

27. (APPLICATION TO FILL, DREDGE, AND LEASE, TIDE AND SUBMERGED LANDS, ROSEDALE CANAL, MARIN COUNTY, GEORGE KAPPAS - W.O. 1694.) On October 27, 1953, the Commission authorized the Executive Officer to issue to George Kappas a permit to dredge a portion of Tide Land Block 279, owned by Mr. Kappas, and to fill several tide land blocks owned by him, the intervening underwater streets, Madrona and Petaluma Streets, bordering on the Rosedale Canal, to an elevation of plus 8.0 feet, and to construct an adequate storm drain under the filled portion of Rosedale Canal. The scope of this permit overlapped the coverage of Permit P.R.C. 772.1, previously issued to Mr. George L. Zaro, who, at the time of the issuance of said permit to Mr. Kappas, had not commenced operations under his permit due to the fact that the location of U. S. Highway 101 was then uncertain. Since that time Mr. Kappas has requested an amendment to his afore-mentioned permit, which will further encroach upon the permit issued to Mr. Zaro, who has delayed instituting any work under his permit, pending completion of the new highway bridge across Richardson Bay.

Mr. Kappas has proposed that the following be incorporated in his permit:

1. Dredging of Rosedale Canal from the bayward side of Petaluma Street to Saucalito Canal;
2. Construction of a redwood bulkhead entirely around said canal, more specifically, on the canalward boundaries of Pescadero, Madrona and Petaluma Streets and along the northeasterly prolongation of said canalward boundaries of Pescadero and Madrona Streets across Railroad Avenue;
3. Deposit of spoils and other materials upon Mr. Kappas' blocks in the immediate vicinity of Rosedale Canal; and
4. Completely filling, to an elevation of plus 8.0 feet, Madrona, Pescadero and Petaluma Streets, and the intervening street between Mr. Kappas' blocks.

The Staff believes that such a proposal is reasonable, in that members of the public will be provided access via Petaluma Street to the area northwest of Rosedale Canal, since U. S. Highway 101 is to be a limited access freeway at that location and therefore unavailable; that the intentions of the Board of Tide Land Commissioners with regard to Rosedale Canal will be carried out as far as it is practical, and as a result of Mr. Kappas' activities the property value of the whole area will be increased, hence greater tax revenue will be derived.

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

THE EXECUTIVE OFFICER IS AUTHORIZED TO AMEND PERMIT P.R.C. 856.9, ISSUED TO GEORGE KAPPAS ON OCTOBER 27, 1953, COVERING THE DREDGING AND FILLING OF SEVERAL OF MR. KAPPAS' TIDE LAND BLOCKS, THE INTERVENING STREETS, AND CONSTRUCTION OF A STORM DRAIN UNDER THE FILLED PORTION OF PETALUMA STREET AND THE ROSEDALE CANAL, TO READ THAT IN ADDITION TO THE AFORE-MENTIONED, HE WILL BE PERMITTED TO:

1. DREDGE ROSEDALE CANAL FROM THE BAYWARD SIDE OF PETALUMA STREET TO THE SAUCELITO CANAL;
2. CONSTRUCT A REDWOOD BULKHEAD ENTIRELY AROUND SAID CANAL; MORE SPECIFICALLY, ALONG THE CANALWARD BOUNDARIES OF PESCADERO, MADRONA AND PETALUMA STREETS AND ALONG THE NORTHEASTERLY PROLONGATION OF THE CANALWARD BOUNDARIES OF PESCADERO AND MADRONA STREETS ACROSS RAILROAD AVENUE;
3. FILL SEVERAL TIDE LAND BLOCKS OWNED BY MR. KAPPAS IN THE IMMEDIATE VICINITY OF ROSEDALE CANAL; AND
4. FILL COMPLETELY, TO AN ELEVATION OF PLUS 8.0 FEET, MADRONA, PESCADERO, PETALUMA AND THE INTERVENING STREETS BETWEEN MR. KAPPAS' BLOCKS.

28. (APPLICATION FOR RIGHT-OF-WAY EASEMENT, TIDE AND SUBMERGED LANDS, SAN FRANCISCO BAY, CITY AND COUNTY OF SAN FRANCISCO, MERVYN J. GOODMAN - W.O. 1798, P.R.C. 1423.1.) Mervyn J. Goodman has applied, on behalf of his principal, for a right-of-way easement over a 200-foot strip of tide and submerged lands approximately 255.5 feet in length that were set aside for railroad purposes, extending from the southerly boundary of Yosemite Avenue to the northerly boundary of Armstrong Avenue in San Francisco Bay, City and County of San Francisco, for the construction, maintenance and use of railroad facilities and open storage, which will aid in the development of the adjoining underwater block owned and controlled by the applicant's principal for commercial and industrial purposes.

Under the authority of Chapter 543, Statutes of 1868, the Board of Tide Land Commissioners set aside this 200-foot wide right-of-way for railroad access to land granted to the Southern Pacific and Western Pacific Railways for terminal purposes. Upon failure of the grantees to use said grant, it reverted to the State. Said area was later sold in 1914 by the City and County of San Francisco to satisfy an alleged tax lien. From the surrounding circumstances, it is apparent that the tax sale was invalid, since title to the area had previously reverted in the State. The applicant represents all interest in the title, if in fact there is any, that passed from said tax sale.

Based on appraisals of the area made previously by Walter S. Ries and Kenneth H. Smitten in connection with an application for a right-of-way easement over the same 200-foot strip lying southerly of the portion which is the subject of this item (P.R.C. 835.1), a value of \$10,000 per acre has been assigned to the sovereign lands to be covered by the proposed easement. Based upon the Commission's policy for easements of this character, the annual rental will be \$325 for a 15-year term. The applicant has requested a right of renewal for three additional terms of ten years each upon the same terms and conditions and an option to meet the highest bid, should the State elect to sell the lands during or immediately after the expiration of the easement. The applicant has agreed to commence the filling operation within three years of the date of issuance of the easement, to an elevation of plus eight feet, and to complete said operation within seven years of the date of the issuance of said easement. As a further consideration, the applicant is to deliver at the time of the execution of the easement a good and sufficient quitclaim deed in favor of the State for those portions of the area covered by the easement which are claimed by the principal of the applicant. The applicant has requested an express privilege of fencing in the area covered by the easement. The applicant is to furnish a \$1,000 performance bond. Filing fee and expense deposit have been paid.