

This Calendar Item No. 23
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 3
to 2 at its 6-24-76
meeting.

MINUTE ITEM

6/24/76
DAG

23. RATIFICATION OF EMERGENCY SAND REMOVAL PERMIT; CITY OF MORRO BAY, SAN LUIS OBISPO COUNTY - W 9972, PRC 5150.

During consideration of Calendar Item 23 attached, the Commission instructed the staff to include a provision in the Emergency Sand Removal Permit that in the event the removed sand is used for private commercial purposes, the grantee shall pay the State a royalty rate on the sand so used.

Upon motion duly made and carried, the following resolution was approved by the Commission by a vote of 3-0:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PUBLIC RESOURCES CODE 21172, 14 CALIFORNIA ADMINISTRATIVE CODE 15071, AND 2 CALIFORNIA ADMINISTRATIVE CODE 2903(D), (EMERGENCY PROJECTS).
2. RATIFIES THE EXECUTION OF AN EMERGENCY SAND REMOVAL PERMIT ISSUED FOR THIS PROJECT SHOWN AS EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, WITH THE STIPULATION THAT IN THE EVENT THE REMOVED SAND IS USED FOR PRIVATE COMMERCIAL PURPOSES, THE GRANTEE SHALL PAY THE STATE A ROYALTY RATE ON THE SAND SO USED.

Attachment:
Calendar Item 23 (3 pages)

CALENDAR ITEM

23.

6776
W-9972
036
TRC 5150

RATIFICATION OF EMERGENCY SAND REMOVAL PERMIT

APPLICANT: City of Morro Bay
595 Harbor Street
Morro Bay, California 95442

BACKGROUND: On May 24, 1976, the City of Morro Bay, San Luis Obispo County, applied to the State Lands Commission for an emergency sand removal permit to remove 500 cubic yards of sand from an area within Coleman Park in which the State Lands Commission has retained mineral interests. The emergency permit was needed in order to remove a hazardous sand drift condition at Coleman Park. The spoils are to be disposed of at the discretion of the City and may be used by the City for normal maintenance or by allowing contractors under City supervision to remove sand for their uses.

The City of Morro Bay has fulfilled State Lands Commission requirements for submitting their application. There will be no royalty on minerals removed from State land, the consideration being the public benefit. An emergency letter permit was issued to the City on June 4, 1976, by W. F. Northrop, Executive Officer.

This project is categorically exempt under the Guidelines Section 2903(d), Title 2, California Administrative Code.

EXHIBITS: A. Emergency Letter Permit. B. Site Map.

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PUBLIC RESOURCES CODE 21172, 14 CALIFORNIA ADMINISTRATIVE CODE 15071, AND 2 CALIFORNIA ADMINISTRATIVE CODE 2903(D), (EMERGENCY PROJECTS).
2. RATIFY THE EXECUTION OF AN EMERGENCY SAND REMOVAL PERMIT ISSUED FOR THIS PROJECT SHOWN AS EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

June 4, 1976

n/ref: W 9972

Mr. Murray L. Warden, City Administrator
City of Morro Bay
595 Harbor Street
Morro Bay, California 93442

Dear Mr. Warden:

Pursuant to your request dated May 24, 1976, to remove a hazardous sand drift condition, you are hereby granted permission to perform emergency sand removal of 500 cubic yards from an area within Coleman Park as described in your request. Such spoils are to be disposed of at the discretion of the City and may be used by the City for normal maintenance or by allowing contractors under City supervision to remove sand for their uses.

The authorization to perform sand removal from the above-referred to lands is based upon available information without survey or title determination, and such authorization shall not be construed as fixing State land boundaries or necessarily establishing the extent of the State's claim to property in the area. Nor does the State warrant title to the demised premises or the right of the permittee to possession or quiet enjoyment.

It is hereby agreed that the operations authorized under this permit shall be performed with diligence, in a good and workmanlike manner, using due care and safety precautions.

Permittee agrees to furnish copies of final surveys to verify sand volumes or copies of any other computations used as a basis for contractor payment.

Permittee also agrees to indemnify, save harmless, and at the option of the State defend, the State of California,

Mr. Murray L. Warden, City Administrator
City of Morro Bay

- 2 -

June 4, 1970

its officers, agents and employees, against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents, or employees by a third person or entity arising out of or connected with the issuance of this permit, operations hereunder, or the use by permittee or its agents, employees or contractors, of the above-referred to lands. Without limiting the generality of the foregoing, such indemnification shall include any claim, demand, cause of action or liability of any kind asserted against or imposed upon the State of California or any of its officers, agents or employees arising out of or connected with any alleged or actual violation by permittee, its agents, employees or contractors of property or contractual rights of any third person or entity. At the option of the Commission, permittee shall procure and maintain liability insurance for the benefit of the State in an amount satisfactory to the Commission.

By signing the acceptance below, permittee agrees to comply with the above terms and conditions, and further agrees that any violation thereof shall constitute grounds for cancellation and voiding of this permit and that the permit may be suspended, modified or terminated whenever the State Lands Commission deems such action to be in the best interests of the State, and no such action by the Commission shall be deemed a basis for a claim or cause of action for damages against the State or any office, employee or agency thereof.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

William F. Northrop
Executive Officer

GWG/WEN/dj

Date: _____

ACCEPTED

BY _____

Title

Date: _____