

MINUTE ITEM

12. (APPLICATION FOR AMENDMENT OF LEASE P.R.C. 822.1, COVERING CERTAIN BOARD OF TIDE LAND COMMISSIONERS LOTS IN MARIN COUNTY, MERVYN J. GOODMAN AND RENATO E. RICCI - W. O. 2707.)

After presentation of Calendar Item 24 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO AMEND LEASE P.R.C. 822.1 TO PROVIDE FOR THE LESSEES' RIGHT TO RENEW THE AGREEMENT, UPON EXPIRATION OF THE INITIAL FIFTEEN-YEAR PERIOD, FOR AN ADDITIONAL PERIOD OF TEN YEARS AT AN ANNUAL RENTAL OF \$374, AND FOR TWO ADDITIONAL PERIODS OF TEN YEARS EACH UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE COMMISSION MIGHT IMPOSE, PROVIDED THAT THE LESSEES HAVE STARTED TO RECLAIM ANY OF THE LEASED LANDS WITHIN THE INITIAL FIFTEEN-YEAR LEASE PERIOD. THE STATUTORY FILING FEE HAS BEEN PAID.

Attachment

Calendar Item 24 (1 page)

CALENDAR ITEM

COMMERCIAL LEASE

24.

(APPLICATION FOR AMENDMENT OF LEASE P.R.C. 822.1, COVERING CERTAIN BOARD OF TIDE LAND COMMISSIONERS LOTS IN MARIN COUNTY, MERVYN J. GOODMAN AND RENATO E. RICCI - W. O. 2707.)

On July 27, 1953 a fifteen-year lease of certain tide land lots containing approximately 441 acres in Marin County was granted to Mervyn J. Goodman, who assigned a one-half interest in the lease to Renato E. Ricci. Subsequently amendment of the lease was authorized, with an increase in the annual rental, to permit the addition of a provision granting the lessees the privilege of meeting the highest offer in the event the State elected to sell the leased area.

An application has been received for a further amendment to change the renewal provision from:

"...the right to renew the lease for two additional periods of ten years each upon the same terms and conditions, provided that the leased lands are reclaimed to the satisfaction of the State within the initial fifteen-year period, and thereafter for an additional ten-year period upon such reasonable terms as the State might impose."

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provision for the same renewal periods at an increase in rental from \$315 to \$374 annually if the lessee has started to reclaim any of the leased lands within the initial fifteen-year lease period.

The reason for the requested change as advanced by Messrs. Goodman and Ricci is that they have not received permission from adjoining property owners for the reclamation project, which is a requirement prior to the issuance of a necessary permit by the Federal government.

It is the opinion of the staff that since there have been no recent inquiries concerning State lands in the vicinity, and since the adjoining property owners are evidently not interested in a reclamation project at this time, it is in the best interest of the State to grant an amendment to the applicants. However, due to the continuing development of Marin County, it is suggested that the lease be amended to fix the rental at \$374 annually for only the first ten-year renewal, and that the second and third ten-year renewals be upon such reasonable terms and conditions as the Commission might impose. The statutory filing fee has been received.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO AMEND LEASE P.R.C. 822.1 TO PROVIDE FOR THE LESSEES' RIGHT TO RENEW THE AGREEMENT, UPON EXPIRATION OF THE INITIAL FIFTEEN-YEAR PERIOD, FOR AN ADDITIONAL PERIOD OF TEN YEARS AT AN ANNUAL RENTAL OF \$374, AND FOR TWO ADDITIONAL PERIODS OF TEN YEARS EACH UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE COMMISSION MIGHT IMPOSE, PROVIDED THAT THE LESSEES HAVE STARTED TO RECLAIM ANY OF THE LEASED LANDS WITHIN THE INITIAL FIFTEEN-YEAR LEASE PERIOD. THE STATUTORY FILING FEE HAS BEEN PAID