

MINUTE ITEM

24. APPLICATION FOR RESCISSION OF LEASE P.R.C. 2256.1, SUBMERGED LANDS OF SUISUN SLOUGH, SOLANO COUNTY, AND APPLICATION FOR STATE LANDS COMMISSION AUTHORIZATION FOR APPROVAL OF LESSEES' CLAIM TO BOARD OF CONTROL; MICHAEL L. McINNIS, CHESTER M. MONEZ, AND VINCENT J. VALINE - W.O. 4823.

After consideration of Calendar Item 33 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

1. THE EXECUTIVE OFFICER IS AUTHORIZED TO RESCIND LEASE P.R.C. 2256.1;
2. THE COMMISSION APPROVES, UNDER THE PROVISIONS OF SECTION 6816(a) (1), PUBLIC RESOURCES CODE, THE CLAIM FOR REFUND OF RENTALS PAID BY MICHAEL L. McINNIS, CHESTER M. MONEZ, AND VINCENT J. VALINE IN THE AMOUNT OF \$600, TOGETHER WITH 6 PERCENT INTEREST ON THE RENTAL INSTALLMENTS FROM THE DATE OF RECEIPT OF EACH; AND THE EXECUTIVE OFFICER IS AUTHORIZED TO PRESENT SAID CLAIM TO THE STATE BOARD OF CONTROL WITH THE COMMISSION'S RECOMMENDATION THAT SUCH CLAIM BE ALLOWED; AND
3. THE LESSEES ARE RELEASED FROM THEIR BOND OBLIGATION UNDER THE LEASE AND TWO UNITED STATES TREASURY BEARER BONDS, IN THE AMOUNT OF \$500 EACH, WHICH WERE PLACED ON DEPOSIT AS COLLATERAL SECURITIES UNDER SAID BOND, ARE TO BE RETURNED TO THEM.

Attachment  
Calendar Item 33 (1 page)

CALENDAR ITEM

33.

APPLICATION FOR RESCISSION OF LEASE P.R.C. 2256.1, SUBMERGED LANDS OF SUISUN SLOUGH, SOLANO COUNTY, AND APPLICATION FOR STATE LANDS COMMISSION AUTHORIZATION FOR APPROVAL OF LESSEES CLAIM TO BOARD OF CONTROL; MICHAEL L. McINNIS, CHESTER M. MONEZ, AND VINCENT J. VALINE - W.O. 4823.

Lease P.R.C. 2256.1 was issued to the applicants for 15 years beginning October 9, 1958 covering 0.2 acre more or less of submerged lands of Suisun Slough, Solano County, for use as a boating facility (see Exhibit "A").

In 1958, it was believed that the State owned the bed of Suisun Slough in the vicinity of said lease. However, after further historical review, it now appears that this portion of the slough was considerably above the head of navigation when the slough was in its natural state. The slough is now navigable to the subject lease area but this condition is the result of dredger cuts by private owners in the vicinity.

While attempting to improve their upland property and the leased submerged area, the lessees were confronted with an adverse claim of ownership by adjoining land owners. The lessees communicated with this Division, requesting that the State protect their right of quiet enjoyment of the leased area.

Because of a complete lack of facts to substantiate a State ownership claim, it is the opinion of staff that an attempt by the State to assert such claim is unwarranted and that it would be best to rescind Lease P.R.C. 2256.1 and seek Commission approval under Section 6816(a)(1), Public Resources Code, for refund of all rentals paid under the lease (\$600) with interest thereon at 6 percent from the date of receipt of each rental installment. Such claim would be forwarded to the State Board of Control with a recommendation that it be approved for payment. Further, the lessees should be released from their bond obligation under the lease, and collateral securities thereunder (two United States Treasury Bearer Bonds in the amount of \$500 each) should be released to the lessees.

IT IS RECOMMENDED THAT:

1. THE EXECUTIVE OFFICER BE AUTHORIZED TO RESCIND LEASE P.R.C. 2256.1;
2. THE COMMISSION APPROVE, UNDER THE PROVISIONS OF SECTION 6816(a)(1), PUBLIC RESOURCES CODE, THE CLAIM FOR REFUND OF RENTALS PAID BY MICHAEL L. McINNIS, CHESTER M. MONEZ, AND VINCENT J. VALINE IN THE AMOUNT OF \$600, TOGETHER WITH 6 PERCENT INTEREST ON THE RENTAL INSTALLMENTS FROM THE DATE OF RECEIPT OF EACH; AND AUTHORIZE THE EXECUTIVE OFFICER TO PRESENT SAID CLAIM TO THE STATE BOARD OF CONTROL WITH THE COMMISSION'S RECOMMENDATION THAT SUCH CLAIM BE ALLOWED; AND
3. THE LESSEES BE RELEASED FROM THEIR BOND OBLIGATION UNDER THE LEASE AND THAT TWO UNITED STATES TREASURY BEARER BONDS, IN THE AMOUNT OF \$500 EACH, WHICH WERE PLACED ON DEPOSIT AS COLLATERAL SECURITIES UNDER SAID BOND, BE RETURNED TO THEM.