

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;

3. Filling the several tide land blocks owned by Mr. Kappas in the immediate vicinity of Rosedale Canal; and
4. Filling completely, to an elevation of plus 8.0 feet above mean lower low water, Madrona, Pescadero, Petaluma and the intervening streets between Mr. Kappas' blocks.

The Staff believes that as a matter of policy it is not desirable to have concurrent permits in existence. Since Mr. Zaro does not wish to start operations until the Highway project has been completed, and since Mr. Kappas wishes to start his proposed expanded project immediately, which, in and of itself, will not be inconsistent with or injurious to Mr. Zaro's general plan, it is believed that Permit P.R.C. 772.9 should be cancelled in so far as it conflicts with Permit P.R.C. 856.9 as it is to be amended.

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

THE EXECUTIVE OFFICER IS AUTHORIZED TO CANCEL PERMIT P.R.C. 772.9, ISSUED TO GEORGE L. ZARO ON SEPTEMBER 30, 1952, FOR THE DREDGING AND FILLING OF CERTAIN TIDE AND SUBMERGED LANDS IN THE IMMEDIATE VICINITY OF ROSEDALE AND SAUGELITO CANALS IN SO FAR AS SAID PERMIT CONFLICTS WITH PERMIT P.R.C. 856.9 AS AMENDED, ISSUED TO GEORGE KAPPAS ON OCTOBER 27, 1953, FOR THE DREDGING AND FILLING OF CERTAIN TIDE AND SUBMERGED LANDS IN ROSEDALE AND SAUGELITO CANALS, MARIN COUNTY.

30. (FEDERAL CONDEMNATION, SPANISH BIGHT, CASE NO. U.S.D.C. 444-SD - W.O. 216, GEO.-SAN DIEGO CO.) On March 22, 1944, the United States filed a condemnation case against the City of Coronado and the State of California for taking of Spanish Bight, a bay lying in San Diego Bay between North Island and the City of Coronado. Subsequent to filing the condemnation, the Federal Government, for the benefit of the Navy, filled in Spanish Bight and erected a bulkhead across the former Bight on the San Diego Bay side. Of the area taken, 131 acres had been granted to the City of Coronado by Chapter 49 of 1923, as amended by Chapter 1013 of 1949. Outside of this granted area and up to the constructed bulkhead there are 55 acres, plus or minus, in the bed of Spanish Bight, subsequently filled by the Navy, which are under the jurisdiction of the State Lands Commission.

The case has never been called up for trial. Negotiations for settlement of the case have proceeded over the years. On September 13, 1946 (Item 24, Minute page 677), the Commission authorized negotiations with the Navy to see whether an agreement could be reached to settle the case.

On June 21, 1954, another conference was held in the Public Works Office of the Eleventh Naval District in San Diego between representatives of the Navy, of the United States Attorney's Office, of the Attorney General's Office, and a member of the Staff of the State Lands Commission. At this conference it was suggested that a price might be agreed to and a stipulation entered into based upon negotiations resulting from appraisals made by the City of Coronado and the Navy. Such a basis for payment would result in the State getting approximately \$50,000 for its 55 acres if payment is received within six months of a stipulated date; otherwise that sum is to be augmented by 6% per annum, beginning with the sixth month, to date of payment. This price for the State land seems to be reasonable when it is considered that the area is to be used by the United States as a part of a Naval installation.