

MINUTE ITEM

43. LEGAL ACTION AGAINST WILLIAM F. McNAIR AND GARRETT E. PAULSON, INDIVIDUALLY AND DBA GOLDEN BEAR MARINA; DELINQUENT RENTAL ON TIDE AND SUBMERGED LANDS ALONG TAYLOR SLOUGH, IN THE VICINITY OF BETHEL ISLAND, CONTRA COSTA COUNTY - P.R.C. 2549.1.

The Executive Officer informed the Commission that payment had just been received of a portion of the delinquent rental referred to in Calendar Item 19 attached. He therefore requested deferment of consideration of this item in order that staff can re-evaluate the problem.

UPON MOTION DULY MADE, SECONDED, AND UNANIMOUSLY CARRIED, ACTION WAS DEFERRED ON CALENDAR ITEM 19.

Attachment

Calendar Item 19 (1 page)

CALENDAR ITEM

19.

LEGAL ACTION AGAINST WILLIAM F. McNAIR AND GARRETT E. PAULSON, INDIVIDUALLY AND DBA GOLDEN BEAR MARINA; DELINQUENT RENTAL ON TIDE AND SUBMERGED LANDS ALONG TAYLOR SLOUGH, IN THE VICINITY OF BETHEL ISLAND, CONTRA COSTA COUNTY - P.R.C. 2549.1.

The State Lands Commission entered into a lease dated July 13, 1960, for a term of 20 years beginning April 6, 1960, with William McNair and Garrett E. Paulson for the use of approximately 1.3 acres of submerged lands in Taylor Slough fronting Mr. McNair's upland property on Bethel Island. The first and last years' rental, amounting to \$514.80, was paid at the time the lease was executed. No further rental payments have been made by the Lessees, despite numerous requests.

The Lessees' facility consists of covered storage, for an estimated 75 cruisers, which at the time the lease was executed was approximately 90% occupied. The Lessees are under the misconception that they are the only parties in this immediate vicinity from whom the State is requiring a rental for use of the State submerged lands. The facts are to the contrary. The upland owner contiguous to the subject Lessees holds a State lease, which is currently in good standing.

Cancellation of the lease would not be in the best interest of the State, inasmuch as the Lessees likely would continue occupancy of the lands as trespassers. Legal action to enforce the terms of the lease and to recover the delinquent rental will not only produce the revenue already accrued but will also protect the State's rights to these and other similar lands.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO REQUEST THE ATTORNEY GENERAL TO INITIATE LEGAL ACTION AGAINST WILLIAM F. McNAIR AND GARRETT E. PAULSON, INDIVIDUALLY AND DBA GOLDEN BEAR MARINA, TO RECOVER THE RENTAL DELINQUENCY ACCRUED PURSUANT TO THE TERMS OF P.R.C. 2549.1, IN THE AMOUNT OF \$514.80, AND TO TAKE SUCH OTHER LEGAL ACTION AS IS DEEMED NECESSARY AND APPROPRIATE IN THE PREMISES.