

MINUTE ITEM

6/22/67

17. ASSIGNMENT OF LEASE P.R.C. 2549.1, TAYLOR SLOUGH, CONTRA COSTA COUNTY; WILLIAM D. BOGARD, JR., AND RAYMOND E. BERG, D.B.A. THE ANCHOR MARINA, AS ASSIGNEES.

After consideration of Calendar Item 16 attached, and upon motion duly made and carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ACCEPT QUITCLAIM DEEDS IN LIEU OF AN ASSIGNMENT FROM PHILENA C. McNAIR AND GARRETT E. AND PATRICIA C. PAULSON TO WILLIAM D. BOGARD, JR., A MARRIED MAN, AS TO AN UNDIVIDED ONE-THIRD INTEREST, AND TO RAYMOND E. BERG, A MARRIED MAN, AS TO AN UNDIVIDED TWO-THIRDS INTEREST, AS TENANTS IN COMMON AND THEIR SEPARATE PROPERTY, FOR THE PURPOSE OF RELEASING ANY INTEREST THE GRANTORS MAY HAVE IN LEASE P.R.C. 2549.1 BETWEEN THE STATE OF CALIFORNIA AND WILLIAM F. McNAIR, ET AL.

Attachment

Calendar Item 16 (2 pages)

CALENDAR ITEM

6/67
W.O. 5465

16.

ASSIGNMENT OF LEASE P.R.C. 2549.1

APPLICANT: William D. Bogard, Jr., and Raymond E. Berg, d.b.a. The Anchor Marina, as assignees.

LOCATION: Submerged land in Taylor Slough, Bethel Island, Contra Costa County.

PRESENT USE: A marina.

TERMS: Initial period: 20 years, from April 6, 1960.
Renewal options: 2 additional periods of 10 years each.
Surety bond: \$1000.
Public liability ins.: \$50,000/\$100,000.

CONSIDERATION: \$257.40 per annum; \$5,148.00 total for term.

BASIS FOR CONSIDERATION:
7% of appraised value of land.

PREREQUISITE ITEMS:

U.S.A. Corps of Engineers navigational permit issued.
Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Pt. 2, Ch. 1, Secs. 6501-6509.
- b. Administrative Code: Title 2, Div. 3, Secs. 2000-2011.
- c. Commission policy: Minute Item 18 of November 18, 1959.

OTHER PERTINENT INFORMATION:

The original lessees, William F. McNair and Garrett E. Paulson, sold the improvements in January 1965 and failed to comply with Paragraph 6 of the lease, which requires prior approval of an assignment by the State Lands Commission.

A divorce and the subsequent disappearance of both lessees further complicated the situation. The purchaser continued to make the annual rental payments while attempting to locate the lessees.

The exact extent of the interest of each party is not clear. Quitclaim deeds were obtained from William F. McNair to his wife, Philena C. McNair, who in turn quitclaimed to the assignees, and from Garrett E. and Patricia Paulson to the assignees, completing a chain of title to themselves.

The lease is in a current condition, and it is recommended that the assignment be approved.

CALENDAR ITEM 16. (CONTD.)

EXHIBITS: A. Location map

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ACCEPT QUITCLAIM DEEDS IN LIEU OF AN ASSIGNMENT FROM PHILENA C. McNAIR AND GARRETT E. AND PATRICIA C. PAULSON TO WILLIAM D. BOGARD, JR., A MARRIED MAN, AS TO AN UNDIVIDED ONE-THIRD INTEREST, AND TO RAYMOND E. BERG, A MARRIED MAN, AS TO AN UNDIVIDED TWO-THIRDS INTEREST, AS TENANTS IN COMMON AND THEIR SEPARATE PROPERTY, FOR THE PURPOSE OF RELEASING ANY INTEREST THE GRANTORS MAY HAVE IN LEASE P.R.C. 2549.1 BETWEEN THE STATE OF CALIFORNIA AND WILLIAM F. McNAIR, ET AL.