

MINUTE ITEM

This Calendar Item No. C10
was received as Minute Item
No. 10 by the State Lands
Commission by a vote of 3
to 0 at its 10/26/78
meeting.

CALENDAR ITEM

C10.

10/78
W 2400.121
Pinson

INCORPORATION OF CITY OF CLEARLAKE

INFORMATION:

On August 31, 1978 the Commission staff received a letter dated August 30, 1978 together with a map and legal property description from the proponents of the incorporation of the City of Clearlake. Government Code Section 35009 requires that the Commission respond to such correspondence within 45 days or the same is deemed approved as submitted to the Commission.

The staff was unable to make an adequate review of the subject documents in time to advise the Commission at its September meeting. In addition, the 45-day period would have expired prior to the Commission's meeting today. The staff has therefore responded to the August 30 letter and accompanying documents so as to protect as best it could the Commission's interest in this matter. A copy of that response is as indicated in the letter attached hereto as Exhibit "A" and which is by this reference made a part hereof.

In order for the staff's response (Exhibit "A") to become an official statement of the State Lands Commission it is necessary that the Commission signify its approval and ratification of that response. The staff therefore advises that the Commission so act.

EXHIBIT:

A. Letter of Objection.

COMMISSION ACTION:

THE STATE LANDS COMMISSION HEREBY APPROVES AND RATIFIES THE RESPONSE MADE BY ITS STAFF (EXHIBIT "A") TO THE PROPOSED INCORPORATION OF THE CITY OF CLEARLAKE.

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STATE LANDS COMMISSION

EXECUTIVE OFFICE
1807 13th Street
Sacramento, California 95814

NETH CORY, Controller
MERVYN M. DYMALLY, Lieutenant Governor
ROY M. BELL, Director of Finance
(916) 322-2277



File Ref.: W 2400.121

October 3, 1978

Executive Officer
Local Agency Formation Commission
County of Lake Courthouse
Lakeport, California 95453

Re: Proposed Incorporation of City of "Clearlake"

Dear Sir or Madam:

This is to advise you that, pursuant to Government Code Section 35009, the staff of the State Lands Commission objects to the subject proposal on the basis that the legal description submitted to us is inadequate.

The language which we find troublesome is as follows:

". . . to the centerline of Cache Creek;
thence Southeasterly, Northeasterly and
Easterly down the centerline of said Cache
Creek, a distance of 3 miles, more or less,
. . . ."

This language is insufficient because of the uncertainty of the centerline of Cache Creek, from the present outlet of Clear Lake to the Highway No. 53 bridge, due to the dredging and realignment of this portion of the channel of Cache Creek.

The staff of the State Lands Commission is willing to assist the proponents of the subject incorporation to correct this deficiency should the proponents so desire.

Additionally, we would like to note that the use of the language "to the low water line of Clear Lake" should not be construed so as to necessarily establish a boundary of the State's claim in this or in any other area.

Executive Officer
Local Agency Formation Commission

-2- File Ref.: W 2400.121
October 3, 1978

Finally, I am, by copy of this letter and pursuant to Section 35009 aforesaid, giving notice of our objection to the incorporation proponents who filed the subject boundary description and map with our office under cover of letter dated August 30, 1978.

Please do not hesitate to contact me in the event you have any questions with regard to any aspect of this matter.

Very truly yours,

HARLEY F. PINSON
Staff Counsel

~~HEP:clw~~

cc: Mrs. Doris W. Wilcox
P. O. Box 1956
Clearlake Highlands, CA 95422

CERTIFIED MAIL--RETURN
RECEIPT REQUESTED--No. 732802

Mr. Art Mann, Esq.
290 North Main Street
Lakeport, CA 95453

CERTIFIED MAIL--RETURN
RECEIPT REQUESTED--No. 732803

Robert C. Hight
Jan Stevens
Steven C. Lindfeldt
James F. Trout
Richard C. Hansen

CERTIFIED MAIL--RETURN RECEIPT REQUESTED--No. 732804