

MINUTE ITEM

28. APPLICATION FOR TERMINATION OF RIGHT-OF-WAY EASEMENT P.R.C. 2868.1, SUBMERGED LANDS OF OLD RIVER, SAN JOAQUIN AND CONTRA COSTA COUNTIES; AND APPLICATION FOR STATE LANDS COMMISSION AUTHORIZATION FOR APPROVAL OF LESSEE'S CLAIM FOR REFUND TO BOARD OF CONTROL; PACIFIC GAS AND ELECTRIC COMPANY - W.C. 4713.

After consideration of Calendar Item 9 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO TERMINATE RIGHT-OF-WAY EASEMENT P.R.C. 2868.1 AS OF MAY 23, 1963, AND THE STATE LANDS COMMISSION APPROVES PAYMENT OF A CLAIM OF PACIFIC GAS AND ELECTRIC COMPANY IN THE SUM OF \$463.93, SAID CLAIM REPRESENTING A REFUND OF RENTAL PAID BY THE CLAIMANT TO THE STATE FOR USE OF THE EASEMENT, WHICH USE HAS BEEN DENIED BY THE COURTS. FURTHER, THE EXECUTIVE OFFICER IS AUTHORIZED TO PRESENT SAID CLAIM TO THE BOARD OF CONTROL WITH A RECOMMENDATION THAT IT BE CONSIDERED FOR APPROVAL OF PAYMENT.

Attachment

Calendar Item 9 (1 page)

CALENDAR ITEM

9.

APPLICATION FOR TERMINATION OF RIGHT-OF-WAY EASEMENT P.R.C. 2868.1, SUBMERGED LANDS OF OLD RIVER, SAN JOAQUIN AND CONTRA COSTA COUNTIES; AND APPLICATION FOR STATE LANDS COMMISSION AUTHORIZATION FOR APPROVAL OF LESSEE'S CLAIM FOR REFUND TO BOARD OF CONTROL; PACIFIC GAS AND ELECTRIC COMPANY - W.O. 4713.

Right-of-Way Easement P.R.C. 2868.1, covering 0.5 acre more or less of submerged lands of Old River, San Joaquin and Contra Costa Counties (see Exhibit "A"), was issued March 29, 1962, to Pacific Gas and Electric Company for a term of 49 years. The total rental of \$463.98 has been paid.

The easement was to have been used for a pole-line crossing to Bra's Island; however, the Board of Trustees of Reclamation District No. 802 was awarded a judgment against the owner of Bra's Island and Pacific Gas and Electric Company which prohibited P.G. & E. from using the rights granted by the State in Easement P.R.C. 2868.1.

Pacific Gas and Electric Company has therefore requested that Easement P.R.C. 2868.1 be terminated and that the rental paid in advance be refunded.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO TERMINATE RIGHT-OF-WAY EASEMENT P.R.C. 2868.1 AS OF MAY 23, 1963, AND THAT THE STATE LANDS COMMISSION APPROVE PAYMENT OF A CLAIM OF PACIFIC GAS AND ELECTRIC COMPANY IN THE SUM OF \$463.98, SAID CLAIM REPRESENTING A REFUND OF RENTAL PAID BY THE CLAIMANT TO THE STATE FOR USE OF THE EASEMENT, WHICH USE HAS BEEN DENIED BY THE COURTS. IT IS FURTHER RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO PRESENT SAID CLAIM TO THE BOARD OF CONTROL WITH A RECOMMENDATION THAT IT BE CONSIDERED FOR APPROVAL OF PAYMENT.