the agency determines, and  
2 the State Lands Commission adopts a resolution finding and  
3 declaring, all of the following:

4 (1) The portions of the Hunters Point trust lands to be  
5 exchanged have been filled and reclaimed, are cut off from access  
6 to the waters of San Francisco Bay, are no longer needed or  
7 required for the promotion of the public trust for commerce,  
8 navigation, and fisheries, and constitute a relatively small portion  
9 of the lands granted to the city.

10 (2) The lands to be acquired by the agency have a value equal  
11 to or greater than the value of the lands for which they are to be  
12 exchanged and are useful for the particular trust purposes  
13 authorized by this act.

14 (3) No substantial interference with trust uses and purposes  
15 will ensue by virtue of the exchange.

16 (b) Upon adoption of the resolution by the State Lands  
17 Commission, the lands conveyed by the agency shall be free from  
18 the public trust, and the lands received by the agency in exchange  
19 shall be held subject to the public trust and to the terms of this act.

20 (c) Exchanges made pursuant to this section are hereby found  
21 to be of statewide significance and importance. Therefore, no  
22 ordinance, charter provision, or other provision of local law  
23 inconsistent with this section applies to the exchange.

24 SEC. 10. (a) The agency shall deposit all moneys collected  
25 by the agency arising out of the use or operation of any *of* the  
26 Hunters Point trust lands, including all revenues derived from  
27 leases or other rights to use or occupy the lands, into a special fund  
28 maintained by the agency. The agency shall use the money in or  
29 belonging to the fund only for uses and purposes consistent with  
30 the public trust and the requirements of this act.

31 (b) The agency shall prepare an annual statement of financial  
32 conditions and operations and submit it to the State Lands  
33 Commission each year on or before October 1. The statement shall  
34 include a statement of all revenues and expenditures related to trust  
35 lands and trust assets, including obligations incurred but not yet  
36 paid.

37 SEC. 11. There is reserved in the people of the State of  
38 California the right to hunt and fish in and over the waters on the  
39 Hunters Point trust lands, together with the right of convenient



1 access to the waters over the Hunters Point trust lands for those  
2 purposes.

3 SEC. 12. There is excepted from the grant made in Section 4  
4 and reserved to the State of California all subsurface mineral  
5 deposits, including oil and gas deposits, together with the right of  
6 ingress and egress on the Hunters Point trust lands for exploration,  
7 drilling and extraction of such mineral, and oil and gas deposits.  
8 The mineral rights, including the right of ingress and egress, may  
9 not be exercised in a manner that would disturb or otherwise  
10 interfere with any lease, franchise, permit, or license of, or on, the  
11 Hunters Point trust lands. However, any lease, franchise, permit,  
12 or license of the property shall contain a provision specifying at  
13 least one point from which, and the manner in which, the right of  
14 ingress or egress to the subsurface deposits may be exercised,  
15 which point or points may be outside the area of the leasehold,  
16 franchise, permit, or license, as long as the point or points are  
17 adequate to permit the rights reserved to the state to be exercised.

18 SEC. 13. In the management, conduct, operation and control  
19 of the Hunters Point trust lands, or any improvements,  
20 betterments, or structures thereon, the agency shall make no  
21 discrimination in rates, tolls, or charges for any use or service in  
22 connection therewith.

23 SEC. 14. The State of California has the right to use, without  
24 charge, any transportation, land or storage improvements,  
25 wharves, docks, piers, slips, quays, or other improvements  
26 constructed upon the Hunters Point trust lands, for any vessel or  
27 other watercraft, aircraft, or railroad owned or operated by the  
28 State of California.

29 SEC. 15. (a) The state reserves the right to amend, modify, or  
30 revoke any and all rights in the Hunters Point trust lands granted  
31 to the agency under this act.

32 (b) No amendment or revocation, in whole or in part, of the  
33 granted rights in the Hunters Point trust lands may impair or affect  
34 the rights or obligations of third parties, including the holders of  
35 bonds or securities, lessees, lenders for value, and holders of  
36 contracts conferring the right to the use or occupation of, or the  
37 right to conduct operations upon or within, the Hunters Point trust  
38 lands, arising from leases, contracts, or other instruments lawfully  
39 entered into prior to the effective date of the amendment or  
40 revocation. For purposes of this section, the term “bonds”



1 includes, without limitation, lease revenue bonds and other bonds,  
2 lease financing arrangements, and certificates of participation.

3 (c) If any lease, contract, or other instrument described in  
4 subdivision (b) is in effect on the effective date of any amendment  
5 or revocation, the state, at its option exercised by and through the  
6 State Lands Commission, may succeed to the agency's interest in  
7 the instrument; otherwise, the agency's interest in the instrument  
8 shall continue during the term or other period of time during which  
9 the instrument shall remain in effect. All bonds or securities issued  
10 by the agency and payable out of revenues from the Hunters Point  
11 trust lands shall continue to be so payable, directly or indirectly,  
12 and secured in all respects as provided in the proceedings for their  
13 issuance, and the revenues of the Hunters Point trust lands shall be  
14 pledged and applied to the payment of the bonds or securities in  
15 all respects as though no amendment or revocation had taken  
16 place.

17 SEC. 16. Upon written agreement between the agency and the  
18 San Francisco Port Commission, and approval by the State Lands  
19 Commission, the city, by and through its Port Commission, may  
20 assume authority from the agency as the trust administrator over  
21 some or all of the Hunters Point trust lands. The city shall hold and  
22 administer those lands in accordance with the requirements of the  
23 public trust and the Burton Act.

24 SEC. 17. The following diagram, depicting the approximate  
25 boundaries of the redevelopment area, the Hunters Point Shipyard,  
26 and the Hunters Point submerged lands, is a part of this act:

27 \_\_\_\_\_.

28 SEC. 18. *Nothing in this act may be construed to nullify the*  
29 *housing requirements imposed under Section 33413 or 33334.2 of*  
30 *the Health and Safety Code.*

31 SEC. 19. *Nothing in this act may be construed to authorize the*  
32 *development of housing on public trust land.*

33 SEC. 20. The Legislature finds and declares that, because of  
34 the unique circumstances applicable only to the trust lands  
35 described in this act, relating to the transfer of the Hunters Point  
36 Shipyard out of federal ownership, a statute of general  
37 applicability cannot be enacted within the meaning of subdivision  
38 (b) of Section 16 of Article IV of the California Constitution.  
39 Therefore, this special statute is necessary.

40 ~~SEC. 19.—~~



1     *SEC. 21.* Notwithstanding Section 17610 of the Government  
2 Code, if the Commission on State Mandates determines that this  
3 act contains costs mandated by the state, reimbursement to local  
4 agencies and school districts for those costs shall be made pursuant  
5 to Part 7 (commencing with Section 17500) of Division 4 of Title  
6 2 of the Government Code. If the statewide cost of the claim for  
7 reimbursement does not exceed one million dollars (\$1,000,000),  
8 reimbursement shall be made from the State Mandates Claims  
9 Fund.  
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