10. AMENDMENT OF LEASE P.R.C. 3500.1, A RIGHT OF WAY, SOVEREIGN LAND, TOLAY CREEK, SONOMA COUNTY - W.O. 5890.

After consideration of Calendar Item 13 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION AMENDS ITS RESOLUTION OF ~~AUGUST~~ JUNE 15, 1966 (MINUTE ITEM 3, P. 12754), TO PROVIDE FOR ISSUANCE TO BILL, JACK AND JAMES BISSO OF A 15-YEAR RIGHT OF WAY FROM JUNE 15, 1966, IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF $20 DURING THE FIRST FIVE YEARS, WITH THE STATE RESERVING THE RIGHT TO REVIEW AND RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, AND PROVISION OF A $1000 SURETY BOND, FOR CONSTRUCTION OF A BRIDGE AND APPROACHES ON THE LAND DESCRIBED IN SAID RESOLUTION.

Attachment
Calendar Item 13 (1 page)

CALENDAR ITEM

5/68
W.O. 5890

13.

AMENDMENT OF AUTHORIZATION TO ISSUE LEASE P.R.C. 3500.1,
A RIGHT OF WAY

APPLICANT: Bisso Brothers

LOCATION: A 12- x 345-foot strip of sovereign land in Tolay Creek 1.3 miles northwesterly of Sears Point Bridge, Sonoma County

PROPOSED USE: The construction of a bridge and approaches thereto

TERM AS AMENDED: 15 years, from June 15, 1966
Surety bond: $1000

CONSIDERATION AS AMENDED:
$20 per annum during the first 5 years, with the State reserving the right to review and reset a reasonable rental on each fifth anniversary

BASIS FOR CONSIDERATION:
$20 minimum rental for this type of lease

STATUTORY AND OTHER REFERENCES:

a. Public Resources Code: Div. 6, Pt. 2, Ch. 1, Secs. 6501-6509
b. Administrative Code: Title 2, Div. 3, Secs. 2000-2011
c. Commission policy: Minute Item 18 of November 18, 1959

OTHER PERTINENT INFORMATION:
By Resolution of August 15, 1966 (Minute Item 3, p. 12754), the Commission authorized issuance of a 15-year easement to the applicants, with three 10-year renewal options, at an annual rental of $150 and provision of a $2000 surety bond. The applicants declined to agree to the terms as authorized, maintaining that the bridge and roadway were more in the nature of a right of way qualifying for a reduced rental pursuant to current policy. They also maintained that the previous requirement of a $2000 bond is excessive. Staff has reviewed the transaction and, after renegotiation with the principals, recommends that the amended term, rental, and bond requirement be substituted for those included in the prior resolution.

EXHIBIT: A. Location map

IT IS RECOMMENDED THAT THE COMMISSION AMEND ITS RESOLUTION OF AUGUST 15, 1966 (MINUTE ITEM 3, P. 12754) TO PROVIDE FOR ISSUANCE TO BILL, JACK AND JAMES BISSO OF A 15-YEAR RIGHT OF WAY FROM JUNE 15, 1966, IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF $20 DURING THE FIRST FIVE YEARS, WITH THE STATE RESERVING THE RIGHT TO REVIEW AND RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY, AND PROVISION OF A $1000 SURETY BOND, FOR CONSTRUCTION OF A BRIDGE AND APPROACHES ON THE LAND DESCRIBED IN SAID RESOLUTION.

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