

30. BARTHOLD CLYDE, HIDDEN HARBOR MARINA - W.O. 320.534.

After review of Calendar Item 29 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE RESOLUTION ADOPTED AT THE COMMISSION'S MEETING OF DECEMBER 19, 1969 (MINUTE ITEM 50, PAGE 1559), IS HEREBY AMENDED TO READ AS FOLLOWS:

THE COMMISSION AUTHORIZES THE STATE LANDS DIVISION TO PROCEED WITH NEGOTIATIONS ON A PROPOSED INTERIM LEASE WITH MR. AND MRS. BARTHOLD CLYDE, AT A RENTAL RATE OF \$150 PER ANNUM FOR THE INTERIM PERIOD, PENDING FINAL RESOLUTION OF THE TITLE DISPUTE IN THE MATTER OF THE HIDDEN HARBOR MARINA, RYER ISLAND, SOLANO COUNTY; THE LEASE IS TO CONTINUE AFTER RESOLUTION OF THE DISPUTE IN FAVOR OF THE STATE ON REASONABLE TERMS AND CONDITIONS CONSISTENT WITH OTHER LEASES OF THIS TYPE AND IN ACCORDANCE WITH THE COMMISSION'S RULES AND REGULATIONS, AND, IN THE EVENT OF RESOLUTION OF THE TITLE DISPUTE IN FAVOR OF THE CLYDES, THE LEASE IS TO TERMINATE AT THE TIME OF SUCH FINAL DETERMINATION; AN ACTION IS TO BE FILED BY THE STATE, PREFERABLY BY FEBRUARY 15, 1969, BUT NOT LATER THAN MARCH 1, 1969; SAID LITIGATION IS TO INCLUDE THE ENTIRE AREA AT THE SOUTHERN END OF RYER ISLAND, BOTH IN FRONT OF AND BEHIND THE LEVEE, WHERE TITLE IS IN QUESTION (I.E., ALL OF THE LANDS OUTSIDE THE SWAMP AND OVERFLOWED SURVEY COVERING THE ADJOINING PORTION OF RYER ISLAND.

Following adoption of the foregoing resolution, Mr. George Basye, Attorney for Mr. and Mrs. Barthold Clyde, made a brief appearance, and stated that he felt the action taken was logical and desirable.

Attachment

Calendar Item 29 (1 page)

SUPPLEMENTAL
INFORMATIVE CALENDAR ITEM

1/69

29.

BARTHOLD CLYDE, HIDDEN HARBOR MARINA - W.O. 320.534

The above matter was considered by the Commission at its regular meeting on December 19, 1968, at which time the Commission authorized the institution of legal proceedings to determine the validity of the disputed title claims to land located in Solano County, at the confluence of Steamboat and Cache Sloughs, adjacent to Ryer Island, provided that no method could be evolved to avoid the necessity of litigation.

The Commission directed filing of the suit on or before February 15, 1969, authorized a lease to the Clydes, and requested that the State Lands Division submit a status report at the regular January 1969 Commission meeting.

The matter has been further considered by the State Lands Division in conference with the Office of the Attorney General. It has been concluded that the State has litigable claims, and no basis for a mutually satisfactory settlement has been arrived at. Preparations for filing a suit are now under way.

Every effort will be made to meet the February 15, 1969, filing date, and it is expected that this will be accomplished, however, during case preparation, unforeseen difficulties may arise that would cause some delay, and it is therefore requested that the date for filing be extended to March 15, 1969, with the understanding that every effort will be made to file the action by February 15, 1969, or as soon thereafter as possible.

The State Lands Division is also in the process of completing the lease transaction, and expects to be in a position to submit the final terms to the Commission for approval at its regular meeting in February 1969.