

MINUTE ITEM

This Calendar Item No. 30  
was approved as Minute Item  
No. 30 by the State Lands  
Commission by a vote of 3  
0 at its 4/21/78  
meeting.

CALENDAR ITEM  
30.

4/78  
W 503,822  
Johas-Rusconi

AUTHORIZATION FOR THE STATE LANDS COMMISSION'S  
STAFF TO TAKE ALL NECESSARY STEPS TO  
EFFECTUATE THE SETTLEMENT OF GREENBRAE YACHT  
HARBOR V. STATE OF CALIFORNIA ET AL., MARIN  
COUNTY SUPERIOR NO. 79042

BACKGROUND:

On February 4, 1959, the Commission issued  
PRC 2362.1 a 30-year lease of tide and  
submerged lands in Corte Madera Creek,  
Marin County, to Von der Werth, Inc. for  
the construction of a proposed marina.  
During the next 5 to 6 years, a bulkhead  
was constructed and pilings driven to anchor  
the planned boat slips.

On January 26, 1966, the Commission authorized  
the sublease of the premises to Greenbrae  
Yacht Harbor, Inc., the present lessee.  
No further construction of any consequence  
has been done on the leased premises.

In May of 1974, the Commission issued a  
dredging permit to the Golden Gate Bridge,  
Highway and Transportation District for  
the dredging of the approach to their new  
ferry terminal located at Larkspur. A portion  
of the area leased to Greenbrae Yacht Harbor,  
Inc. was dredged and several of the pilings  
removed. Navigation markers were also erected  
to trace the path of the dredged channel.

In March of 1976, Greenbrae Yacht Harbor,  
Inc. initiated suit against the State of  
California, State Lands Commission and  
the Golden Gate Bridge, Highway and  
Transportation District, alleging damage  
to realty and inverse condemnation. This  
suit has been handled by counsel for the  
Golden Gate Bridge, Highway and Transportation  
District, per the indemnity clause contained  
in the dredging permit.

CURRENT STATUS:

A settlement has been proposed which will  
end the litigation and terminate the lease

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CALENDAR ITEM NO. 30. (CONTD)

with Greenbrae Yacht Harbor, Inc. The terms of the proposed settlement are:

To Plaintiff, Greenbrae Yacht Harbor, Inc.:

1. From the Golden Gate Bridge, Highway and Transportation District -- \$25,000.
2. From the State Lands Commission:
  - a. Return of back rent paid since September, 1975, the date of the initial dredging -- \$3,057.37.
  - b. Final year's rent -- 1988 -- \$1,177.83.

TOTAL FROM STATE LANDS COMMISSION \$4,235.20

3. Release of security held in lieu of performance bond -- \$2,500.

TOTAL TO GREENBRAE YACHT HARBOR, INC. \$31,735.20

To Defendants, State Lands Commission and Golden Gate Bridge, Highway and Transportation District:

1. A dismissal of the action with prejudice and a release from plaintiff of any and all claims arising from plaintiff's lease with the State Lands Commission.
2. A quitclaim from plaintiff of all his right, title and interest in the leased parcel of land.

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION ACCEPT THE PROPOSED SETTLEMENT IN THE CASE OF GREENBRAE YACHT HARBOR, INC. v. STATE OF CALIFORNIA, ET AL., MARIN COUNTY SUPERIOR COURT NO. 79042, BY:

1. AUTHORIZING THE REFUND TO GREENBRAE YACHT HARBOR OF THE BACK RENT, FINAL LEASE YEAR'S RENT IN THE TOTAL AMOUNT OF \$4,235.20, AND RELEASE OF SECURITY HELD IN LIEU OF PERFORMANCE BOND.
2. AUTHORIZING THE STATE LANDS COMMISSION'S STAFF TO TAKE ALL NECESSARY STEPS AND TO EXECUTE ALL NECESSARY DOCUMENTS TO EFFECTUATE THE SETTLEMENT OF GREENBRAE YACHT HARBOR, INC. V. THE STATE OF CALIFORNIA, ET AL., MARIN COUNTY SUPERIOR COURT NO. 79042 WITH PREJUDICE TO ALL CLAIMS ARISING FROM PLAINTIFF'S LEASE PRC 2362.1 WITH THE STATE LANDS COMMISSION.

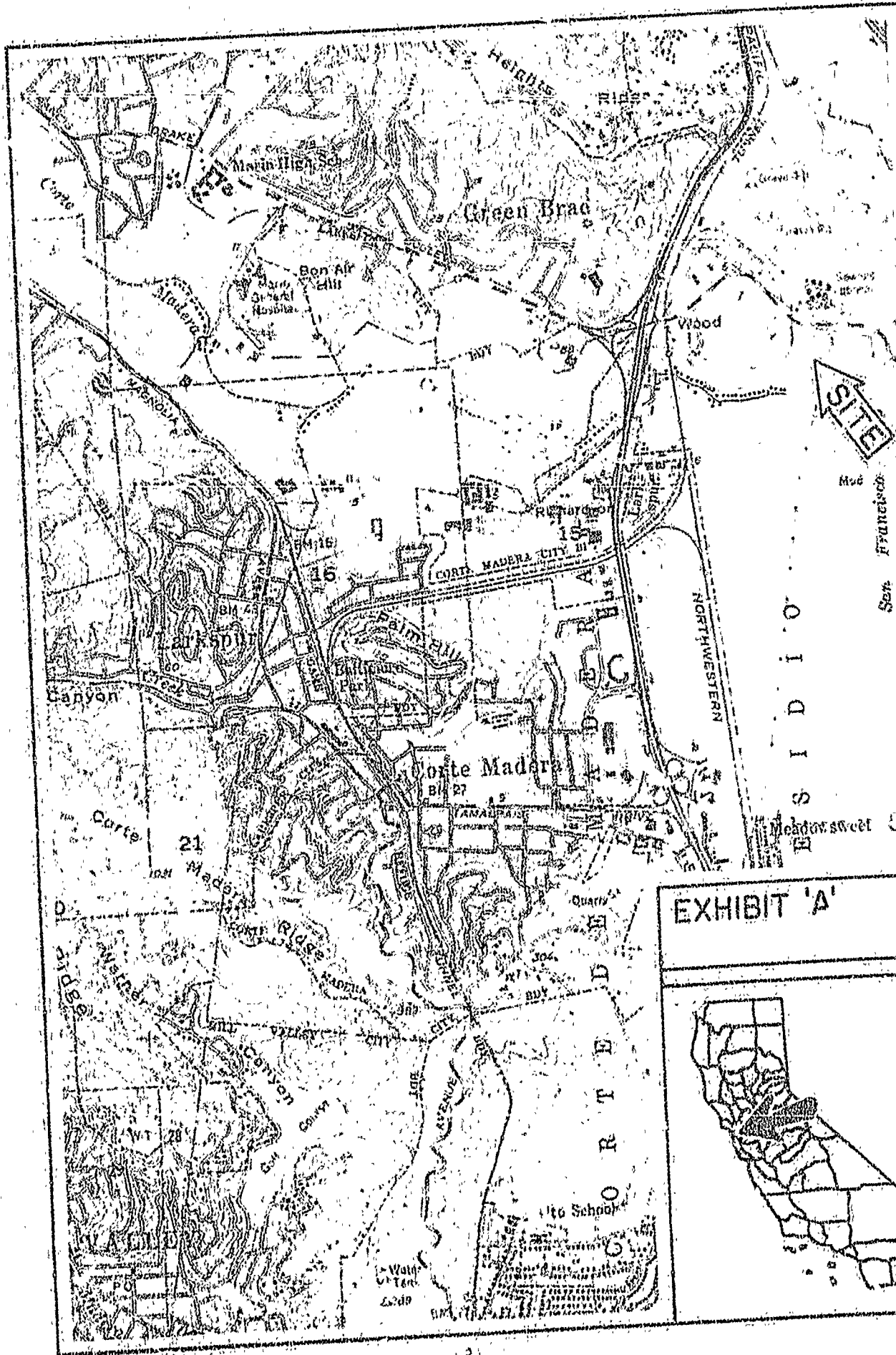


EXHIBIT 'A'

