

4. (UNION OIL COMPANY OF CALIFORNIA, APPLICATION FOR LEASE OF TIDE AND SUBMERGED LANDS IN PETALUMA CREEK NEAR PETALUMA, MARIN COUNTY - W.O. 597, P.R.C. 532) The Commission was informed that the Union Oil Company of California has applied for a lease of a small area of tide and submerged lands in Petaluma Creek at Haystack Landing on which a loading dock has been in use since 1938 without Board of Supervisor's authority. The area desired is of such small extent that the minimum annual rental of \$50.00 would apply.

In this connection attention of the Commission is called to the policy adopted April 14, 1948 (Minute P. 842) which states:

"3. Leases for land where occupant is a trespasser even through the structures were built under a valid though expired Board of Supervisor's permit shall bear the date of notice to the trespasser as authorized by the Commission that he is a trespasser."

It was therefore, considered proper that the lease be made retroactive to Nov. 9, 1949, when the Union Oil Company was advised of this trespass and that they be given the right of renewal for two periods of ten years each.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE TO UNION OIL COMPANY OF CALIFORNIA, A LEASE OF CERTAIN TIDE AND SUBMERGED LANDS IN PETALUMA CREEK, MARIN COUNTY, FOR COMMERCIAL USE FOR A PERIOD OF FIFTEEN YEARS RETROACTIVE TO NOVEMBER 9, 1949, AT AN ANNUAL RENTAL OF \$50.00, TOGETHER WITH THE RIGHT OF RENEWAL FOR TWO ADDITIONAL PERIODS OF TEN YEARS EACH, LEASE TO REQUIRE THE FILING OF A \$1,000. SURETY BOND TO GUARANTEE PERFORMANCE.

5. (APPLICATION FOR LEASE OF TIDE AND SUBMERGED LAND, CAPISTRANO BEACH PIER COMPANY IN ORANGE COUNTY - W.O. 114, P.R.C. 533) The Commission was informed that an application has been received from the Capistrano Beach Pier Company for a lease for maintenance of a pier on approximately one acre of State tide and submerged land fronting on the ocean at Capistrano Beach in Orange County. This pier was built in 1929 without any authority from the County Board of Supervisors and on May 2, 1947, the Division of State Lands notified the Capistrano Beach Pier Company of the trespass. The pier is a substantial concrete pier used principally for recreation, as a point from which fishing parties go out to Catalina Island. It is built from fee land owned by this company and is in the general vicinity of the Capistrano State Beach Park. The Division of Beaches and Parks have indicated that they have no objection to the issuance of this lease. The land occupied by the pier has been appraised by an outside appraiser to have a value of \$1,250.00 per acre. Under the Commission's policy, the annual rental would be 9.9 per cent of the bare land value, the lease to run from the date of notice of trespass. Thus, the annual rental under the above conditions would be \$123.50.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO ISSUE A FIFTEEN YEAR LEASE COMMENCING ON MAY 2, 1947, TO THE CAPISTRANO BEACH PIER COMPANY FOR A LEASE OF APPROXIMATELY ONE ACRE OF TIDE AND SUBMERGED LAND ON WHICH THE EXISTING PIER WAS CONSTRUCTED AT AN ANNUAL RENTAL OF \$123.50, WITH RIGHT OF RENEWAL FOR TWO ADDITIONAL PERIODS OF TEN YEARS UNDER SUCH TERMS AND CONDITIONS AS SHALL BE SET BY THE COMMISSION AT THE TIME OF RENEWAL. IT WAS FURTHER AUTHORIZED THAT THE LESSEE BE REQUIRED TO FILE A PERFORMANCE BOND OR EQUIVALENT IN THE AMOUNT OF \$5,000.00.