

A regular meeting of the State Lands Commission was held in Room 302 State Building, Los Angeles 12, California, on Thursday, September 3, 1953, at 10 a.m.

Present: James S. Dean, Chairman
Goodwin J. Knight, Member
Robert C. Kirkwood, Member

Staff Members in Attendance:

Rufus W. Putnam, Executive Officer
J. Stuart Watson, Assistant Executive Officer
F. J. Hortig, Mineral Resources Engineer
D. K. Speer, Associate Civil Engineer
A. P. Ireland, Supervising Land Title Abstractor
Elma Denny, Acting Secretary

Others in Attendance:

For Item 29 - Application for Lease, T&S Lands, San Francisco Bay

J. K. Dooling
M. J. Goodman

For entire meeting

J. W. Silliman, Speaker of the Assembly

1. UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE MINUTES OF THE MEETING OF JULY 27, 1953 WERE CONFIRMED AS SUBMITTED.

2. UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS DECIDED TO DEFER SETTING A DATE FOR THE NEXT COMMISSION MEETING.

3. (APPLICATION FOR LEASE, TIDE AND SUBMERGED LANDS, SAN FRANCISCO BAY, SAN FRANCISCO AND SAN MATEO COUNTIES, JACK K. DOOLING - W.O. 1408, P.R.C. 835.1.) An application has been received from Jack K. Dooling, 575 Berry Street, San Francisco, California, for an easement over a 200-foot strip of tide and submerged lands 4,186 feet long, that was set aside for railroad purposes, extending from Carroll Avenue to the San Mateo County line in San Francisco Bay. The applicant desires an easement for a railroad service line for the purpose of developing for commerce and industry certain underwater lots, blocks and streets that in part are under the ownership and control of himself and his associates.

Under Chapter 543 of 1868, the Legislature authorized the Board of Tide Land Commissioners to set aside this 200-foot-wide right of way for railroad access to lands granted to the Southern Pacific Railroad and the Western Pacific Railroad for terminal purposes. The right of way was never used and under the statute reverted to the State for failure of performance. Under some quirk, on July 14, 1914, the right of way was sold for taxes by the City and County of San Francisco. Two title company reports find title for the right of way vested in the State. The applicant represents the interest to the title stemming from the tax sale in the area for which the easement is desired.

Appraisals of the area have been made by Walter S. Ries for the State and a second one by Kenneth H. Smitten and Burt Huling for the applicants. Variances

*Corrected by Stan #3,
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between these appraisals have been adjusted so that for the purpose of rental determination a value of about \$1900 per acre has been agreed upon and is suggested to the Commission. Based upon the Commission policy for easements of this character, a lump sum payment in advance of \$24,000 would apply for a 49-year easement, while on an annual basis the rental would be \$954.40 each year. Applicant has elected the annual rental basis for a term of 15 years with right of renewal for three successive periods of 10 years at the same terms and conditions and with an option in the applicant to meet the highest bid received should the State elect to sell the lands at any time during the 45-year term. The applicant has agreed to commence filling operations to an elevation of plus eight feet within three years and continue thereafter at the rate of 200 lineal feet per year, so that 2400 feet of the 4,186-foot easement length will be completely filled at the end of the first 15 years. Renewal of the easement for 10 years at the end of the first 15 years is to be contingent on the 2400 feet having been filled and assurance that filling will continue at the 200-foot-per-year rate, so that the entire length of 4,186 feet will be completely filled before the end of the first 25 years. As part of the consideration, applicant is to deliver at time of execution of the easement a good and sufficient quitclaim in favor of the State from all owners of tax deeds or any other interest for the area of the right of way described in the easement. In issuing the easement, the State is to retain all rights in the streets as shown on the Tide Land Commissioners Map No. 4 that cross the easement, except for the right of the applicant to construct and operate a railroad of one or more tracks across said streets. Applicant is to pay the first and last years' annual rental and to file a \$5000 performance bond at time of execution of the easement.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

The Executive Officer is authorized to issue and execute an easement to Jack K. Dooling for a 200-foot-wide strip of tide and submerged land in San Francisco Bay, approximately 4,186 feet in length, as shown on Tide Land Commissioners Map No. 4 and lying between Carroll Avenue in San Francisco and the San Mateo County boundary, for a term of 15 years with rights of renewal for three successive periods of 10 years each at an annual rental of \$954.40, subject to payment of first and last years' rental; and the filing of a \$5000 performance bond at time of issuance of the easement; lessee to have the option to meet the highest bid for purchase of the area should the State, at any time during the 45 years, elect to sell the land; lessee, as part of the consideration, to deliver at time of execution of the easement a good and sufficient quitclaim in favor of the State for all parts of the area leased; State to retain all rights in the streets within the area, except that lessee may construct and operate a railroad of one or more tracks thereover; and except that lessee shall construct on the area leased no permanent structures; lessee to commence within three years to fill the area to an elevation of plus eight feet and continue to fill at the rate of 200 lineal feet per year, so that 2400 lineal feet shall have been filled within the first 15 years, which performance, together with assurance of continued filling at the 200-foot rate during the first period of 10-year renewal, shall be a condition and requirement for renewal; and subject to consultation with the Department of Public Works concerning a right by the State to cross at any time during the term of said lease the leased area by a trans-bay bridge or approaches or other appurtenances.

*corrected + supplemented
by letter # 3, 3/11/53
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