

MINUTE ITEM

This Calendar Item No. 38
was approved as Minute Item
No. 38 by the State Lands
Commission by a vote of 2
to 0 at its 5-27-76 MINUTE ITEM
meeting.

5/27/76
SCL

38. RELEASE OF RESPONSIBILITY UNDER PRC 4435.1 AND INSTITUTION OF LITIGATION, TIDE AND SUBMERGED LANDS IN HAAS SLOUGH, SOLANO COUNTY; HOLLY SUGAR AND GLEN BOWLSBEY - PRC 4435.1.

After consideration of Calendar Item 38 attached, and upon motion duly made and carried, the following resolution was approved by a vote of 2-0:

THE COMMISSION:

1. ACCEPTS THE AMOUNT OF \$4,900 AS A FULL RELEASE OF HOLLY SUGAR UNDER THE PRC 4435.1 AND THEREBY RELIEVES HOLLY SUGAR FROM FURTHER RESPONSIBILITY UNDER SAID LEASE.
2. AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL AND/OR THE STATE LANDS DIVISION TO TAKE WHATEVER STEPS NECESSARY, INCLUDING LITIGATION, TO RESOLVE THE DISPUTE WITH GLEN BOWLSBEY OVER THE RIGHTS IN AND TO THE SOVERLIGN LANDS OF HAAS SLOUGH, SOLANO COUNTY.

Attachment:
Calendar Item 38 (2 pages)

RELEASE OF RESPONSIBILITY UNDER PRC 4435.1
AND INSTITUTION OF LITIGATION

Holly Sugar entered into a lease of tide and submerged lands located in Haas Slough for the placement of a sugar beet receiving station. This transaction was completed as PRC 4435.1. Said lease has now expired. Holly Sugar has met with all requirements of said PRC 4435.1 except the removal of the sugar beet receiving station from the slough. Pursuant to that requirement, Holly Sugar began steps to remove the sugar beet receiving station. Mr. Glen Bowsbey, the owner of the upland adjacent to the structure, prohibited Holly Sugar from removing the structure. Mr. Bowsbey claims ownership of the bed of Haas Slough. He also claims the right to have the structure on the property for his personal use.

Holly Sugar has in good faith made attempts to remove the structure, but has been prohibited from doing so. Holly Sugar appealed to the staff of the State Lands Division to convince Mr. Bowsbey that Holly Sugar should be permitted to remove the structure. Attempts were made by the staff of the State Lands Division to negotiate with Mr. Bowsbey concerning the removal of the structure. Mr. Bowsbey refuses to allow the removal, and furthermore, claims ownership of the sovereign bed of Haas Slough.

In an attempt to resolve the impasse that exists, Holly Sugar has tendered a check in the amount of \$4,900. This covers the cost of removal of the structure by a qualified firm. This figure has been verified by staff on an independent basis. In exchange for tendering the \$4,900, Holly Sugar asks to be relieved of further responsibility under lease PRC 4435.1.

In order to clear the site, litigation should be authorized against Glen Bowsbey and a competent contractor should be hired to remove the structure.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT:

1. THE STATE LANDS COMMISSION ACCEPT THE AMOUNT OF \$4,900 AS A FULL RELEASE OF HOLLY SUGAR UNDER THE PRC 4435.1, AND THEREBY RELIEVE HOLLY SUGAR FROM FURTHER RESPONSIBILITY UNDER SAID LEASE.

CALENDAR ITEM NO. 38. (CONTD)

2. THAT THE OFFICE OF THE ATTORNEY GENERAL AND/OR THE STATE LANDS DIVISION ARE AUTHORIZED TO TAKE WHATEVER STEPS NECESSARY, INCLUDING LITIGATION, TO RESOLVE THE DISPUTE WITH GLEN BOWLSBEY OVER THE RIGHTS IN AND TO THE SOVEREIGN LANDS OF HAAS SLOUGH, SOLANO COUNTY.