

23. (ARQUES VS. CITY OF SAUSALITO, MARIN COUNTY SUPERIOR COURT NO. 19784 - W.O. 634) The Commission was informed that Sausalito City Attorney, John B. Ehlen, has informed the Commission that Mr. Donlon J. Arques who owns tideland lots adjacent to Johnson Street in Sausalito has filed quiet title action against the City of Sausalito over Johnson Street and claims Johnson Street by Adverse Possession. The Commission may recall that the area of tide and submerged lands fronting on Sausalito was laid out into blocks and streets to a depth of six feet of water in the 1870's and under the enabling act it was proposed that the area be reclaimed. Under this Legislative Act, the State reserved for public use the streets between the blocks sold by the State. In certain instances some of these blocks have now become filled, but in the main, most of the streets still remain under water.

Where certain of these streets have been filled, owners of lots adjacent to the streets have been occupying the streets and preventing the public from the reserved use in order to obtain access to Richardson Bay. In studying this case it is concluded that there are probably three alternatives for the State:

- (1) To intervene in subject case;
- (2) To bring a separate quiet title action against Arques;
- (3) To file a quiet title action against all persons who are occupying or claiming the streets reserved to the people of the State by the Legislative Act.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to request the Attorney General to proceed against the occupants of these reserved streets in the manner which in his judgment results in the best protection of the interests of the State.

24. (APPLICATION FOR PROSPECTING PERMIT, J. E. HICKS, SAN BERNARDINO COUNTY - W.O. 611, P.R.C. 500) The Commission was informed that an application has been received from Mr. J. E. Hicks of Huntington Park for a permit to prospect for non-metallic minerals on the 40 acres of vacant State school land in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, T. 31 S., R. 44 E., M.D.B. & M., San Bernardino County. No data as to any known mineral deposits on the subject area has been found from inspection of the records of the Division of Mines. Field reconnaissance by the State Lands Division has shown that while there has been prior prospecting in the area that there is no current activity, there is no equipment on the property and no deposits of minerals have been developed which can be classified as commercially valuable without the necessity of further prospecting.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to execute and issue a two-year prospecting permit to Mr. J. E. Hicks for forty acres of vacant State school land in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, T. 31 S., R. 44 E., M. D. B. & M., San Bernardino County, pursuant to the Public Resources Code, with the royalty payable under any preferential lease, issued upon development of a commercially valuable mineral deposit, to be in accordance with the following schedule: On all ore produced and sold,