

**Introduced by Senator Perata**

February 25, 2000

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An act to amend Section 1 of Chapter 594 of the Statutes of 1917, relating to public trust lands, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 2049, as introduced, Perata. Naval Air Station Alameda Public Trust Exchange Act.

Existing law grants to the City of Alameda all the right, title, and interest of the State of California, in and to all the salt marsh, tide, and submerged lands within the boundaries of the city in trust for prescribed uses and upon express conditions.

This bill would enact the Naval Air Station Alameda Public Trust Exchange Act, the purpose of which would be to facilitate the productive reuse of lands comprising the former Naval Air Station (NAS) Alameda in a manner that will further the purposes of the public trust for commerce, navigation, and fisheries. The bill would authorize the State Lands Commission to carry out an exchange of public trust lands within the NAS property, in accordance with the requirements of the bill, and would require the commission to establish appropriate procedures for effectuating the exchange.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. This act shall be known, and may be  
2 cited, as the Naval Air Station Alameda Public Trust  
3 Exchange Act.

4 SEC. 2. Section 1 of Chapter 594 of the Statutes of 1917  
5 is amended to read:

6 Sec. 1. There is hereby granted to the ~~city~~ City of  
7 Alameda (*hereafter "city"*), a municipal corporation of  
8 the State of California, and to its successors, all the right,  
9 title, and interest of the State of California, held by ~~said~~  
10 *the state* by virtue of its sovereignty, in and to all the salt  
11 marsh, tide and submerged lands, whether filled or  
12 unfilled, within the present boundaries of ~~said the~~ city,  
13 and situated below the line of mean high tide of the  
14 Pacific ~~ocean~~ *Ocean*, or of any harbor, estuary, bay, or  
15 inlet within ~~said the~~ boundaries, to be forever held by ~~said~~  
16 *the city*, and by its successors, in trust for the uses and  
17 purposes, and upon the *following* express conditions  
18 ~~following, to wit:~~

19 ~~That said lands shall be used by said city and its~~  
20 ~~successors, solely for the establishment, improvement~~  
21 ~~and conduct of a harbor, and for the construction,~~  
22 ~~maintenance and operation thereon of wharves, docks,~~  
23 ~~piers, slips, quays, and other utilities, warehouses,~~  
24 ~~factories, storehouses, structures and appliances~~  
25 ~~necessary or convenient for the promotion, benefit and~~  
26 ~~accommodation of commerce and navigation, and said~~  
27 ~~city, or its successors, shall not, except as herein~~  
28 ~~authorized, at any time, grant, convey, give or alien said~~  
29 ~~lands, or any part thereof, to any individual, firm or~~  
30 ~~corporation for any purpose whatever; provided, that said~~  
31 ~~city, or its successors, may grant franchises thereon, for~~  
32 ~~limited periods, for wharves and other public uses and~~  
33 ~~purposes, and may lease said lands, or any part thereof, for~~  
34 ~~limited periods, for purposes consistent with the trusts~~  
35 ~~upon which said lands are held by the State of California~~  
36 ~~and this grant, for a term not exceeding twenty five years,~~  
37 ~~and on such other terms and conditions as said city may~~  
38 ~~determine, including a right to renew such lease or leases~~



1 ~~for a further term not exceeding twenty-five years or to~~  
2 ~~terminate the same on such terms, reservations and~~  
3 ~~conditions as may be stipulated in such lease or leases, and~~  
4 ~~said lease or leases may be for any and all purposes which~~  
5 ~~shall not interfere with navigation or commerce, with~~  
6 ~~reversion to the said city on the termination of such lease~~  
7 ~~or leases of any and all improvements thereon, and on~~  
8 ~~such other terms and conditions as the said city may~~  
9 ~~determine, but for no purpose which will interfere with~~  
10 ~~navigation or commerce; subject also to a reservation in~~  
11 ~~all such leases or such wharfing out privileges of a street,~~  
12 ~~or of such other reservation as the said city may~~  
13 ~~determine for sewer outlets, and for gas and oil mains, and~~  
14 ~~for hydrants, and for electric cables and wires, and for~~  
15 ~~such other conduits for municipal purposes, and for such~~  
16 ~~public and municipal purposes and uses as may be~~  
17 ~~deemed necessary by the said city, upon compensation~~  
18 ~~being made for the injury and damage done to any~~  
19 ~~improvement or structure thereon.~~

20 ~~Provided, further, that in the granting of any and all~~  
21 ~~such leases the city council shall, whenever in its~~  
22 ~~judgment it can reasonably do so, give preference to the~~  
23 ~~owners of upland abutting on the salt marsh, tide or~~  
24 ~~submerged land proposed to be lease; provided, however,~~  
25 ~~that the said city of Alameda may grant, give, convey and~~  
26 ~~alien such lands or any portion thereof, forever to the~~  
27 ~~United States for public purposes of the United States;~~  
28 ~~provided, however, that no such grant shall be made~~  
29 ~~unless authorized and approved by a vote of the majority~~  
30 ~~of the electors of such municipal corporation voting upon~~  
31 ~~the proposition of making such grant at an election~~  
32 ~~therein, at which such proposition shall have been~~  
33 ~~submitted.~~

34 ~~This grant shall carry the right to such city of the rents,~~  
35 ~~issues and profits in any manner hereafter arising from~~  
36 ~~the lands or wharfing out privileges hereby granted.~~

37 ~~The State of California shall have, at all time, the right,~~  
38 ~~together with the city if there be no lessee or licensee, or~~  
39 ~~together with the lessee or licensee, if there be a lessee or~~  
40 ~~licensee, to use, without charge, all wharves, docks, piers,~~



1 slips, quays constructed on said lands or any part thereof,  
2 except wharves, docks, piers, slips, quays or other  
3 improvements constructed on such lands by the United  
4 States for public purposes of the United States, for any  
5 vessel or other water craft, or railroad, owned or operated  
6 by the State of California.

7 No discrimination in rates, tolls or charges for use or in  
8 facilities for any use or service in connection with  
9 wharves, docks, piers, slips or quays or property operated  
10 by the city, or property leased, the use of which is  
11 dedicated by the lessee or licensee for a public use, shall  
12 ever be made, authorized or permitted.

13 There is hereby reserved in the people of the State of  
14 California the right to fish in the waters on which said  
15 lands may front with the right of convenient access to said  
16 waters over said lands for said purpose, such enjoyment  
17 of access and right to fish to be regulated by ordinance of  
18 the city of Alameda, so as not to interfere, obstruct, retard  
19 or limit the right of navigation or the rights of lessees or  
20 licensees under lease or license given.

21 All leases and licenses granted by ordinance of the city  
22 of Alameda prior to the first day of April, one thousand  
23 nine hundred seventeen, and the terms and conditions  
24 expressed therein are affirmed.

25 (a) *The city shall be the public trust administrator for*  
26 *all lands granted to it pursuant to this act (hereafter*  
27 *“granted lands”), and may use, conduct, operate,*  
28 *maintain, manage, administer, regulate, improve, lease,*  
29 *and control the lands and do all things necessary in*  
30 *connection with the lands that are in conformance with*  
31 *the terms of this act and the public trust for commerce,*  
32 *navigation, and fisheries.*

33 (b) *The granted lands shall be used by the city and its*  
34 *successors, solely for the establishment, improvement,*  
35 *and conduct of a harbor, and for the construction,*  
36 *maintenance, and operation thereon of wharves, docks,*  
37 *piers, slips, quays, warehouses, factories, storehouses,*  
38 *equipment, parking areas, streets, highways, bridges,*  
39 *pedestrian ways, landscaped areas, public buildings,*  
40 *public assembly and meeting places, convention centers,*



1 parks, museums, playgrounds, public recreation facilities  
2 (including, without limitation, public golf courses,  
3 marinas, restaurants, hotels, commercial recreation  
4 facilities, entertainment facilities and attractions), and  
5 any other utilities, structures, and appliances, provided  
6 the facilities are incidental to, or necessary or convenient  
7 for, the promotion, benefit, and accommodation of the  
8 purposes of the public trust.

9 (c) The city, or its successors, may not grant, convey,  
10 give, or alienate the granted lands, or any part thereof, to  
11 any individual, firm, or corporation for any purpose,  
12 except as provided in this section or otherwise provided  
13 by the Legislature. This subdivision shall not be construed  
14 as prohibiting the conveyance of any lands within the  
15 former Naval Air Station Alameda, including lands  
16 previously granted to the city and subsequently  
17 transferred to the United States, to the Alameda Reuse  
18 and Redevelopment Authority (hereafter "ARRA") by  
19 the United States or the city, or as prohibiting the  
20 conveyance of any of those lands to the city by the United  
21 States or the ARRA.

22 (d) Notwithstanding the foregoing restriction on  
23 alienation, the city, or its successors, may grant franchises,  
24 permits, privileges, licenses, easements, or leasehold  
25 interests (hereafter collectively referred to as "leases") in  
26 connection with the lands, or any part thereof, for limited  
27 periods, for purposes consistent with the trusts upon  
28 which the lands are held by the State of California and this  
29 grant, for a term not exceeding 66 years, and on other  
30 terms and conditions that the city determines, including  
31 a right to terminate on the terms, reservations, and  
32 conditions that may be stipulated in the lease or leases,  
33 with reversion to the city on the termination of the lease  
34 or leases of any and all improvements thereon, provided  
35 that any terms, reservations, and conditions are  
36 consistent with the public trust and this act. The leases  
37 may include reservations for streets, sewer outlets, gas  
38 and oil mains, hydrants, electric cables and wires, and  
39 other municipal purposes and uses deemed necessary by  
40 the city, upon compensation being made for the injury



1 and damage done to any improvement or structure  
2 thereon.

3 (e) All moneys collected by the city arising out of the  
4 use or operation of any of the granted lands, including all  
5 revenues derived from leases or other rights to use or  
6 occupy the lands, shall be deposited into a special fund  
7 maintained by the city. The money in or belonging to the  
8 fund may be used only for uses and purposes consistent  
9 with the public trust for navigation, commerce, and  
10 fisheries, and the requirements of this act.

11 (f) The State of California shall have the right,  
12 together with the city if there is no lessee or licensee, or  
13 together with the lessee or licensee, if there is a lessee or  
14 licensee, to use, without charge, all wharves, docks, piers,  
15 slips, quays, or other improvements constructed on the  
16 granted lands or any part thereof, for any vessel or other  
17 watercraft, or railroad, owned or operated by the State of  
18 California.

19 (g) No discrimination in rates, tolls, or charges for use  
20 or in facilities for any use or service in connection with  
21 wharves, docks, piers, slips, or quays, or property  
22 operated by the city, or property leased, the use of which  
23 is dedicated by the lessee or licensee for a public use, shall  
24 ever be made, authorized, or permitted.

25 (h) There is hereby reserved in the people of the State  
26 of California the right to fish in the waters on which the  
27 lands may front, with the right of convenient access to the  
28 waters over the lands for that purpose. The enjoyment of  
29 access and right to fish shall be regulated by ordinance of  
30 the city so as not to interfere, obstruct, retard, or limit the  
31 right of navigation or the rights of lessees or licensees  
32 under lease or license given.

33 (i) The state hereby reserves all subsurface mineral  
34 deposits, including oil and gas deposits, together with the  
35 right of ingress and egress on the granted lands for  
36 exploration, drilling, and extraction of mineral, oil, and  
37 gas deposits. Those mineral rights, including the right of  
38 ingress and egress, shall not be exercised in a manner that  
39 would disturb or otherwise interfere with any lease of or  
40 on the granted lands. However, any lease of property shall



1 contain a provision specifying at least one point from  
2 which, and the manner in which, the right of ingress or  
3 egress to subsurface deposits may be exercised, which  
4 point or points may be outside the area of the lease,  
5 provided the point or points are adequate to permit the  
6 rights reserved to the state to be exercised.

7 (j) Nothing in this act shall impair or affect any rights  
8 or obligations arising from leases conferring the right to  
9 use, occupy, or conduct operations upon or within the  
10 granted lands, provided the leases were lawfully entered  
11 into, consistent with any applicable public trust or other  
12 restrictions on use, prior to the effective date of this act.

13 SEC. 3. The following definitions apply for purposes  
14 of this act.

15 (a) "ARRA" means the Alameda Reuse and  
16 Redevelopment Authority, a joint powers agency.

17 (b) "City" means the City of Alameda.

18 (c) "Commission" means the State Lands  
19 Commission.

20 (d) "Granting act" means Chapter 348 of the Statutes  
21 of 1913, an act entitled "An act granting to the city of  
22 Alameda the salt marsh, tide and submerged lands of the  
23 State of California, including the right to wharf out  
24 therefrom to the city of Alameda, and regulating the  
25 management, use, and control thereof," approved June  
26 11, 1913, as subsequently amended, modified, or  
27 augmented by Chapter 594 of the Statutes of 1917,  
28 Chapter 538 of the Statutes of 1927, Chapter 15 of the  
29 Statutes of 1953, Chapter 1028 of the Statutes of 1955, and  
30 this act.

31 (e) "NAS property" means that parcel of land lying in  
32 the city and county of Alameda, State of California,  
33 commonly known as Naval Air Station Alameda, and  
34 more particularly described as follows:

35 BEGINNING at a point on the United States Bulkhead  
36 Line, said point identified as Point "K" as said line and  
37 point are delineated and so designated upon that certain  
38 map entitled, "Harbor Line Survey San Francisco Bay,  
39 1910" Sheet No. 6 originally filed in the United States  
40 Engineer's Office, Customs House, San Francisco and



1 currently on file in the public records of Alameda County,  
2 said Bulkhead Line also being the northerly boundary of  
3 those lands acquired by the United States of America  
4 from Central Pacific Railway Company et al. as described  
5 in the final judgement of Civil Action No. 22463-S filed in  
6 the District Court of the United States in and for the  
7 Northern District of California, Southern Division on  
8 January 11, 1944, said POINT OF BEGINNING having  
9 California State Plane Coordinates (NAD83), Zone 3,  
10 X=6,035,109.792 and Y=2,117,136.645;

11 1. Thence, along said Bulkhead Line and the northerly  
12 boundary of those lands acquired by the United States of  
13 America from Central Pacific Railway Company et al., as  
14 described in the final judgement of Civil Action No.  
15 22463-S filed in the District Court of the United States in  
16 and for the Northern District of California, Southern  
17 Division on January 11, 1944, South  $72^{\circ}49'42''$  East 3,959.93  
18 feet;

19 2. Thence continuing along said Bulkhead Line and  
20 the northerly boundary of those lands acquired by the  
21 United States of America from Central Pacific Railway  
22 Company et al., as described in the final judgment of Civil  
23 Action No. 22463-S filed in the District Court of the  
24 United States in and for the Northern District of  
25 California, Southern Division on January 11, 1944, South  
26  $74^{\circ}11'24''$  East, 286.45 feet to a point on the northwesterly  
27 boundary of those lands acquired by the War Department  
28 from the City of Alameda, California, by H. R. 12661 (71  
29 P.L. 514) approved July 3, 1930 (46 Stat. 857), and known  
30 as Benton Field as transferred from the War Department  
31 to the Navy Department by Executive Order No. 7467,  
32 dated October 7, 1936;

33 3. Thence along the northwesterly boundary of those  
34 lands acquired by the War Department from the City of  
35 Alameda, California, by an act, H. R. 12661 (71 P.L. 514)  
36 approved July 3, 1930 (46 Stat. 857) and known as Benton  
37 Field as transferred from the War Department to the  
38 Navy Department by Executive Order No. 7467, dated  
39 October 7, 1936, North  $17^{\circ}09'57''$  East, 413.58 to the  
40 northerly boundary line of the City of Alameda;



1 4. Thence continuing along said boundary line of the  
2 City of Alameda and the northerly boundary of said lands  
3 acquired by the War Department from the City of  
4 Alameda, California, by an act, H. R. 12661 (71 P.L. 514)  
5 approved July 3, 1930 (46 Stat. 857), and known as Benton  
6 Field as transferred from the War Department to the  
7 Navy Department by Executive Order No. 7467, dated  
8 October 7, 1936, South  $73^{\circ}28'09''$  East, 607.39 feet;

9 5. Thence continuing along said boundary line of the  
10 City of Alameda and the northerly boundary of said lands  
11 acquired by the War Department from the City of  
12 Alameda, California, by an act, H. R. 12661 (71 P.L. 514)  
13 approved July 3, 1930 (46 Stat. 857), and known as Benton  
14 Field as transferred from the War Department to the  
15 Navy Department by Executive Order No. 7467, dated  
16 October 7, 1936, South  $79^{\circ}04'51''$  East, 1,394.30 feet;

17 6. Thence continuing along said boundary line of the  
18 City of Alameda and the northerly boundary of said lands  
19 acquired by the War Department from the City of  
20 Alameda, California, by an act H. R. 12661 (71 P.L. 514)  
21 approved July 3, 1930 (46 Stat. 857), and known as Benton  
22 Field as transferred from the War Department to the  
23 Navy Department by Executive Order No. 7467, dated  
24 October 7, 1936, South  $87^{\circ}55'10''$  East 1,462.70 feet;

25 7. Thence continuing along said boundary line of the  
26 City of Alameda and the northerly boundary of said lands  
27 acquired by the War Department from the City of  
28 Alameda, California, by an act, H. R. 12661 (71 P.L. 514)  
29 approved July 3, 1930 (46 Stat. 857), and known as Benton  
30 Field as transferred from the War Department to the  
31 Navy Department by Executive Order No. 7467, dated  
32 October 7, 1936, North  $77^{\circ}24'24''$  East 514.10 feet;

33 8. Thence leaving said boundary line of Alameda and  
34 continuing along the easterly boundary of said lands  
35 acquired by the War Department from the City of  
36 Alameda, California, by an act, H. R. 12661 (71 P.L. 514)  
37 approved July 3, 1930 (46 Stat. 357), and known as Benton  
38 Field as transferred from the War Department to the  
39 Navy Department by Executive Order No. 7467, dated  
40 October 7, 1936, and the easterly boundary of the lands



1 conveyed by Todd Shipyards Corporation to the United  
2 States of America by quitclaim deed recorded June 27,  
3 1995, at series number 95140151 official records of  
4 Alameda County, South  $1^{\circ}07'57''$  West, 1,004.88 feet to the  
5 most northerly corner of that certain parcel of land  
6 described as Parcel One of the lands acquired by the  
7 United States of America from the Regents of the  
8 University of California, a corporation, et al., as described  
9 in the final judgment of Civil Action No. 21988-S filed in  
10 the in District Court of the United States in and for the  
11 Northern District of California, Southern Division on  
12 June 11, 1942, and the south line of Main Street;

13 9. Thence along the arc of a nontangent curve to the  
14 right having a radius of 700 feet of which the center bears  
15 North  $16^{\circ}35'42''$  East through a central angle of  $45^{\circ}43'15''$   
16 an arc distance of 558.59 feet, the chord of said curve bears  
17 South  $50^{\circ}32'41''$  East, said arc being the easterly line of said  
18 Parcel One of the lands acquired by the United States of  
19 America from the Regents of the University of California,  
20 a corporation, et al., as described in the final judgement  
21 as to Parcel One and Parcel Three of Civil Action No.  
22 21988-S filed in the District Court of the United States in  
23 and for the Northern District of California, Southern  
24 Division on June 11, 1942, and the south line of Main  
25 Street;

26 10. Thence tangent to said arc and continuing along  
27 the easterly boundary of said Parcel One of the lands  
28 acquired by the United States of America from the  
29 Regents of the University of California, a corporation, et  
30 al., as described in the final judgment as to Parcel One and  
31 Parcel Three of Civil Action No. 21988-S filed in the  
32 District Court of the United States in and for the  
33 Northern District of California, Southern Division on  
34 June 11, 1942, and the easterly boundary of Parcel Two of  
35 the lands acquired by the United States of America from  
36 the Regents of the University of California, a corporation,  
37 et al., as described in the final judgment as to Parcel Two  
38 of Civil Action No. 21988-S filed in the District Court of  
39 the United States in and for the Northern District of  
40 California, Southern Division on June 11, 1942, and the



1 southwest line of Main Street South  $27^{\circ}41'03''$  East 580.60  
2 feet;

3 11. Thence continuing along the easterly boundary of  
4 said Parcel Two of the lands acquired by the United States  
5 of America from the Regents of the University of  
6 California, a corporation, et al., as described in the final  
7 judgment as to Parcel Two of Civil Action No. 21988-S  
8 filed in the District Court of the United States in and for  
9 the Northern District of California, Southern Division on  
10 June 11, 1942, and the western line of Main Street along  
11 the arc of a tangent curve to the right having a radius of  
12 960.00 feet through a central angle of  $28^{\circ}15'00''$  an arc  
13 distance of 475.33 feet said curve having a chord bearing  
14 South  $13^{\circ}33'33''$  East;

15 12. Thence continuing along said easterly boundary of  
16 said Parcel Two of the lands acquired by the United States  
17 of America from the Regents of the University of  
18 California, corporation, et al., as described in the final  
19 judgment as to Parcel Two of Civil Action No. 21988-S  
20 filed in the District Court of the United States in and for  
21 the Northern District of California, Southern Division on  
22 June 11, 1942, and the western line of Main Street, tangent  
23 to last said curve South  $00^{\circ}33'57''$  West 2,134.92 feet to the  
24 intersection of the western line of Main Street and the  
25 northern line of Atlantic Avenue and the northeastern  
26 corner of the lands acquired by the United States of  
27 America from Louis M. MacDermot, et al., as described  
28 in the final judgment of Civil Action No. 23109-G filed in  
29 the District Court of the United States in and for the  
30 Northern District of California, Southern Division  
31 December 12, 1944;

32 13. Thence southerly along the western line of Main  
33 Street and the eastern boundary of the lands acquired by  
34 the United States of America from Louis M. MacDermot,  
35 et al., as described in the final judgment of Civil Action  
36 No. 23109-G filed in the District Court of the United States  
37 in and for the Northern District of California, Southern  
38 Division December 12, 1944, South  $00^{\circ}33'57''$  West 228.24  
39 feet;



1 14. Thence continuing southerly along the western  
2 line of Main Street and the eastern boundary of the lands  
3 acquired by the United States of America from Louis M.  
4 MacDermot, et al. as described in the final judgement of  
5 Civil Action No. 23109-G filed in the District Court of the  
6 United States in and for the Northern District of  
7 California, Southern Division December 12, 1944, South  
8  $11^{\circ}11'26''$  East 51.60 feet;

9 15. Thence continuing southerly along the western  
10 line of Main Street and the eastern boundary of the lands  
11 acquired by the United States of America from Louis M.  
12 MacDermot, et al., as described in the final judgment of  
13 Civil Action No. 23109-G filed in the District Court of the  
14 United States in and for the Northern District of  
15 California, Southern Division December 12, 1944, South  
16  $3^{\circ}24'19''$  East, 201.32 feet;

17 16. Thence continuing southerly along the western  
18 line of Main Street and the eastern boundary of the lands  
19 acquired by the United States of America from Louis M.  
20 MacDermot, et al., as described in the final judgment of  
21 Civil Action No. 23109-G filed in the District Court of the  
22 United States in and for the Northern District of  
23 California, Southern Division December 12, 1944, South  
24  $3^{\circ}06'12''$  West 50.00 feet;

25 17. Thence continuing southerly along the western  
26 line of Main Street and the eastern boundary of the lands  
27 acquired by the United States of America from Louis M.  
28 MacDermot, et al., as described in the final judgment of  
29 Civil Action No. 23109-G filed in the District Court of the  
30 United States in and for the Northern District of  
31 California, Southern Division December 12, 1944, South  
32  $3^{\circ}08'57''$  West, 800.00 feet to the intersection of the south  
33 line of Pacific Avenue;

34 18. Thence leaving said western line of Main Street and  
35 continuing along the eastern boundary of the lands  
36 acquired by the United States of America from Louis M.  
37 MacDermot, et al., as described in the final judgment of  
38 Civil Action No. 23109-G filed in the District Court of the  
39 United States in and for the Northern District of  
40 California, Southern Division December 12, 1944, South



1 86°51'03" East, 95.00 feet to a point 65.00 feet distant,  
2 measured at right angles, from the eastern line of Main  
3 Street as shown on that certain map entitled, "Bay View  
4 Tract, Alameda, California" and filed in map book 7 at  
5 page 33, official records of Alameda County;

6 19. Thence running parallel with and 65.00 feet distant,  
7 measured at right angles, from said eastern line of Main  
8 Street as shown on that certain map entitled, "Bay View  
9 Tract, Alameda, California" and filed in map book 7 at  
10 page 33, official records of Alameda County and the  
11 eastern boundary of the lands acquired by the United  
12 States of America from Louis M. MacDermot et al., as  
13 described in the final judgment of Civil Action No.  
14 23109-G filed in the District Court of the United States in  
15 and for the Northern District of California, Southern  
16 Division December 12, 1944, South 03°08'57" West 452.52  
17 feet;

18 20. Thence continuing parallel with and 65.00 feet  
19 distant, measured at right angles, from said eastern line  
20 of Main Street as shown on that certain map entitled "Bay  
21 View Tract Alameda, California" and filed in map book  
22 7 at page 33, official records of Alameda County and the  
23 eastern boundary of the lands acquired by the United  
24 States of America from Louis M. MacDermot, et at., as  
25 described in the final judgement of Civil Action No.  
26 23109-G filed in the District Court of the United States in  
27 and for the Northern District of California, Southern  
28 Division December 12, 1944, along the arc of a tangent  
29 curve to the left having a radius of 711.34 feet through a  
30 central angle of 32°06'26" and arc distance of 398.62 feet,  
31 said curve having a chord bearing South 12°54'16" East, to  
32 the intersection of the Salt Marsh and Tidelands Survey  
33 Line separating the high and dry lands from Alameda salt  
34 marshes as shown on that certain Map No. 2 of Salt Marsh  
35 and Tidelands situated in the County of Alameda, in the  
36 State of California, dated 1871, G.F. Allardt, Engineer,  
37 prepared by order of the Board of Tide Land  
38 Commissioners;

39 21. Thence continuing along the eastern boundary of  
40 the lands acquired by the United States of America from



1 Louis M. MacDermot, et al., as described in the final  
2 judgment of Civil Action No. 23109-G filed in the District  
3 Court of the United States in and for the Northern  
4 District of California, Southern Division December 12,  
5 1944, South  $50^{\circ}52'03''$  East, 27.30 feet to the eastern line of  
6 Lot 12 of Section 10, Township 2 South, Range 4 West,  
7 Mount Diablo Base and Meridian;

8 22. Thence continuing along the eastern boundary of  
9 the lands acquired by the United States of America from  
10 Louis M. MacDermot, et al., as described in the final  
11 judgment of Civil Action No. 23109-G filed in the District  
12 Court of the United States in and for the Northern  
13 District of California, Southern Division December 12,  
14 1944, and the eastern line of Lots 12 and 21 of said Section  
15 10, Township 2 South, Range 4 West, Mount Diablo Base  
16 and Meridian and the western line of the lands owned by  
17 the Alameda Unified School District and described in the  
18 grant deed from Thos. O'D. Buckley filed January 26,  
19 1949, in Book 5711 of deeds at page 129, Alameda County  
20 Records, South  $01^{\circ}07'57''$  West, 1,664.52 feet to the  
21 southeast corner of said Lot 21, Section 10, Township 2  
22 South, Range 4 West, Mount Diablo Base and Meridian;

23 23. Thence along the south line of Lots 21, 22, 23, 10 and  
24 9 of Section 10 and Lot 16 of Section 9, Township 2 South,  
25 Range 4 West, Mount Diablo Base and Meridian, North  
26  $63^{\circ}17'39''$  West, 3,545.08 feet to the west corner of said lot  
27 16 of Section 9, Township 2 South, Range 4 West, Mount  
28 Diablo Base and Meridian said point also being corner  
29 #11 lying on the eastern boundary of said lands acquired  
30 by the War Department from the City of Alameda,  
31 California, by an act, H. R. 12661 (71 P.L. 514) approved  
32 July 3, 1930, (46 Stat. 857), and known as Benton Field as  
33 transferred from the War Department to the Navy  
34 Department by Executive Order No. 7467, dated October  
35 7, 1936, also being the eastern boundary of land depicted  
36 and described on the map and metes and bounds  
37 description entitled, "United States Naval Air Station  
38 Alameda, California" filed September 20, 1938, in book 29  
39 at page 20 official records of Alameda County;



1 24. Thence along said eastern boundary of said lands  
2 acquired by the War Department from the City of  
3 Alameda, California, by an act, H. R. 12661 (71 P.L. 514)  
4 approved July 3, 1930, (46 Stat. 857), and known as Benton  
5 Field as transferred from the War Department to the  
6 Navy Department by Executive Order No. 7467, dated  
7 October 7, 1936, and said eastern boundary of land  
8 depicted and described on the map and metes and  
9 bounds description entitled, "United States Naval Air  
10 Station Alameda, California" filed September 20, 1938 in  
11 book 29 at page 20 official records of Alameda County,  
12 South 17°09'55" West 7,457.24 feet to point No. 12 as shown  
13 on said map and metes and bounds description entitled,  
14 "United States Naval Air Station Alameda, California"  
15 filed September 20, 1938, in book 29 at page 20 official  
16 records of Alameda County and the boundary line  
17 between Alameda County and City and the City and  
18 County of San Francisco;

19 25. Thence along the western boundary of said lands  
20 acquired by the War Department from the City of  
21 Alameda, California, by an act, H. R. 12661 (71 P.L. 514)  
22 approved July 3, 1930 (46 Stat. 857), and known as Benton  
23 Field as transferred from the War Department to the  
24 Navy Department by Executive Order No. 7467, dated  
25 October 7, 1936, and western boundary of land depicted  
26 and described on the map and metes and bounds  
27 description entitled "United States Naval Air Station  
28 Alameda, California" filed September 20, 1938, in book 29  
29 at page 20 official records of Alameda County and the  
30 western boundary of the lands acquired by the United  
31 States of America from the City of Alameda by grant deed  
32 filed November 26, 1937, in book 3583 at page 1, official  
33 records of Alameda County also being the boundary line  
34 between Alameda County and City and the City and  
35 County of San Francisco, North 26°42'05" West 11,129.88  
36 feet to the southeasterly corner of the land acquired by  
37 the United States of America from the City and County  
38 of San Francisco as described in the final judgment of  
39 Civil Action No. 35276 filed in the District Court of the



1 United States in and for the Northern District of  
2 California, Southern Division September 10, 1964;

3 26. Thence along the southern boundary of the land  
4 acquired by the United States of America from the City  
5 and County of San Francisco as described in the final  
6 judgment of Civil Action No. 35276 filed in the District  
7 Court of the United States in and for the Northern  
8 District of California, Southern Division September 10,  
9 1964, North  $85^{\circ}09'53''$  West 1,530.73 feet to a point on the  
10 United States Pierhead line extending between stations  
11 161 and 159 as said line is shown on that certain map  
12 entitled "Department of the Army, Corps of Engineers,  
13 Office of the District Engineer, San Francisco, California,  
14 San Francisco Bay, California, Harbor Lines,  
15 Oakland-Alameda," dated February 13, 1948, Drawing  
16 No. 1-4-19;

17 27. Thence along the western boundary of the land  
18 acquired by the United States of America from the City  
19 and County of San Francisco as described in the final  
20 judgment of Civil Action No. 35276 filed in the District  
21 Court of the United States in and for the Northern  
22 District of California, Southern Division September 10,  
23 1964, and the United States Pierhead line extending  
24 between stations 161 and 159 as said line is shown on that  
25 certain map entitled "Department of the Army, Corps of  
26 Engineers, Office of the District Engineers, San  
27 Francisco, California, San Francisco Bay, California,  
28 Harbor Lines, Oakland-Alameda," dated February 13,  
29 1948, Drawing No. 1-4-19, North  $11^{\circ}40'31''$  West 500.00  
30 feet;

31 28. Thence leaving said United States Pierhead line  
32 and continuing along the western boundary of the land  
33 acquired by the United States of America from the City  
34 and County of San Francisco as described in the final  
35 judgment of Civil Action No. 35276 filed in the District  
36 Court of the United States in and for the Northern  
37 District of California, Southern Division September 10,  
38 1964, North  $4^{\circ}50'07''$  East 2,246.50 feet to a point on said  
39 boundary line between Alameda County and City and  
40 the City and County of San Francisco and the western



1 boundary of the lands acquired by the United States of  
2 America from the City of Alameda by grant deed filed  
3 November 26, 1937, in book 3583 at page 1, official records  
4 of Alameda County;

5 29. Thence along the western boundary of said lands  
6 acquired by the War Department from the City of  
7 Alameda, California, by an act H.R. 12661 (71 P.L. 514)  
8 approved July 3, 1930 (46 Stat. 857), and known as Benton  
9 Field as transferred from the War Department to the  
10 Navy Department by Executive Order No. 7467, dated  
11 October 7, 1936, and western boundary of land depicted  
12 and described on the map and metes and bounds  
13 description entitled, "United States Naval Air Station  
14 Alameda, California" filed September 20, 1938, in book 29  
15 at page 20 official records of Alameda County and the  
16 western boundary of the lands acquired by the United  
17 States of America from the City of Alameda by grant deed  
18 filed November 26, 1937, in book 3583 at page 1, official  
19 records of Alameda County also being the boundary line  
20 between Alameda County and City and the City and  
21 County of San Francisco, North 26°42'05" West 2,462.54  
22 feet to a point on said United States Pierhead line  
23 extending between stations 161 and 159 as said line is  
24 shown on that certain map entitled "Department of the  
25 Army, Corps of Engineers, Office of the District  
26 Engineer, San Francisco, California, San Francisco Bay,  
27 California, Harbor Lines, Oakland-Alameda," dated  
28 February 13, 1948, Drawing No.1-4-19;

29 30. Thence continuing along the western boundary of  
30 said lands acquired by the War Department from the City  
31 of Alameda, California, by an act, H.R. 12661 (71 P.L. 514)  
32 approved July 3, 1930 (46 Stat. 857), known as Benton  
33 Field as transferred from the War Department to the  
34 Navy Department by Executive Order No. 7467, dated  
35 October 7, 1936, and western boundary of land depicted  
36 and described on the map and metes and bounds  
37 description entitled, "United States Naval Air Station  
38 Alameda, California" filed September 20, 1938, in book 29  
39 at page 20 official records of Alameda County and the  
40 western boundary of the lands acquired by the United



1 States of America from the City of Alameda by grant deed  
2 filed November 26, 1937, in book 3583 at page 1, official  
3 records of Alameda County and said United States  
4 Pierhead Line as shown on that certain map entitled  
5 “Department of the Army, Corps of Engineers, Office of  
6 the District Engineer, San Francisco, California, San  
7 Francisco Bay, California, Harbors Lines,  
8 Oakland-Alameda,” dated February 13, 1948, Drawing  
9 No. 1-4-19, North  $48^{\circ}59'13''$  East 481.95 feet to the western  
10 corner of the lands acquired by the United States of  
11 America from Central Pacific Railway Company, et al., as  
12 described in the judgment of Civil Action No. 22463-S  
13 filed in the District Court of the United States in and for  
14 the Northern District of California, Southern Division on  
15 January 11, 1944;

16 31. Thence along the northwestern boundary of the  
17 lands acquired by the United States of America from  
18 Central Pacific Railway Company, et al., as described in  
19 the final judgment of Civil Action No. 22463-S filed in the  
20 District Court of the United States in and for the  
21 Northern District of California, Southern Division on  
22 January 11, 1944; and continuing along said United States  
23 Pierhead Line as shown on that certain map entitled  
24 “Department of the Army, Corps of Engineers, Office of  
25 the District Engineer, San Francisco, California, San  
26 Francisco Bay, California, Harbor Lines,  
27 Oakland-Alameda,” dated February 13, 1948, Drawing  
28 No. 1-4-19, North  $48^{\circ}59'13''$  East, 1,090.36 feet to a point on  
29 the United States Bulkhead Line as said line is delineated  
30 on that certain map entitled, “Harbor Line Survey San  
31 Francisco Bay, 1910” Sheet No. 6 originally filed in the  
32 United States Engineer’s Office, Customs House, San  
33 Francisco and currently on file in the public records of  
34 Alameda County;

35 32. Thence along the northeastern boundary of the  
36 lands acquired by the United States of America from  
37 Central Pacific Railway Company, et al., as described in  
38 the final judgment of Civil Action No. 22463-S filed in the  
39 District Court of the United States in and for the  
40 Northern District of California, Southern Division on



1 January 11, 1944; and continuing along said United States  
2 Pierhead Line as shown on that certain map entitled  
3 “Department of the Army, Corps of Engineers, Office of  
4 the District Engineer, San Francisco, California, San  
5 Francisco Bay, California, Harbor Lines,  
6 Oakland-Alameda,” dated February 13, 1948, Drawing  
7 No. 1-4-19, South  $64^{\circ}57'02''$  East 797.15 feet and said  
8 Bulkhead Line delineated upon that certain map  
9 entitled, “Harbor Line Survey San Francisco Bay, 1910”  
10 Sheet No. 6 originally filed in the United States Engineer’s  
11 Office, Customs House, San Francisco and currently on  
12 file in the public records of Alameda County;

13 33. Thence continuing along said northeastern  
14 boundary of the lands acquired by the United States of  
15 America from Central Pacific Railway Company, et al., as  
16 described in the final judgment of Civil Action No.  
17 22463-S filed in the District Court of the United States in  
18 and for the Northern District of California, Southern  
19 Division on January 11, 1944; and said United States  
20 Pierhead Line as shown on that certain map entitled  
21 “Department of the Army, Corps of Engineers, Office of  
22 the District Engineer, San Francisco, California, San  
23 Francisco Bay, California, Harbor Lines,  
24 Oakland-Alameda,” dated February 13, 1948, Drawing  
25 No. 1-4-19 and said bulkhead line delineated upon that  
26 certain map entitled, “Harbor Line Survey San Francisco  
27 Bay, 1910” Sheet No. 6 originally filed in the United States  
28 Engineer’s Office, Customs House, San Francisco and  
29 currently on file in the public records of Alameda County,  
30 South  $72^{\circ}49'42''$  East 2124.88 feet to the POINT OF  
31 BEGINNING.

32 TOGETHER WITH the following parcels:

33 PARCEL 1, The land situated in the city and county of  
34 Alameda, State of California, bounded on the south by the  
35 United States bulkhead line as shown on the map entitled,  
36 “Harbor Line Survey San Francisco Bay, 1910” Sheet No.  
37 6 originally filed in the United States Engineer’s Office,  
38 Customs House, San Francisco, and currently on file in  
39 the public records of Alameda County, said bulkhead line  
40 also being the northerly boundary of those lands acquired



1 by the United States of America from Central Pacific  
2 Railway Company, et al., as described in the final  
3 judgment of Civil Action No. 22463-S filed in the District  
4 Court of the United States in and for the Northern  
5 District of California, Southern Division on January 11,  
6 1944; on the east by the northwesterly boundary of those  
7 lands acquired by the War Department from the City of  
8 Alameda, California, by an act, H.R. 12661 (71 P.L. 514)  
9 approved July 3, 1930 (46 Stat. 857), and known as Benton  
10 Field as transferred from the War Department to the  
11 Navy Department by Executive Order No. 7467, dated  
12 October 7, 1936; on the north by the boundary of the City  
13 of Alameda; and on the west by the northeasterly  
14 prolongation of course No. 31, being North 48°59'13" East  
15 1,090.36 feet in the above described parcel, to the  
16 intersection of said prolongation with the boundary of the  
17 City of Alameda.

18 PARCEL 2, The lands described in the lease between  
19 the City of Alameda and the United States of America and  
20 filed with the Department of the Navy at document  
21 number NO y (R)-54077.

22 PARCEL 3, A parcel of land situated in the city and  
23 county of Alameda, State of California, described as  
24 follows:

25 Commencing at the northerly limit of course  
26 twenty-two (22) described above, said point lying on the  
27 westerly right-of-way line Central Avenue;

28 Thence northerly along the extension of said course  
29 twenty-two (22) to a point on the easterly right-of-way  
30 line of said Central Avenues;

31 Thence northerly along the easterly right-of-way line of  
32 Central Avenue and the extension thereof to a point on  
33 the northerly right-of-way line of Pacific Avenue;

34 Thence westerly along said northerly right-of-way line  
35 of Pacific Avenue to a point on the eastern right-of-way  
36 line of Main Street;

37 Thence northerly along said easterly right-of-way line  
38 of Main Street to a point on the southerly right-of-way line  
39 of Atlantic Avenue;



1 Thence easterly along said southerly right-of-way line  
2 of Atlantic Avenue to the intersection with the southerly  
3 extension of the easterly line of the Southern Pacific  
4 Railroad Right of Way;

5 Thence northerly along said extension of the easterly  
6 line of the Southern Pacific Railroad Right of Way to a  
7 point on the northerly right-of-way line of said Atlantic  
8 Avenue;

9 Thence northerly along said easterly line of the  
10 Southern Pacific Railroad Right of Way and the northerly  
11 extension thereof to a point on the southerly right-of-way  
12 of Singleton Avenue;

13 Thence westerly along said southerly right-of-way line  
14 of Singleton Avenue to a point on the easterly  
15 right-of-way line of said Main Street;

16 Thence northerly along said easterly right-of-way line  
17 of Main Street to a point of intersection with course eight  
18 (8) as described above;

19 Thence southerly along said course eight (8) and  
20 courses nine (9), ten (10), eleven (11), twelve (12),  
21 thirteen (13), fourteen (14), fifteen (15), sixteen (16),  
22 seventeen (17), eighteen (18), nineteen (19), twenty  
23 (20), and twenty-one (21) to the point of beginning.

24 EXCEPTING THEREFROM any portion of the  
25 above-described parcels lying within the City and County  
26 of San Francisco.

27 (f) “Public trust” or “trust” means the public trust for  
28 commerce, navigation, and fisheries.

29 SEC. 4. The Legislature hereby finds and declares as  
30 follows:

31 (a) The purpose of this act is to facilitate the  
32 productive reuse of the lands comprising the former  
33 Naval Air Station Alameda in a manner that will further  
34 the purposes of the public trust for commerce,  
35 navigation, and fisheries. To effectuate this purpose, this  
36 act approves, and authorizes the commission to carry out,  
37 an exchange of lands under which certain nontrust lands  
38 on the NAS property with substantial value for the public  
39 trust would be placed into the public trust, and certain  
40 other lands presently subject to the public trust but no



1 longer useful for trust purposes would be freed from trust  
2 restrictions. This act also delegates to the ARRA and to  
3 the city, as specified in this act, the responsibility of  
4 administering the public trust on lands within the NAS  
5 property.

6 (b) In 1913, the state granted certain tide and  
7 submerged lands to the city in trust for purposes of  
8 commerce, navigation, and fisheries and subject to the  
9 terms and conditions specified in that act. The original  
10 1913 grant prohibited the alienation of the granted lands.  
11 In 1917, the grant was amended to allow the city to  
12 convey some or all of the granted lands to the United  
13 States for public purposes of the United States. Beginning  
14 in 1930, the city approved several transfers of portions of  
15 the granted lands to the United States Navy for purposes  
16 of constructing and operating what came to be known as  
17 the Naval Air Station Alameda. Certain portions of the  
18 transferred tide and submerged lands were subsequently  
19 filled and reclaimed by the Navy in furtherance of its plan  
20 for development of a naval air station. The Navy also  
21 acquired lands for NAS Alameda that were historically  
22 uplands and thus not subject to the public trust. In  
23 addition, a portion of the NAS property was comprised of  
24 granted lands that remained under city ownership and  
25 were leased to the Navy. These lands continue to be  
26 subject to the public trust.

27 (c) In 1993, the Defense Base Closure and  
28 Realignment Commission recommended closure of  
29 Naval Air Station Alameda under the Defense Base  
30 Closure and Realignment Act of 1990, and the station was  
31 closed operationally in April of 1997. As authorized by  
32 federal law, the Navy is in the process of transferring  
33 certain portions of the NAS property under a no-cost  
34 Economic Development Conveyance to the ARRA, the  
35 local reuse authority for the NAS Alameda. At a future  
36 date, the ARRA may convey some or all of the transferred  
37 lands to the city. Another portion of the NAS property is  
38 planned to be transferred from the Navy to the United  
39 States Fish and Wildlife Service. All former and existing  
40 tide and submerged lands on the NAS property for which



1 the public trust has not been terminated will be subject  
2 to the public trust upon their release from federal  
3 ownership. The portion of the NAS property owned by  
4 the city and formerly leased to the Navy will remain  
5 under city ownership subject to the public trust.

6 (d) The existing configuration of trust and nontrust  
7 lands on the NAS property is such that the purposes of the  
8 public trust cannot be fully realized. Certain filled and  
9 reclaimed tidelands on the NAS property have been cut  
10 off from access to navigable waters and are no longer  
11 needed or required for the promotion of the public trust,  
12 or any of the purposes set forth in the granting act. Other  
13 lands on the NAS property directly adjacent to the  
14 waterfront or otherwise of high value to the public trust  
15 are currently not subject to the public trust. Absent a trust  
16 exchange, substantial portions of the waterfront on the  
17 NAS property would be free of the public trust and could  
18 be cut off from public access, while certain nonwaterfront  
19 lands not useful for trust purposes would be restricted to  
20 trust-consistent uses.

21 (e) A trust exchange resulting in the configuration of  
22 trust lands substantially similar to that depicted on the  
23 diagram in Section 11 of this act maximizes the overall  
24 benefits to the trust, without interfering with trust uses or  
25 purposes. Following the exchange, all lands within the  
26 NAS property adjacent to the waterfront will be subject  
27 to the public trust. The lands that will be removed from  
28 the trust pursuant to the exchange have been cut off from  
29 navigable waters, constitute a relatively small portion of  
30 the granted lands, and are no longer needed or required  
31 for the promotion of the public trust. The commission  
32 shall ensure that the lands added to the trust pursuant to  
33 the exchange are of equal or greater value than the lands  
34 taken out of the trust.

35 (f) The reuse of public trust lands on former military  
36 bases presents a number of challenges not normally faced  
37 in the public trust administration of active waterfronts. In  
38 the case of the NAS property, a number of buildings were  
39 constructed on former tidelands during the period of  
40 federal ownership, when the public trust was effectively



1 in abeyance. Certain of these buildings, which are now in  
2 various stages of their useful lives, were built by the Navy  
3 for nontrust purposes. Where the buildings lie on lands  
4 that will be subject to the public trust following the  
5 exchange authorized by this act, the conversion of the  
6 lands underlying these buildings to trust uses should  
7 proceed in a manner that will enable the people of this  
8 state to benefit from the substantial investments made in  
9 the buildings without hindering the overall goal of  
10 preserving the public trust.

11 (g) An important element of the trust exchange is the  
12 north-south access corridor between the San Francisco  
13 Bay and the Oakland Estuary. The corridor serves as a  
14 direct physical and visual link between the two  
15 waterways. The roads and greenways within the corridor  
16 provide public access to and between the northern and  
17 southern waterfronts of the NAS property. This corridor  
18 should remain open to the public as an access way. In  
19 addition, a number of buildings constructed within the  
20 corridor during the period of federal ownership, which  
21 were built for nontrust purposes, retain substantial  
22 historic value as contributory structures to the Naval Air  
23 Station Alameda Historic District. The character of these  
24 buildings conveys a sense of the historic naval base and  
25 enhances the open-space experience at the base.

26 SEC. 5. (a) The Legislature hereby approves an  
27 exchange of public trust lands within the NAS property,  
28 whereby certain public trust lands that are not now useful  
29 for public trust purposes are conveyed free of the public  
30 trust and certain other lands that are not now public trust  
31 lands and that are useful for public trust purposes are  
32 made subject to the public trust, resulting in a  
33 configuration of trust lands that is substantially similar to  
34 that shown on the diagram in Section 11 of this act,  
35 provided the exchange complies with the requirements  
36 of this act. The exchange is consistent with, and furthers  
37 the purposes of, the public trust and the granting act.

38 (b) The commission is authorized to carry out an  
39 exchange of public trust lands within the NAS property,  
40 in accordance with the requirements of this act. Pursuant



1 to this authority, the commission shall establish  
2 appropriate procedures for effectuating the exchange.  
3 The procedures shall include procedures for ensuring  
4 that lands are not exchanged into the trust until any  
5 necessary hazardous materials remediation for those  
6 lands has been completed, and may include, if  
7 appropriate, procedures for completing the exchange in  
8 phases.

9 (c) The precise boundaries of the lands to be taken out  
10 of the trust and the lands to be put into the trust pursuant  
11 to the exchange shall be determined by the commission.  
12 The commission shall not approve the exchange of any  
13 trust lands unless and until all of the following occur:

14 (1) The commission finds that the configuration of  
15 trust lands on the NAS property upon completion of the  
16 exchange will not differ significantly from the  
17 configuration shown on the diagram in Section 11 of this  
18 act, and includes all existing tide and submerged lands  
19 within the NAS property.

20 (2) The commission finds that, with respect to the  
21 trust exchange as finally configured and phased, the value  
22 of the lands to be exchanged into the trust is equal to or  
23 greater than the value of the lands to be exchanged out  
24 of the trust.

25 (3) The commission finds that, with respect to the  
26 trust exchange as finally configured and phased, the lands  
27 to be taken out of the trust have been filled and  
28 reclaimed, are cut off from access to navigable waters, are  
29 no longer needed or required for the promotion of the  
30 public trust, and constitute a relatively small portion of  
31 the lands originally granted to the city, and that the  
32 exchange will not result in substantial interference with  
33 trust uses and purposes.

34 (4) The exchange is approved by the entity or entities  
35 that, under the provisions of the granting act and this act,  
36 would be responsible for administering the public trust  
37 with respect to the lands to be exchanged into the trust,  
38 and those lands are accepted by such entity or entities  
39 subject to the public trust and the requirements of the  
40 granting act.



1 (d) The exchange authorized by this act is subject to  
2 additional conditions that the commission determines are  
3 necessary for the protection of the public trust. At a  
4 minimum, the commission shall establish conditions to  
5 ensure all of the following:

6 (1) Streets and other transportation facilities located  
7 on trust lands are designed to be compatible with the  
8 public trust.

9 (2) The north-south corridor described in subdivision  
10 (g) of Section 4 of this act functions as a public access  
11 corridor.

12 (3) Lands are not exchanged into the trust until any  
13 necessary hazardous materials remediation for those  
14 lands has been completed.

15 (e) All former or existing tide or submerged lands  
16 within the NAS property for which the public trust has  
17 not been terminated, either by express act of the  
18 Legislature or otherwise, and any lands exchanged into  
19 the trust pursuant to this act, shall be held, whether by the  
20 ARRA or by the city, subject to the public trust and the  
21 requirements of the granting act. Notwithstanding the  
22 provisions of the granting act, during any period in which  
23 those lands are held by the ARRA, the ARRA, rather than  
24 the city, shall be the public trust administrator for the  
25 lands, and shall have the same powers, and be subject to  
26 the same requirements, as would the city under the  
27 granting act.

28 (f) Any lands exchanged out of the trust pursuant to  
29 this act shall be deemed free of the public trust and the  
30 requirements of the granting act.

31 (g) For purposes of effectuating the exchange  
32 authorized by this act, the commission is authorized to do  
33 the following:

34 (1) Receive and accept on behalf of the state any lands  
35 or interest in lands conveyed to the state by the ARRA or  
36 the city, including lands that are now and that will remain  
37 subject to the public trust.

38 (2) Convey to the ARRA or the city by patent all of the  
39 right, title, and interest of the state in lands that are to be  
40 free of the public trust upon completion of an exchange



1 of lands as authorized by this act and as approved by the  
2 commission.

3 (3) Convey to the ARRA or the city by patent all of the  
4 right, title, and interest of the state in lands that are to be  
5 subject to the public trust, the terms of this act, and the  
6 granting act upon completion of an exchange of lands as  
7 authorized by this act and as approved by the  
8 commission, subject to the terms, conditions, and  
9 reservations that the commission determines are  
10 necessary to meet the requirements of subdivision (e).

11 SEC. 6. (a) (1) Notwithstanding the provisions of  
12 the granting act, the contributory historic buildings on  
13 the NAS property, commonly known as the  
14 Administration Building (Building 1), the Fire Station  
15 (Building 6), the Gatehouse (Building 30), and the  
16 Hangar (Building 39), may be used for any purpose,  
17 whether or not the purpose is itself consistent with the  
18 public trust or the uses permitted under the granting act,  
19 provided that both of the following are satisfied:

20 (A) Any remodel or reconstruction of the buildings is  
21 consistent with the Guide to Preserving the Character of  
22 the Naval Air Station Alameda Historic District, pursuant  
23 to the Memorandum of Agreement between the city, the  
24 Navy, and the State Historic Preservation Officer, as  
25 implemented by city resolution or ordinance.

26 (B) With respect to the Administration Building, the  
27 Fire Station, and the Gatehouse only, the buildings  
28 remain open and accessible to the public.

29 (2) If any of the buildings described in paragraph (1)  
30 of subdivision (a) are remodeled, renovated, or used in a  
31 manner that is inconsistent with the applicable conditions  
32 established by that paragraph as implemented by the  
33 exchange agreement, the building or buildings may  
34 continue to be used for any purpose for a period of 10  
35 years from the commencement of the inconsistent  
36 remodel, renovation, or use, to allow for the amortization  
37 of tenant improvements. Thereafter, the building or  
38 buildings shall be used in a manner consistent with the  
39 public trust and the granting act.



1 (3) If any of the buildings described in paragraph (1)  
2 of subdivision (a) are demolished, subsequent use of the  
3 land and any replacement structures shall be consistent  
4 with the public trust and the granting act.

5 (b) (1) Notwithstanding any provision of the  
6 granting act, existing buildings or structures on trust  
7 lands within the NAS property that were constructed for  
8 nontrust purposes during the period of federal ownership  
9 and are incapable of being devoted to public trust  
10 purposes may be used for other purposes for the  
11 remaining useful life of buildings or structures. The  
12 remaining useful life of the buildings commonly known  
13 as the Plating Shop (Building 32) and the Steam Plant  
14 (Building 10) shall be 24 years from the effective date of  
15 this act. The city and the commission, by agreement, shall  
16 establish the remaining useful life of all other buildings,  
17 and structures subject to this subdivision, either  
18 individually or by category, provided that in no case shall  
19 the useful life of any building or structure be deemed to  
20 extend less than 15 years or more than 40 years from the  
21 effective date of this act.

22 (2) The maintenance, repair, or, in the event of a flood,  
23 fire, or similar disaster, partial reconstruction of any of the  
24 existing buildings or structures described in paragraph  
25 (1), and any structural or other alterations necessary to  
26 bring the buildings or structures into compliance with  
27 applicable federal, state, and local health and safety  
28 standards, including, but not limited to, seismic  
29 upgrading, shall be permitted, provided the activities will  
30 not enlarge the footprint or the size of the shell of the  
31 buildings or structures.

32 SEC. 7. All moneys arising out of the use or operation  
33 of any lands on the NAS property subject to the public  
34 trust, including all revenues derived from leases, permits,  
35 franchises, privileges, licenses, easements, and rights to  
36 use or occupy the trust lands, collected by the public trust  
37 administrator responsible for the lands, shall be deposited  
38 into a special fund maintained by the administrator. The  
39 money in or belonging to the fund may be used only for  
40 uses and purposes consistent with the public trust for



1 navigation, commerce, and fisheries, the granting act,  
2 and this act.

3 SEC. 8. If the city or ARRA receives title at a future  
4 date to any portion of (a) the lands within the NAS  
5 property that have been or are intended to be transferred  
6 by the Navy to the United States Fish and Wildlife  
7 Service, or (b) the lands at issue in *City of Alameda v.*  
8 *Todd Shipyards Corporation* (N.D. Cal. 1986) 632 F.Supp.  
9 333, reconsideration denied, in part, reconsideration  
10 granted in part, *City of Alameda v. Todd Shipyards*  
11 *Corporation* (N.D. Cal. 1986) 635 F.Supp. 1447, the lands  
12 shall be held by the city or ARRA subject to the public  
13 trust and the requirements of the granting act, subject to  
14 any applicable exceptions set forth in this act.

15 SEC. 9. Leases of any of the trust lands granted under  
16 the granting act may be entered into for uses other than  
17 those consistent with the public trust or requirements of  
18 the granting act if the city has made all of the following  
19 determinations:

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

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

25 (c) The proposed lease prohibits the construction of  
26 new structures or improvements on the subject property  
27 that could, as a practical matter, prevent or inhibit the  
28 property from being converted to any permissible trust  
29 use if it becomes necessary for the property to be  
30 converted to a trust use.

31 (d) The proposed use of the leased property will not  
32 interfere with commerce, navigation, fisheries, or any  
33 other existing trust uses or purposes.

34 SEC. 10. (a) The state reserves the right to amend,  
35 modify, or revoke any and all rights to the lands granted  
36 to the city under the granting act.

37 (b) For purposes of this section, the term “bonds”  
38 includes, without limitation, lease revenue bonds and  
39 other bonds, lease financing arrangements, and  
40 certificates of participation.



1 (c) No amendment, modification, or revocation, in  
2 whole or in part, of the grant in trust provided for in this  
3 act shall impair or affect the rights or obligations of third  
4 parties, including the holders of bonds or securities,  
5 lessees, lenders for value, and holders of contracts,  
6 conferring the right to the use or occupation of, or the  
7 right to conduct operations upon or within, the granted  
8 lands, arising from leases, contracts, or other instruments  
9 lawfully entered into prior to the effective date of the  
10 amendment, modification, or revocation.

11 (d) If, at the effective date of any such amendment,  
12 modification, or revocation, there are in effect any such  
13 leases, contracts, or other instruments, the state, at its  
14 option exercised by and through the commission, may  
15 succeed to the interest in any such instrument of the city;  
16 otherwise, the interest of the city in any instrument then  
17 in effect shall continue during the term or other period  
18 of time during which the instrument shall remain in  
19 effect. All bonds or securities issued by the city and  
20 payable out of revenues of the granted lands shall  
21 continue to be so payable, directly or indirectly, and  
22 secured in all respects as provided in the proceedings for  
23 their issuance, and the revenues of the property shall be  
24 pledged and applied to the payment of the bonds or  
25 securities in all respects as though no amendment,  
26 modification, or revocation had taken place.

27 SEC. 11. The following diagram is a part of this act:



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1 SEC. 12. The Legislature finds and declares that,  
2 because of the unique circumstances applicable only to  
3 the lands within the City of Alameda described in this act  
4 relating to the closure of Naval Air Station Alameda, a  
5 statute of general applicability cannot be enacted within  
6 the meaning of subdivision (b) of Section 16 of Article IV  
7 of the California Constitution. Therefore, this special  
8 statute is necessary.

9 SEC. 13. This act is an urgency statute necessary for  
10 the immediate preservation of the public peace, health,  
11 or safety within the meaning of Article IV of the  
12 Constitution and shall go into immediate effect. The facts  
13 constituting necessity are:

14 Proceedings leading to the transfer of the NAS  
15 property out of federal ownership are nearing  
16 completion. In the absence of the exchange authorized by  
17 this act, lands within the NAS property of high value to  
18 the public trust could be used and developed in a manner  
19 that is inconsistent with the public trust and that  
20 precludes future conversion to trust uses. In addition,  
21 certain of the lands that would be exchanged out of the  
22 public trust pursuant to the exchange authorized by this  
23 act are proposed to be used for nontrust purposes, the  
24 public benefits of which cannot be realized until the  
25 authorized exchange is undertaken. To prevent  
26 interference with the purposes of the public trust and to  
27 avoid prolonged delays in realizing the public benefits of  
28 the transfer of NAS Alameda, immediate implementation  
29 of the trust exchange process is required. Therefore, it is  
30 necessary that this act take effect immediately.

