

49. CANCELLATION OF ARK SITE LEASES, CORTE MADERA CREEK, MARIN COUNTY -
W.O. 5754.

The Executive Officer reported receipt by the Chairman of the Commission of a telegram from the ark site lessees at Corte Madera Creek, asking that the 60-day notices to vacate issued to them be set aside.

At the request of the Chairman, the Executive Officer then briefly reviewed the background and current status of this matter, as follows:

Pursuant to a directive of the Commission at its last regular meeting, the staff, in conjunction with the Office of the Attorney General, undertook a review of the entire problem with the representatives of the County of Marin. As a result of that review, the Commission's staff has in its files a letter from the County in which a request was made that the ark site leases be terminated promptly because the terminal date for initiation of the flood-control project by the U. S. Corps of Engineers had been set for July 28, 1966. On the basis of that request, notices of termination were served, effective July 22, 1966.

Currently, the County of Marin, through its Board of Supervisors, has determined that the ark site lessees are equitably entitled to compensation for their buildings or improvements on State lands. However, concern had been expressed that the termination notices issued, since they terminated all rights of the owners, would render the owners' holdings valueless, and that they would not be entitled to compensation unless a determination was made on this point prior to actual termination of the leases. To overcome this concern, the County is seeking compensation through Senate Bill No. 103, introduced by Senator McCarthy on May 24, 1966. This bill provides for payment by the Marin County Flood Control and Water Conservation District by authorizing the acquisition, either by purchase or condemnation, of any buildings or improvements on State lands, and also provides that the lessees be paid full value as it existed prior to the vacating of the leases, even though such leases had been terminated. The same assurance was expressed in a letter from the County Counsel of Marin County to the State Lands Commission. Therefore, termination of the ark site leases is in process, with the understanding by the County of Marin that the ark site lessees should be compensated for their personal property in terms of structures and improvements on State land, and the County is seeking State assistance in order to pay such compensation.

UPON MOTION DULY MADE AND CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE STATE LANDS COMMISSION WILL ACTIVELY SUPPORT LEGISLATION (SENATE BILL NO. 103, INTRODUCED BY SENATOR MCCARTHY ON MAY 24, 1966) TO COMPENSATE THE ARK SITE LESSEES AT CORTE MADERA, MARIN COUNTY, FOR THEIR LOSSES ON THE IMPROVEMENTS ON THEIR STATE ARK SITE LEASES; FURTHER, THE COMMISSION URGES THAT THE CITY OF LARKSPUR AND THE COUNTY OF MARIN MAKE EVERY EFFORT POSSIBLE TO ASSIST THE STATE'S ARK SITE LESSEES WITH THEIR SEWAGE PROBLEM, IN ORDER THAT THEY MAY EXTEND THEIR OCCUPANCY OF THEIR LEASED ARK SITES FOR AS LONG AS POSSIBLE. THE COMMISSION DIRECTS THE STAFF TO MAKE A REPORT AT THE JULY 1966 MEETING OF THE COMMISSION, AT WHICH TIME, IF NO ACTION HAS BEEN TAKEN BY THE CITY AND THE

COUNTY, THE COMMISSION WILL RECONSIDER THE MATTER. THE COMMISSION DIRECTS THE ATTORNEY GENERAL TO CONVEY THIS MESSAGE TO THE COUNTY OF MARIN AND TO THE CITY OF LARKSPUR. FURTHER, THE COMMISSION DIRECTS THAT THE NOTICES OF TERMINATION OF LEASES ALREADY ISSUED ARE TO STAND, BUT THAT THE ENTIRE MATTER IS TO BE REVIEWED AGAIN BY THE COMMISSION AT ITS MEETING SCHEDULED FOR JULY 12, 1966.