

MINUTE ITEM

26. PROPOSED MINERAL EXTRACTION LEASE, TIDE AND SUBMERGED LANDS, MONTEREY BAY, MONTEREY COUNTY - W.O. 3480, P.R.C. 2616.1.

After consideration of Calendar Item 27 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A MINERAL EXTRACTION LEASE TO SEASIDE SAND & GRAVEL CO., THE HIGHEST QUALIFIED BIDDER, IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 6 OF THE PUBLIC RESOURCES CODE, FOR APPROXIMATELY ONE ACRE OF TIDE AND SUBMERGED LANDS IN THE VICINITY OF MARINA, MONTEREY BAY, MONTEREY COUNTY, AS DETAILED IN THE PUBLISHED NOTICE OF INTENTION UNDER W.O. 3480, SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE PAYMENT OF A ROYALTY OF SIX CENTS (\$0.06) PER CUBIC YARD FOR ALL SAND EXTRACTED.
2. THE DEPOSIT OF A PERFORMANCE BOND BY THE LESSEE IN THE PENAL SUM OF \$5,000 TO GUARANTEE THE FAITHFUL PERFORMANCE AND OBSERVANCE OF ALL OF THE TERMS AND CONDITIONS OF THE LEASE.
3. THE SUBMISSION OF A SUPPLEMENTARY CERTIFIED FINANCIAL STATEMENT BY THE BIDDER THAT IN SUBSTANTIVE CONTENT IS THE SAME AS THE ONE PREVIOUSLY SUBMITTED.
4. THE SUBMISSION BY THE BIDDER OF A WRITTEN ACKNOWLEDGMENT THAT THE ISSUANCE OF ANY LEASE SHALL NOT BE CONSTRUED AS A WAIVER OF ANY CLAIM OR CAUSE OF ACTION THE STATE MAY HAVE, BASED ON PAST TRESPASS.

Attachment

Calendar Item 27 (1 page)

CALENDAR ITEM

27.

PROPOSED MINERAL EXTRACTION LEASE, TIDE AND SUBMERGED LANDS, MONTEREY BAY, MONTEREY COUNTY - W.O. 3480.

On June 23, 1960, one bid was received in response to a published Notice of Intention of the State Lands Commission to enter into a lease for the extraction of sand from approximately one acre of tide and submerged lands in the vicinity of Marina, Monterey Bay, Monterey County. Publication of this offer was authorized by the Commission on April 28, 1960 (Minute Item 30, page 5914).

The bidder, Seaside Sand & Gravel Co., offered the minimum royalty of six cents per cubic yard for all sand extracted.

The office of the Attorney General has advised that the bid received complies with the provisions of the Public Resources Code, the California Administrative Code, and with the conditions set forth in the offer, with the exception of the form of financial statement submitted, and has further advised that the bidder should furnish the Commission with a written acknowledgment that the issuance of any lease shall not be construed as a waiver of any claim or cause of action the State may have, based upon past trespass.

Seaside Sand & Gravel Co. has been engaged in sand extraction operations in this area for a number of years. Such prior operations seaward of the ordinary high water mark have constituted a trespass on State lands. These operations are under review by Seaside Sand & Gravel Co. and the Commission's staff for the purpose of determining the amount that may be due the State for any unauthorized extraction.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE A MINERAL EXTRACTION LEASE TO SEASIDE SAND & GRAVEL CO., THE HIGHEST QUALIFIED BIDDER, IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 6 OF THE PUBLIC RESOURCES CODE, FOR APPROXIMATELY ONE ACRE OF TIDE AND SUBMERGED LANDS IN THE VICINITY OF MARINA, MONTEREY BAY, MONTEREY COUNTY, AS DETAILED IN THE PUBLISHED NOTICE OF INTENTION UNDER W.O. 3480, SUBJECT TO THE FOLLOWING CONDITIONS:

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