

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.

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

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A RIGHT-OF-WAY EASEMENT TO MERVYN J. GOODMAN FOR A STRIP OF TIDE AND SUBMERGED LANDS IN SAN FRANCISCO BAY, CITY AND COUNTY OF SAN FRANCISCO, 200 FEET IN WIDTH AND APPROXIMATELY 255.5 FEET IN LENGTH, AS SHOWN ON THE TIDE LAND COMMISSIONERS' MAP NO. 4, LYING BETWEEN THE SOUTHERLY BOUNDARY OF YOSEMITE AVENUE AND THE NORTHERLY BOUNDARY OF ARMSTRONG AVENUE, FOR THE CONSTRUCTION, MAINTENANCE AND USE OF RAILROAD FACILITIES AND FOR OPEN STORAGE, FOR A TERM OF FIFTEEN YEARS WITH RIGHT OF RENEWAL FOR THREE ADDITIONAL TERMS OF TEN YEARS EACH, UPON THE SAME TERMS AND CONDITIONS AS IN THE FIRST TERMS, THE ANNUAL RENTAL TO BE \$325, WITH BOND IN THE AMOUNT OF \$1,000 TO BE FURNISHED. SHOULD THE STATE ELECT TO SELL THE DEMISED LANDS DURING OR IMMEDIATELY AFTER THE TERM OF THE AGREEMENT, THE LESSEE IS TO HAVE THE OPTION OF MEETING THE HIGHEST BID. THE LESSEE, AS FURTHER CONSIDERATION, IS TO FURNISH 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 LESSEE'S PRINCIPAL. WITHIN THREE YEARS AFTER THE DATE OF ISSUANCE OF THE EASEMENT, THE LESSEE IS TO START FILLING THE AREA TO AN ELEVATION OF PLUS EIGHT FEET, SAID OPERATION TO BE COMPLETED WITHIN SEVEN YEARS OF THE DATE OF ISSUANCE. THE LESSEE IS TO HAVE THE PRIVILEGE OF FENCING IN THE AREA COVERED BY THE AGREEMENT, FIRST AND LAST YEARS' RENTAL TO BE PAID IN ADVANCE.

29. (CANCELLATION IN PART OF PERMIT P.R.C. 772.9, TIDE AND SUBMERGED LANDS, SAUCELITO AND ROSEDALE CANALS, MARIN COUNTY, GEORGE L. ZARO.) On September 30, 1952, the Commission authorized the Executive Officer to issue to George L. Zaro a permit to dredge a channel in Saucelito and Rosedale Canals to a depth of six feet below mean lower low water, and to fill certain tide land lots and intervening streets to an elevation of 8.0 feet above mean lower low water. Due to several projects of the Division of Highways in the immediate vicinity, Mr. Zaro has been unable to commence operations. On October 27, 1953, the Commission authorized the Executive Officer to issue George Kappas a permit (P.R.C. 856.9) to dredge his Tide Land Block 279, and to fill his several blocks in the vicinity of Rosedale Canal, the intervening streets, Madrona and Petaluma Streets, bordering on the Canal, to an elevation of plus 8.0 feet above mean lower low water, and to construct an adequate storm drain under the filled portions of Rosedale Canal. Permit P.R.C. 856.9 overlaps Permit P.R.C. 772.9 to some extent. The Staff believed that it would be in the best interest of all the parties concerned to permit Mr. Kappas to start his operations immediately, since they were not inconsistent with or injurious to Mr. Zaro, who remained inactive due to the aforesaid Highway project. Mr. Kappas has since applied for amendment of Permit P.R.C. 856.9, whereby his operations will infringe further upon Mr. Zaro's permit; more specifically they are:

1. Dredging of Rosedale Canal from the bayward side of Petaluma Street to the Saucelito Canal;
2. Construction of a redwood bulkhead entirely around Rosedale Canal, from the bayward side of Petaluma Street, along the canalward boundaries of Pescadero and Madrona Streets, and along the northeasterly prolongation of said boundaries across Railroad Avenue;