

MINUTE ITEM

3/25/71
JFS

21. CONSENT TO ACCEPTANCE OF AN ADJUSTED PENALTY PAYMENT FROM THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT ON PAST DUE ROYALTY AND RENT FROM LEASE PRC 2613.1, SAN FRANCISCO BAY, SAN MATEO COUNTY - W 7110.

After consideration of Calendar Item 7 attached, and upon motion duly made and carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED BY THE STATE LANDS COMMISSION TO ACCEPT A LATE PENALTY PAYMENT PROVIDED BY SECTION 6224 OF THE PUBLIC RESOURCES CODE FOR THE PERIOD FROM MAY 22, 1969, THROUGH DECEMBER 8, 1970, IN THE SUM OF ONE HUNDRED NINETY-FOUR AND SEVENTY ONE-HUNDREDTHS DOLLARS (\$194.70), AS FULL SATISFACTION OF THE OBLIGATION OF ESTERO MUNICIPAL IMPROVEMENT DISTRICT TO THE STATE.

Attachment:

Calendar Item 7 (1 page)

CALENDAR ITEM

3/71
W 7110
JFS

7.

CONSENT TO ACCEPTANCE OF AN ADJUSTED PENALTY PAYMENT FROM THE ESTERO MUNICIPAL IMPROVEMENT DISTRICT ON PAST DUE ROYALTY AND RENT FROM LEASE PRC 2613.1, SAN FRANCISCO BAY, SAN MATEO COUNTY.

On December 8, 1970, Estero Municipal Improvement District submitted a check in the amount of two thousand ninety-six and thirty one-hundredths dollars (\$2,096.30) as payment in full of royalty due from July 20, 1968, through September 24, 1968; and for rental for the lease year July 27, 1968, through July 27, 1969. This was payment in full of rental and royalty required by PRC 2613.1, but did not include the late payment penalty required by PRC 6224, which staff computed as two hundred sixty and forty-one one-hundredths dollars (\$260.41), with such penalty being calculated from November 13, 1968, through December 8, 1970. Estero Municipal Improvement District objected to this penalty assessment, maintaining that until May 22, 1969, the amount due under the lease was in dispute and not a certain sum. Therefore, they contended that, if assessed at all, the assessment should date from May 22, 1969, rather than November 13, 1968. The parties have reached a compromise settlement of \$194.70.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ACCEPT A LATE PENALTY PAYMENT PROVIDED BY SECTION 6224 OF THE PUBLIC RESOURCES CODE FOR THE PERIOD FROM MAY 22, 1969, THROUGH DECEMBER 8, 1970, IN THE SUM OF ONE HUNDRED NINETY-FOUR AND SEVENTY ONE-HUNDREDTHS DOLLARS (\$194.70), AS FULL SATISFACTION OF THE OBLIGATION OF ESTERO MUNICIPAL IMPROVEMENT DISTRICT TO THE STATE.