

MINUTE ITEM

10/21/65

38. AUTHORIZATION FOR EXECUTIVE OFFICER TO EXECUTE 15-YEAR LEASE FOR LOG-IMPOUND FACILITY ON STATE TIDE AND SUBMERGED LANDS, MAD RIVER SLOUGH, HUMBOLDT COUNTY - W.O. 4114, P.R.C. 3397.1.

After consideration of Calendar Item 12 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE A LEASE FOR A TERM OF 15 YEARS COMMENCING ON JULY 16, 1961, AT AN ANNUAL RENTAL OF \$607.72, TO R. H. EMMERSON & SON, A CORPORATION, OF THE STATE LANDS IN MAD RIVER SLOUGH, HUMBOLDT COUNTY, AND MORE PARTICULARLY DESCRIBED IN P.R.C. 1970.1.

Attachment

Calendar Item 12 (1 page)

12.

AUTHORIZATION FOR EXECUTIVE OFFICER TO EXECUTE 15-YEAR LEASE FOR LOG-IMPOUND FACILITY ON STATE TIDE AND SUBMERGED LANDS, MAD RIVER SLOUGH, HUMBOLDT COUNTY - W.O. 4114.

R. H. Emmerson & Son occupied the subject tide and submerged lands from July 17, 1956, to July 16, 1961, at an annual rental of \$91.90, by the authority of P.R.C. 1970.1. On August 14, 1961, R. H. Emmerson & Son was informed that Lease P.R.C. 1970 expired July 16, 1961. On August 24, 1961, Emmerson applied to renew the lease. In 1962, Emmerson was informed that the lease would be renewed at an annual rental of \$550.80. In September of 1962, Emmerson stated that they did not wish to renew the lease. Whereupon Emmerson & Son was requested to clear the site and to execute a quitclaim deed.

On September 20, 1963, Emmerson executed the quitclaim deed and a certification of site clearance. An on-site inspection during November 1963 by a State Lands Division staff member indicated that the site was still in use.

A staff member spoke on March 11, 1965, with Mr. Arne Jepsen, Secretary-Treasurer for R. H. Emmerson & Son, who stated that there had been a misunderstanding as to the area to be quitclaimed; that the area described in P.R.C. 1970.1 was being used and had been used continuously. Mr. Jepsen agreed that the lease would be renewed and asked to be advised of terms.

Emmerson & Son was informed by letter of March 17, 1965, the lease would be written for a term of 15 years, commencing July 16, 1961, at a rental of \$607.72 per annum. No reply of any kind was received to this letter, nor to any subsequent communications.

The State is entitled to compensation for the occupancy from July 16, 1961, to the present. Effective September 17, 1965 (Ch. 545, Statutes of 1965, Sec. 6303.1 of the Public Resources Code), such occupancy without a permit or lease also constitutes a misdemeanor.

Upon receipt of the foregoing information, R. H. Emmerson & Son forwarded their remittance in the sum of \$3,646.32, representing rental from July 16, 1961, through July 16, 1966, plus a deposit on the last year's rental.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE A LEASE FOR A TERM OF 15 YEARS COMMENCING ON JULY 16, 1961, AT AN ANNUAL RENTAL OF \$607.72, TO R. H. EMMERSON & SON, A CORPORATION, OF THE STATE LANDS IN MAD RIVER SLOUGH, HUMBOLDT COUNTY, AND MORE PARTICULARLY DESCRIBED IN P.R.C. 1970.1.