

MINUTE ITEM

1. MARIN YACHT CLUB, BOUNDARY LINE AGREEMENT; REPORT TO COMMISSION ON PROBLEMS IN SAN RAFAEL CREEK, MARIN COUNTY - W.O. S-8294.

As requested by the Commission at their meeting on August 26, 1968, the Executive Officer presented a progress report on the matter of a proposed boundary line agreement with the Marin Yacht Club, and recommended consideration of an interim lease from the City of San Rafael to the Yacht Club at a nominal rental until final determination of the State trust land boundaries upon completion of the San Rafael grant survey.

Mr. Ronald D. Schenck, Attorney with the law firm of Riede and Elliott, San Rafael, representing the Yacht Club, spoke to the Commissioners requesting immediate solution of the boundary problem. The issue of the survey required by statute was discussed, and the Chairman stated that the suggestion as to an interim lease between the City of San Rafael and the Yacht Club would permit the Yacht Club to go ahead with their relocation until such time as a survey is completed or requirements of the grant statute are modified. Mr. Schenck stated that this suggestion would be reviewed, and requested that the matter be kept on the Commission calendar for a future response.

Notes for progress report

9/17/68

MARIN YACHT CLUB

On August 28, 1968, the Commission directed the Lands Division to evaluate the sufficiency of a map submitted by the Marin Yacht Club as the basis for a proposed boundary line agreement and to report on the evaluation within 5 days.

The Division analysis was transmitted to the Marin Yacht Club by a letter from the Chairman dated September 4 stating in part:

"from a detailed review of the subject map, both independently and in conference with the Yacht Club engineer, it has been determined that the map cannot qualify for official recording as a 'Record of Survey'. Therefore the map alone does not present an adequate basis for an agreement on boundary line locations."

The Commission also directed that the Division present a progress report on possible resolution of the boundary problem at the next Commission meeting, which is today.

A brief review will be given of the fundamental problems existent for a boundary line agreement in the Marin Yacht Club area.

1. This map shows the approximate relationship of the boundaries of the Allardt Canal to Yacht Club properties. The canal limits were established by the State Board of Tideland Commissioners in 1871 (as detailed on this smaller map) and no title was transferred by the State until 1967 when the Legislature granted the canal lands in trust to the City of San Rafael, subject to the condition that the grant area be surveyed, monumented, platted and recorded by the Commission at the cost of the City. The City has not yet contracted for this service. Until this survey is made there is no factual basis on which the Commission could approve a boundary line agreement. Because of the uncertainty of the location on the ground of the canal limits, the boundaries of all adjoining property claimants including the Yacht Club are also uncertain.

The Yacht Club is required to relocate its building because of a highway-widening project. The proposed new location area southerly of the canal is subject to the same hazard of current uncertain boundary location.

Therefore it is suggested that the Commission recommend to the City of San Rafael, as trust grantee of the State lands involved, consideration ~~and~~ *of* authorization of an interim lease to the Yacht Club at a nominal rental for

lands desired to be occupied by the Club, with the option to the Club for a long-term lease for any area finally determined to be State trust land, upon completion of the San Rafael grant survey.