TO RESERVATION OF A RIGHT OF WAY TO THE STATE THROUGH THE STRIP OF LAND AND ALL STATUTORY RESERVATIONS INCLUDING MINERALS.

41. (E. H. FRENCH, APPLICATION FOR LEASE OF TIDE AND SUBMERGED LANDS IN CARQUINEZ STRAIT, CONTRA COSTA COUNTY, OCCUPIED BY GRANGER'S WAREHOUSE - W.O. 462, P.R.C. 483) The Commission was informed that on November 21, 1949, the Commission authorized the Executive Officer to issue to E. H. French a lease of those certain tide and submerged lands in Carquinez Strait occupied by the Granger's Warehouse for a period of fifteen years at an annual rental of $198.00 subject to renewal for an additional ten years at such rental as may be determined upon expiration of the original fifteen year period, lessee to file bond in the amount of $10,000. Amount of the bond was made subject to adjustment by the State two years after the effective date of the lease upon removal of portions of the warehouse structure remaining. Mr. French has been unable to obtain the required bond due to the fifteen year lease period. He can, however, obtain bond to cover a lease for a one year period, and has therefore requested a year by year lease.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AMENDING THE ACTION OF NOVEMBER 21, 1949 SO AS TO AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE TO E. H. FRENCH A LEASE OF THOSE CERTAIN TIDE AND SUBMERGED LANDS OCCUPIED BY THE GRANGER'S WAREHOUSE FOR A PERIOD OF ONE OR MORE YEARS RENEWABLE EACH YEAR TO A FINAL TERMINATION DATE OF NOVEMBER 21, 1964, AT AN ANNUAL RENTAL OF $198.00, ACCEPTABLE SURETY BOND IN THE AMOUNT OF $10,000.00 TO BE FILED WITH THE STATE, THE AMOUNT OF SUCH BOND TO BE SUBJECT TO REDUCTION BY THE STATE UPON SATISFACTORY REMOVAL OF THOSE PORTIONS OF THE WAREHOUSE STRUCTURE NOT RETAINED BY THE LESSEE FOR LAWFUL COMMERCIAL USE OF THE AREA.

42. (DISPOSITION OF RESERVED MINERAL RIGHTS IN LANDS EXEMPT FROM THE PROVISIONS OF CHAPTER 5, PART 1, DIVISION 6, P.R.C., - W.O. 381) The Commission was informed that on February 10, 1950 (Minute Item 38, Page 1079), the Commission established procedure pursuant to Section 6406, P.R.C. for the disposition of reserved mineral rights in Escheated lands, one of the classes of lands specified in Section 6403 of the Public Resources Code as exempt from the application of the statutory mineral reservation in the sale of State lands required by Chapter 5, Part 1, Division 6, P.R.C. On April 28, 1950 (Minute Item 25, Page 1122-23) the Commission also established identical procedure for the sale of the mineral reservation in lands received by the State and sold pursuant to Section 7891 of the Revenue and Taxation Code, which class of land is also specified in Section 6403 of the Public Resources Code as exempt from the former mineral reservation provisions. Both of these minute items specify that the sale of the estate represented by the mineral reservation shall be made to the applicant by grant deed from the State, acting through the Commission, and approved by the Governor, for a price of $10.00, pursuant to a specific resolution by the State Lands Commission in the case of lands not known to contain minerals, and for the bid price plus costs in the case of lands known to contain minerals at the time of the sale of the reservation. Section 6406 P.R.C. provides that "The Commission, through its Executive Officer, shall have the power to sign, on behalf of the State and the Commission, all deeds, leases, agreements or other documents required in connection with the exercise by the Commission of the powers vested in it by this section." In addition, all sales of the surface fee title of lands by the State Controller were made pursuant to direct statutory authorization with no approval other than by the Controller. In consideration of the foregoing, it would appear that the specification of the requirement of approval of the sale by the Governor was superfluous and should be eliminated.