

MINUTE ITEM

8/23/68

65. DISMISSAL OF ACTION BY THE STATE IN THE MATTER OF STATE OF CALIFORNIA
v. WILBUR C. SANDHOLDT, ET AL., MONTEREY SUPERIOR COURT CASE NO. 58510 -
W.O. 1839.19, W.O. 3747.

After consideration of Calendar Item 43 attached, and upon motion duly made
and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ATTORNEY GENERAL TO DISMISS THE STATE'S ACTION
IN THE MATTER OF STATE OF CALIFORNIA v. WILBUR C. SANDHOLDT, ET AL., MONTEREY
COUNTY SUPERIOR COURT CASE NO. 58510, UPON BEING ADVISED THAT THE MOSS LANDING
HARBOR DISTRICT HAS RECEIVED BACK RENTALS AND HAS EXECUTED THE LEASE AS SET
FORTH IN THE DISTRICT'S ATTORNEY'S LETTER OF JUNE 21, 1968, ON FILE IN THE
OFFICE OF THE STATE LANDS COMMISSION.

Attachment

Calendar Item 43 (1 page)

*Modified by Minute Item 43,
pg. 1835, subject of 10/21/68
E. Dennis*

43.

PROPOSED DISMISSAL OF ACTION BY THE STATE IN THE MATTER OF STATE OF CALIFORNIA v. WILBUR C. SANDHOLDT, ET AL., MONTEREY SUPERIOR COURT CASE NO. 58510 - W.O. 1839.19, W.O. 3747.

The above action was authorized by the State Lands Commission for the purpose of recovering past-due rents for a pier located on tide and submerged lands in Monterey Bay. An issue was later raised as to whether the pier was located on ungranted tide and submerged lands or on tide and submerged lands which had been granted to the Moss Landing Harbor District by the State. Accordingly, another action for declaratory relief was filed against the District to resolve this issue.

By virtue of the enactment of Chapter 131, Statutes of 1967, the boundaries of the tide and submerged lands were clarified, and, as a result thereof, the pier was determined to be located on tide and submerged lands granted to the District, and the real party in interest in the action against Wilbur C. Sandholdt is the Moss Landing Harbor District. The action by the State against the District was dismissed pursuant to Commission authorization of May 23, 1968.

In a letter dated June 21, 1968, from the attorney for the District, the staff was advised that there has been a negotiated settlement with the Sandholdt's for back rent and for entering into a lease. The settlement appears to the staff to be fair and reasonable, and thus the State's action against the Sandholdt's should be dismissed.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ATTORNEY GENERAL TO DISMISS THE STATE'S ACTION IN THE MATTER OF STATE OF CALIFORNIA v. WILBUR C. SANDHOLDT, ET AL., MONTEREY COUNTY SUPERIOR COURT CASE NO. 58510, UPON BEING ADVISED THAT THE MOSS LANDING HARBOR DISTRICT HAS RECEIVED BACK RENTALS AND HAS EXECUTED THE LEASE AS SET FORTH IN THE DISTRICT'S ATTORNEY'S LETTER OF JUNE 21, 1968, ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION.