

MINUTE ITEM

10/79
WP 519
Reese

29. SETTLEMENT OF FULL COMPENSATION FOR PRIOR UNAUTHORIZED
USE OF STATE-OWNED TIDE AND SUBMERGED LAND.

During consideration of Calendar Item 29 attached, Chairman Kenneth Cory relinquished the chair to Commission-Alternate Roy M. Bell because he disclosed that he had spoken with a Sam Kallman on a personal matter.

Mr. Bell became the Chairman, and upon motion duly made and carried, the resolution as presented in Calendar Item 29 was approved by a vote of 2-0, with one abstention by Mr. Cory.

Attachment: Calendar Item 29. (3 Pages)

MINUTE ITEM

This Calendar Item No. 29 was approved as Minute Item No. 29 by the State Lands Commission by a vote of 2 to 0 at its 10-29-79 meeting.

CALENDAR ITEM

29.

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WP 519
Reese
PRC 519

SETTLEMENT OF FULL COMPENSATION FOR PRIOR UNAUTHORIZED USE OF STATE-OWNED TIDE AND SUBMERGED LAND

BACKGROUND:

On July 14, 1976, Mr. Sam Kalman, dba Sam Kalman and Company and Kalman Companies, purchased a parcel of land adjacent to South River Road, Yolo County. The property was previously owned by Time Oil Company. Time Oil Company had an Industrial Lease with the State Lands Commission which expired prior to Mr. Kalman's purchase, covering a 0.55 acre parcel of tide and submerged land in the Sacramento River, Yolo County for the maintenance of a petroleum loading wharf and 2 dolphins.

By correspondence dated April 8, 1977, April 19, 1977 and February 22, 1979, Mr. Kalman was advised that a lease would be required for the existing wharf and dolphins that encroached upon land under the jurisdiction of the State Lands Commission.

On September 11, 1979, (more than 2 years after the staff had first advised Mr. Kalman that a lease was required), Mr. Kalman was advised that if staff did not receive a completed application within 30 days the file would be turned over to the State Lands Commission legal department with the recommendation that they request authorization from the State Lands Commission to institute legal proceeding in order to recover monies owed to the State.

Subsequent to the above, Mr. Kalman communicated with the staff. He advised that his upland property is being sold and is now in escrow. Mr. Kalman and staff agreed that a payment of \$2,592.47 including penalty and interest, would be reasonable compensation to the State for the period of unauthorized use of sovereign land.

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The staff received a check for \$2,592.47 from Mr. Kalman on September 26, 1979. The amount received represents rental owed for the period July 14, 1976 through July 13, 1980 plus penalty and interest.

The staff has advised the proposed buyer of the upland property of the State Lands Commission's lease requirements. Negotiations will commence upon close of escrow (tentatively January, 1980).

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE STATE LANDS COMMISSION STAFF TO ACCEPT THE MONIES RECEIVED FROM MR. SAM KALMAN AS FULL COMPENSATION FOR PRIOR UNAUTHORIZED USE OF STATE-OWNED TIDE AND SUBMERGED LAND.

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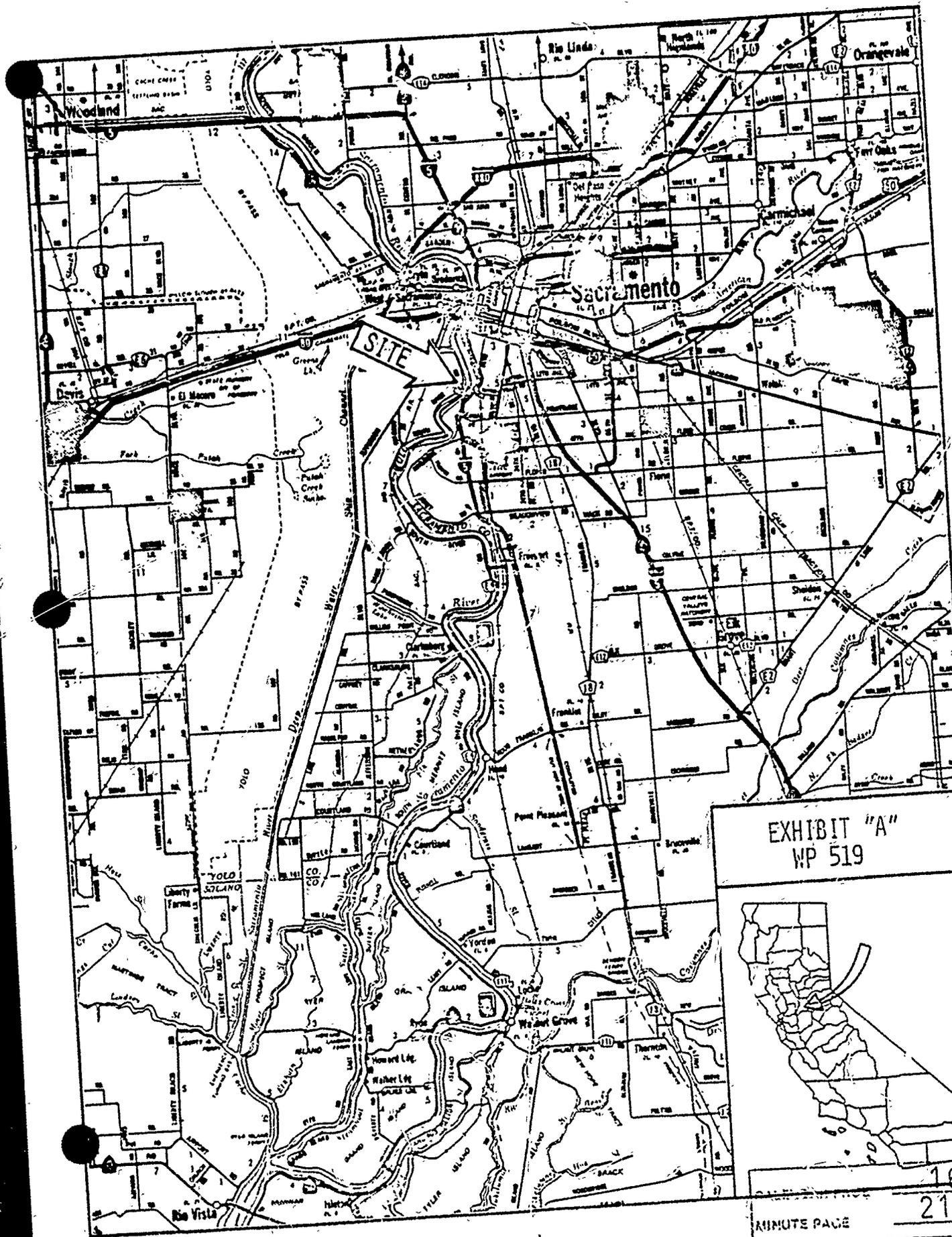


EXHIBIT "A"
WP 519



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