

36. NOTICE OF TERMINATION AND NONRENEWAL OF LEASES ON CORTE MADERA CREEK, CITY OF LARKSPUR, COUNTY OF MARIN - W.O. 5754.

The Executive Officer, after summarizing Calendar Item 29 attached, modified the recommendation to the Commission with respect to notice of termination and nonrenewal of the leases on Corte Madera Creek within the City of Larkspur, inasmuch as a review of protests received showed that there are arksites located not only within the city limits of the City of Larkspur, but also in the City of Corte Madera and the county limits of the County of Marin, thereby making this a regional problem. Therefore, the resolution to be adopted should include provision for a public hearing on the matter in Marin County so that the local residents, the lessees, the local agencies, and the Corps of Engineers can introduce into the record for Commission consideration for action all the elements that have an impact for the total area of the proposed reconstruction project. The resolution also should authorize the Executive Officer to issue month-to-month extensions of expiring arksite leases where such extensions are requested, with the understanding that in the event of a final determination to terminate such leases, the lessees will be given sixty days' notice of termination.

Appearances were then made by the following:

Mr. Arthur B. Wing, Boardwalk 4, Larkspur, who agreed with the recommendations made by the Executive Officer.

Mrs. J. W. Hugus, owner of an eight-room house on the piers above the Bon Air Bridge on the channel, who felt that the City of Larkspur had been a bit drastic in its action, and stated that she agreed with the proposed change in the resolution to be adopted.

Thereafter, upon motion duly made and unanimously carried, the following resolution was adopted:

1. THE COMMISSION AUTHORIZED AND DIRECTED THE EXECUTIVE OFFICER TO UNDERTAKE AN INVESTIGATION OF THE TOTAL REGIONAL REQUIREMENTS IN THE MATTER OF THE PROPOSED TERMINATION AND NONRENEWAL OF ARKSITE LEASES ON CORTE MADERA CREEK, AND TO REPORT THE CONCLUSIONS OF THIS INVESTIGATION TO THE COMMISSION FOR CONSIDERATION AND ACTION, SAID INVESTIGATION PROCEDURE TO INCLUDE A PUBLIC HEARING ON THE MATTER IN MARIN COUNTY.
2. THE COMMISSION AUTHORIZED THE EXECUTIVE OFFICER TO ISSUE MONTH-TO-MONTH EXTENSIONS OF EXPIRING ARKSITE LEASES WHERE SUCH EXTENSIONS ARE REQUESTED, WITH THE UNDERSTANDING THAT IN THE EVENT OF A FINAL DETERMINATION TO TERMINATE SUCH LEASES, THE LESSEES WILL BE GIVEN SIXTY DAYS' NOTICE OF TERMINATION.

Attachment
Calendar Item 29 (1 page)

29.

NOTICE OF TERMINATION AND NONRENEWAL OF LEASES ON CORTE MADERA CREEK, CITY OF LARKSPUR, COUNTY OF MARIN - W.O. 5754.

For the past few years, the leases on the Corte Madera Creek ark sites in the City of Larkspur have been renewed for short terms because they are subject to removal to accommodate the U. S. Corps of Engineers' plans for a flood-control channel. The sewer facilities are inadequate and are not susceptible of repair. The City Council of the City of Larkspur by formal resolution has requested that these leases not be renewed.

The U. S. Corps of Engineers' plans, as submitted by the Corps to the City of Larkspur on August 9, 1965, will require a right-of-way approximately 390 feet wide, which will necessitate the removal of all of the arks on State lands as well as some on private lands (see Exhibits "A", "B-1", and "B-2").

If the Flood Control District is formed (the County of Marin is now negotiating with the cities involved for its creation), it is anticipated that the right-of-way and construction work on the flood-control channel will commence in the spring of 1966.

The installation of a sanitary sewer was a prerequisite in 1954 for permitting the ark site dwellers to remain on State lands. A portion of the cost was assumed by the State and was reflected in increased rentals. During construction of the sewer line, questions arose as to the adequacy of the couplings as well as the workmanship. These questions were resolved by litigation. This line, which was never completely tight, is at the present time virtually useless because of the instability of the underlying mud. Repair of the sewer line would be extremely costly and probably not feasible. If the arks were permanent improvements, it would be necessary to consider installation of a much more sophisticated and, therefore, more expensive installation than has existed heretofore. Because the arks are soon to be removed by the flood-control project, it is unsound financially to consider repair or replacement. Nonetheless, the health hazard presented by the lack of an adequate sanitary sewer, both to the residents of Larkspur and other nearby cities, cannot be ignored.

Nineteen leases will expire on December 31, 1965. There are four additional sites on which the leases have already expired, and no renewals have been consummated.

The City Council of the City of Larkspur on August 4, 1965, by resolution (see Exhibit "C") requested that all ark-site leases within the City of Larkspur be terminated. The City is committed to secure removal of all of the existing arks when all leases have been terminated.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO INFORM THE ARK-SITE DWELLERS WITHIN THE CITY OF LARKSPUR THAT NO LEASES WHICH HAVE EXPIRED WILL BE RENEWED, AND THAT THOSE LEASES WHICH WILL EXPIRE ON DECEMBER 31, 1965, WILL NOT BE RENEWED.