

43. DISMISSAL OF ACTION BY THE STATE IN THE MATTER OF STATE OF CALIFORNIA V. WILBUR C. SANDHOLDT, ET AL., MONTEREY COUNTY SUPERIOR COURT CASE NO. 58510; MONTEREY COUNTY - W.O. 1839.19 AND W.O. 3747.

After consideration of Calendar Item 6 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION MODIFIES THE RESOLUTION ADOPTED AT ITS MEETING OF AUGUST 28, 1968 (MINUTE ITEM 65, PAGE 1060), TO PROVIDE THAT THE ATTORNEY GENERAL MAY 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 AND THE DEFENDANT HAVE EXECUTED AN AGREEMENT ON THE TERMS SET FORTH IN THE LETTER OF SEPTEMBER 10, 1968, FROM THE ATTORNEY FOR THE DISTRICT, ON FILE IN THE OFFICE OF THE STATE LANDS DIVISION.

Attachment

Calendar Item 6 (1 page)

6.

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

The State Lands Commission, on August 28, 1968, authorized the Attorney General to dismiss the State's action in the above matter upon being advised that the Moss Landing Harbor District was to receive back rentals and was to execute a lease as set forth in letter of June 21, 1968, from the Attorney for the District, on file in the office of the State Lands Division. Further negotiations between the District and the defendant resulted in a proposed settlement somewhat different from that proposed in the letter of June 21, 1968. It is now proposed to settle the action on the basis of the District's receiving a 15-foot-wide easement across the defendant's upland property for the purpose of maintaining a submerged pipe line that will permit an outfall line to empty into the open sea rather than into the inner harbor, which result, in the opinion of the Division, will be of substantial benefit to the District in carrying out its trust obligations. In consideration of the defendant's granting such an easement over its upland property, back rents would be waived. The District will have the right of access thereto without charge. The settlement appears reasonable to the Division.

IT IS RECOMMENDED THAT THE COMMISSION MODIFY THE RESOLUTION ADOPTED AT ITS MEETING OF AUGUST 28, 1968 (MINUTE ITEM 65, PAGE 1060), TO PROVIDE THAT THE ATTORNEY GENERAL MAY 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 AND THE DEFENDANT HAVE EXECUTED AN AGREEMENT ON THE TERMS SET FORTH IN THE LETTER OF SEPTEMBER 10, 1968, FROM THE ATTORNEY FOR THE DISTRICT, ON FILE IN THE OFFICE OF THE STATE LANDS DIVISION.