

MINUTE ITEM

10. APPLICATION TO MODIFY LEASE P.R.C. 2662.1, COVERING AN ARK SITE ON THE PETALUMA RIVER, MARIN COUNTY, LEO J. NOLAN - W.O. 3715.

After consideration of Calendar Item 17 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION RESCINDS ITS ACTION UNDER MINUTE ITEM 5, PAGES 6366-67, DATED OCTOBER 27, 1960, AND AUTHORIZES THE EXECUTIVE OFFICER TO ISSUE A TEN-YEAR ARK-SITE LEASE EFFECTIVE OCTOBER 1, 1960, TO LEO J. NOLAN AT AN ANNUAL RENTAL OF \$65, COVERING A PARCEL OF TIDE AND SUBMERGED LANDS IN PETALUMA RIVER DESCRIBED AS FOLLOWS:

THAT CERTAIN AREA IN PETALUMA CREEK OCCUPIED BY AN ARK, THE APPROXIMATE CENTER POINT OF WHICH BEARS N. 34° 00' E., 166.00 FEET MORE OR LESS FROM STA. 260 AS SHOWN ON A MAP ENTITLED "PLAT OF TIDE AND SUBMERGED LANDS ADJACENT TO RIGHT BANK OF PETALUMA CREEK, VICINITY OF BLACK POINT, MARIN COUNTY, CALIFORNIA, SHEET 2 OF 6", PREPARED BY THE DIVISION OF STATE LANDS, STATE LANDS COMMISSION.

Attachment

Calendar Item 17 (1 page)

CALENDAR ITEM

17.

APPLICATION TO MODIFY LEASE P.R.C. 2662.1, COVERING AN ARK SITE ON THE PETALUMA RIVER, MARIN COUNTY, LEO J. NOLAN - W.O. 3715.

On October 27, 1960, the Commission authorized the issuance to Leo J. Nolan of Petaluma River Ark Site Lease P.R.C. 2662.1 as a replacement of an expiring lease issued in 1950 for a ten-year term at \$80 per year rent. The renewed annual rental rate of \$80 was based upon the assumption that a second small separate shed structure still existed for the use and benefit of the lessee. The appraiser believed that an additional rent of \$15 per year was reasonable and appropriate for the supplemental structure.

Mr. Nolan has requested that the \$80 rental set forth in the replacement lease be reviewed and, accordingly, on the first occasion when a staff appraiser was in the area a review was made of the ark site. The actual ark site was appraised and, pursuant to present Commission policy, a fair market value of \$500 was indicated for the site; therefore, the minimum rental of \$65 per year should prevail, especially in view of the fact that the separate small shed structure is not now used by Mr. Nolan since it is now attached to the adjacent ark structure and is covered under the lease for the adjacent ark site.

To clear the record, the Commission action of October 27, 1960 (Minute Item 5, pages 6366-67), should be rescinded and new action considered authorizing the issuance of a ten-year ark-site lease effective October 1, 1960, to Leo J. Nolan at an annual rental of \$65.

IT IS RECOMMENDED THAT THE COMMISSION RESCIND ITS ACTION UNDER MINUTE ITEM 5, PAGES 6366-67, DATED OCTOBER 27, 1960, AND AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE A TEN-YEAR ARK-SITE LEASE EFFECTIVE OCTOBER 1, 1960, TO LEO J. NOLAN AT AN ANNUAL RENTAL OF \$65, COVERING A PARCEL OF TIDE AND SUBMERGED LANDS IN PETALUMA RIVER DESCRIBED AS FOLLOWS:

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