

not be acquired under the provisions of the first and second subdivisions of this section, the Board of Supervisors is hereby authorized and required to cause the same to be condemned, appropriated to public uses for the purposes of said sewer and street. The Mayor, Auditor and Tax Collector of said city and county are hereby appointed and constituted Commission with power to ascertain and determine the value of the lands and the sums to be paid there to the owners thereof. In case of a vacancy in said commission, by reason of any member thereof being disqualified from acting, or for other cause, the County Judge of said city and county shall fill such vacancy by appointment of some competent and disinterested person. The moneys to be paid for any lands under the provisions of this Act must be paid out of the General Fund of the treasury of said city and county. The said proceedings to acquire title lands, except as herein otherwise provided, must conform to the provisions of the Act approved April first, eighteen hundred and seventy-two, entitled "An Act to Open and Establish a Public Street in the City and County of San Francisco, to be called Montgomery Avenue, and to the Private Lands therefor," and to the provisions of any other Act passed at the present session of the Legislature, defining the powers of said Board of Supervisors, which are hereby made applicable to this Act, so far as the same are not inconsistent therewith.

Fourth—The said Board of Supervisors are hereby authorized and required, under such regulations as they may prescribe, to sell at public auction to the highest and best bidder all of said Channel Street and Mission Creek, from Ninth to Eighteenth streets, except the portions thereof as may be required for the purposes of the sewer and street herein provided. The lands so offered for sale shall first be surveyed and subdivided into lots, conforming, as far as may be practicable, in form and size to the lots next contiguous thereto. Streets in conformity to and connecting with the streets laid down upon the official plan of said city shall be reserved and dedicated to public use. A deed from the Mayor of said city and county, executed to the purchaser of any lot after full payment therefor shall have been made, shall vest the title of such lot in such purchaser. The proceeds of said sales shall be paid into the General Fund of the treasury of said city and county. The said Commissioners shall receive for their services such compensation as the Board of Supervisors may allow.—[See Amendment, Sanitary Measure, page 1021.]

Fifth—Whenever the said city and county shall have acquired the lands herein mentioned for said sewer and street, the said Board of Supervisors are authorized to open and improve said street, and construct said sewer of such material and capacity as said Board may determine, and are authorized to appropriate, allow, and order paid out of the General Fund such sums as may be necessary for such purposes.

SEC. 3. All of said Channel Street and Mission Creek, lying between said Ninth and Eighteenth streets, are hereby vacated as a public street, highway, or navigable stream, and Acts or parts of Acts, so far as they provide for an open canal and public street or highway between said Ninth and Eighteenth streets, are hereby repealed, and nothing in this Act contained shall affect Mission Creek or Channel Street below the point of intersection with said Ninth Street.

SEC. 4. This Act shall take effect and be in force from and after its passage.

SUPPLEMENTAL XXX.—*An Act to Authorize the City and County of San Francisco to Provide and Maintain Public Water Works for said City and County, and to Condemn and Purchase Private Property for that purpose.*—Approved February 15, 1876.

SECTION 1. The Mayor, District Attorney and Auditor are authorized to act as a Board of Commissioners, with power and authority to acquire, by purchase or otherwise, for the City and County of San Francisco, as provided for in this Act, a sufficient supply of pure, fresh water for the use of the inhabitants of said city and county.

SEC. 2. Said Commissioners shall have the right to employ a competent, disinterested engineer, who shall be one of the corps of engineers of the United States Army, stationed in San Francisco; or, if the officers of said corps cannot serve, a competent, disinterested engineer, who, together with said Commissioners, shall proceed immediately to make a careful and thorough examination of all the water, water rights, water works, appurtenances and sources of water supply on the peninsula of San Francisco, or wherever convenient to supply San Francisco with water, after which said Commissioners shall enter into negotiation with the owners and claimants of any such water, water rights, water works, sources of supply, land and appurtenances deemed by them requisite and necessary, and may purchase of such owners a claimants any and all such rights and property, at such a fair and equitable valuation as may be agreed upon between them, when ratified and confirmed by a majority of the votes cast at the election hereinafter provided; provided, that no water, water works or water rights shall be subject to condemnation under the provisions of this Act in the counties of Santa Clara, Placer, Nevada, Alameda, El Dorado, Tulare and Kern.

SEC. 3. If a majority of said Commissioners shall fail to agree upon the amount to be paid to the owners and claimants of said water, water rights, water works, sources of supply, land and appurtenances necessary and requisite, or any part thereof, then, and in that event the Mayor, Auditor, and District Attorney may each appoint one competent and disinterested citizen, tax payer of the City and County of San Francisco, to be approved by the Board

* See Supplemental XXXI to Establish Water Rates, page 1031.