

TO RESERVATION OF A RIGHT OF WAY TO THE STATE THROUGH THE STRIP OF LAND AND ALL STATUTORY RESERVATIONS INCLUDING MINERALS.

41. (E. H. FRENCH, APPLICATION FOR LEASE OF TIDE AND SUBMERGED LANDS IN CARQUINEZ STRAIT, CONTRA COSTA COUNTY, OCCUPIED BY GRANGER'S WAREHOUSE - W.O. 462, P.R.C. 483) The Commission was informed that on November 21, 1949, the Commission authorized the Executive Officer to issue to E. H. French a lease of those certain tide and submerged lands in Carquinez Strait occupied by the Granger's Warehouse for a period of fifteen years at an annual rental of \$198.00 subject to renewal for an additional ten years at such rental as may be determined upon expiration of the original fifteen year period, lessee to file bond in the amount of \$10,000. Amount of the bond was made subject to adjustment by the State two years after the effective date of the lease upon removal of portions of the warehouse structure remaining. Mr. French has been unable to obtain the required bond due to the fifteen year lease period. He can, however, obtain bond to cover a lease for a one year period, and has therefore requested a year by year lease.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AMENDING THE ACTION OF NOVEMBER 21, 1949 SO AS TO AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE TO E. H. FRENCH A LEASE OF THOSE CERTAIN TIDE AND SUBMERGED LANDS OCCUPIED BY THE GRANGER'S WAREHOUSE FOR A PERIOD OF ONE OR MORE YEARS RENEWABLE EACH YEAR TO A FINAL TERMINATION DATE OF NOVEMBER 21, 1964, AT AN ANNUAL RENTAL OF \$198.00, ACCEPTABLE SURETY BOND IN THE AMOUNT OF \$10,000.00 TO BE FILED WITH THE STATE, THE AMOUNT OF SUCH BOND TO BE SUBJECT TO REDUCTION BY THE STATE UPON SATISFACTORY REMOVAL OF THOSE PORTIONS OF THE WAREHOUSE STRUCTURE NOT RETAINED BY THE LESSEE FOR LAWFUL COMMERCIAL USE OF THE AREA.

42. (DISPOSITION OF RESERVED MINERAL RIGHTS IN LANDS EXEMPT FROM THE PROVISIONS OF CHAPTER 5, PART 1, DIVISION 6, P.R.C., - W.O. 381) The Commission was informed that on February 10, 1950 (Minute Item 38, Page 1079), the Commission established procedure pursuant to Section 6406, P.R.C. for the disposition of reserved mineral rights in Escheated lands, one of the classes of lands specified in Section 6403 of the Public Resources Code as exempt from the application of the statutory mineral reservation in the sale of State lands required by Chapter 5, Part 1, Division 6, P.R.C. On April 28, 1950 (Minute Item 25, Page 1122-23) the Commission also established identical procedure for the sale of the mineral reservation in lands received by the State and sold pursuant to Section 7891 of the Revenue and Taxation Code, which class of land is also specified in Section 6403 of the Public Resources Code as exempt from the former mineral reservation provisions. Both of these minute items specify that the sale of the estate represented by the mineral reservation shall be made to the applicant by grant deed from the State, acting through the Commission, and approved by the Governor, for a price of \$10.00, pursuant to a specific resolution by the State Lands Commission in the case of lands not known to contain minerals, and for the bid price plus costs in the case of lands known to contain minerals at the time of the sale of the reservation. Section 6406 P.R.C. provides that "The Commission, through its Executive Officer, shall have the power to sign, on behalf of the State and the Commission, all deeds, leases, agreements or other documents required in connection with the exercise by the Commission of the powers vested in it by this section." In addition, all sales of the surface fee title of lands by the State Controller were made pursuant to direct statutory authorization with no approval other than by the Controller. In consideration of the foregoing, it would appear that the specification of the requirement of approval of the sale by the Governor was superfluous and should be eliminated.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED RESCINDING THE ACTIONS OF FEBRUARY 10, 1950 (MINUTE ITEM 38, PAGE 1079-1081) AND APRIL 28, 1950 (MINUTE ITEM 25, PAGE 1122-1123) AND AUTHORIZING THE ADOPTION OF THE FOLLOWING PROCEDURE TO PERMIT DISPOSITION AND SALE, PURSUANT TO CHAPTER 1212 OF THE STATUTES OF 1949, OF THE MINERAL RESERVATIONS RETAINED HERETOFORE BY THE STATE IN THE SALES OF ESCHEATED LANDS BY THE CONTROLLER, AND IN THE SALE OF THE LANDS ACQUIRED BY THE STATE BY FORECLOSURE OF ANY LIENS FOR TAXES DUE THE STATE, OR FOR PENALTIES AND INTEREST THEREON OR BY EXECUTION OF ANY JUDGMENT FOR MONEY DUE THE STATE, OR LANDS WHICH HAVE BEEN SEIZED BY THE STATE AND SOLD PURSUANT TO SECTION 7891 OF THE REVENUE AND TAXATION CODE.

1. LANDS OF THE CLASSES SPECIFIED IN SECTION 6403 (b), (d), AND (e) PUBLIC RESOURCES CODE NOT KNOWN TO CONTAIN MINERALS

WHERE A DETERMINATION HAS BEEN MADE THAT THERE IS NO KNOWN MINERAL VALUE AS SHOWN BY APPRAISAL OF THE DIVISION OF STATE LANDS:

- (a) APPLICATION TO PURCHASE THE MINERAL RESERVATION SHALL BE ACCEPTED ONLY FROM THE OWNER OF THE SUBJECT LANDS (SURFACE) AND APPLICATION SO RECEIVED SHALL BE FILED UPON PAYMENT OF THE STATUTORY \$5.00 FILING FEE. IN CASE IT IS NECESSARY TO EXPEND MONEY TO MAKE THE DETERMINATION OF NON-MINERAL CHARACTER, THE APPLICANT SHALL DEPOSIT WITH THE COMMISSION SUCH REASONABLE SUMS OF MONEY AS SHALL BE ESTIMATED TO BE EXPENDED BY THE COMMISSION IN SUCH DETERMINATION.
- (b) SALE OF THE ESTATE REPRESENTED BY THE MINERAL RESERVATION SHALL BE MADE TO THE APPLICANT BY GRANT DEED FROM THE STATE, ACTING THROUGH THE COMMISSION, FOR A PRICE OF \$10.00 PURSUANT TO A SPECIFIC RESOLUTION BY THE STATE LANDS COMMISSION.

2. LANDS OF THE CLASS SPECIFIED IN SECTION 6403 (b), (d), AND (e) PUBLIC RESOURCES CODE, KNOWN TO CONTAIN MINERALS

WHERE A DETERMINATION HAS BEEN MADE THAT THE LANDS DO CONTAIN MINERALS AND MINERAL VALUES HAVE BEEN ESTIMATED:

- (a) UPON RECEIPT OF APPLICATION ACCOMPANIED BY STATUTORY \$5.00 FILING FEE AND A DEPOSIT IN SUFFICIENT AMOUNT TO COVER COST OF PUBLICATION AND MINERAL VALUE APPRAISAL FROM THE OWNER OF THE LAND (SURFACE), THE MINERAL RESERVATION SHALL BE SOLD TO THE HIGHEST BIDDER IN ACCORDANCE WITH A PUBLISHED NOTICE OF INTENTION TO RECEIVE BIDS. THE OWNER OF THE SURFACE SHALL HAVE A PREFERENTIAL RIGHT TO MEET THE HIGHEST BID MADE. SAID NOTICE IS TO CONTAIN A PROVISION THAT THE SUCCESSFUL BIDDER SHALL PAY THE COST OF PUBLICATION AND THE COMMISSION'S COST IN APPRAISING THE LAND FOR MINERAL VALUES.
- (b) SALE OF THE ESTATE REPRESENTED BY THE MINERAL RESERVATION SHALL BE MADE TO THE SUCCESSFUL BIDDER OR PREFERENTIAL BIDDER BY GRANT DEED FROM THE STATE, ACTING THROUGH THE COMMISSION, FOR THE BID PRICE, PLUS COSTS, PURSUANT TO SPECIFIC RESOLUTION BY THE STATE LANDS COMMISSION.

3. THE EXECUTIVE OFFICER SHALL HAVE THE POWER TO SIGN, ON BEHALF OF THE STATE AND THE COMMISSION, ALL DEEDS, LEASES, AGREEMENTS OR OTHER DOCUMENTS REQUIRED IN CONNECTION WITH THE EXERCISE BY THE COMMISSION OF ITS POWERS IN THESE RESPECTS.

43. (APPLICATION TO PURCHASE MINERAL RESERVATION, STANDARD PAPER BOX CORPORATION AND MADSEN RANGE COMPANY, LOS ANGELES COUNTY - W.O. 676) The Commission was informed that on April 28, 1950 (Minute Item 27, Pg. 1124-1125) the Commission authorized the sale to the Standard Paper Box Corporation of the mineral reservation previously made by the State Controller in the sale of certain lots in the City of Vernon, the grant deed for the sale of such mineral reservation to be issued in accordance with the procedure theretofore established by the Commission for the disposition of such mineral rights (Minute Item 25, Pg. 1122-1123)

In consideration of the revision of procedure as detailed in the preceding Item No. 42,

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED RESCINDING THE ACTION OF APRIL 28, 1950 (MINUTE ITEM 25, PG. 1124-1125) AND AUTHORIZING THE EXECUTIVE OFFICER TO SELL THE MINERAL RESERVATION IN THE SUBJECT LAND TO THE STANDARD PAPER BOX CORPORATION IN ACCORDANCE WITH THE REVISED PROCEDURE FOR THE DISPOSITION OF RESERVED MINERAL RIGHTS IN LANDS NOT KNOWN TO CONTAIN MINERALS.

44. (APPLICATION TO PURCHASE MINERAL RESERVATION MALCOLM L. GILMORE ET. AL., - W.O. 684) The Commission was informed that on April 28, 1950 (Minute Item 24, Pg. 1121-1122), the Commission authorized the sale to Mr. Malcolm L. Gilmore and William E. Blackshaw of the mineral reservation previously made by the State Controller in the sale of 160 acres of land in San Bernardino County, the grant deed for the sale of such mineral reservation to be issued in accordance with the procedure previously established by the Commission for the disposition of such mineral rights (Minute Item 38, Pg. 1079-1080).

In consideration of the revision of procedure for the disposition of mineral rights in escheated lands as now established by the Commission,

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED RESCINDING THE ACTION OF APRIL 28, 1950, (MINUTE ITEM 24, PAGE 1121-1122) AND AUTHORIZING THE EXECUTIVE OFFICER TO SELL THE MINERAL RESERVATION IN THE SUBJECT LAND TO MALCOLM L. GILMORE ET. AL., IN ACCORDANCE WITH THE REVISED PROCEDURE NOW ESTABLISHED FOR THE DISPOSITION OF RESERVED MINERAL RIGHTS IN LANDS NOT KNOWN TO CONTAIN MINERALS.

45. (APPLICATION TO PURCHASE MINERAL RESERVATION, JEAN F. AND EVELYN D. MARCHAND - W.O. 683) The Commission was informed that an application has been made by Jean F. Marchand and Evelyn D. Marchand, as joint tenants and successors in interest of the former estate of Anna Fredrickson, for the purchase of the minerals reservation heretofore retained by the State of California in the sale by the Controller of the following described property: All of that lot of land situated in the City of Oakland, County of Alameda, State of California, and described as the northwestern 70 feet of Lots 282, 283 and 284 as said lots are shown on "Map of the Jessie Jones Tract, Brooklyn Township, Alameda County, California" filed April 17, 1903 in Book 19 of Maps, page 13, in the office of the County Recorder of Alameda County. The mineral reservation is contained in the Deed from the State to Margaret Hood, dated June 19, 1946, and recorded August 5, 1946 in Book 4950 of Official Records, Page 63, in the Office of the County Recorder, County of Alameda. Title to the property subject to the reservations, vested in the applicants as joint tenants on April 14, 1949.