

MINUTE ITEM

20. TERMINATION OF LEASES, AND CANCELLATION OF RENTALS BILLED JANUARY 1, 1959, FISH CANYON, LOS ANGELES COUNTY - W.O. 3052.

After consideration of Calendar Item 28 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED: (1) TO CANCEL THE LEASES LISTED IN EXHIBIT "A" ATTACHED AND HEREBY MADE A PART HEREOF, EFFECTIVE WITH THE DATE OF COMMISSION ACTION. (2) TO MAKE APPLICATION TO THE BOARD OF CONTROL FOR DISCHARGE OF ACCOUNTABILITY, UNDER THE PROVISIONS OF SECTIONS 13940, ET SEQ., GOVERNMENT CODE, WITH RESPECT TO THE AMOUNTS DUE AND OWING THE STATE SET FORTH AS ITEMS IN THE ATTACHED EXHIBIT, THE GROUNDS FOR SUCH APPLICATION BEING:

- (1) THE USE OF THE LEASED LANDS WAS FRUSTRATED PRIOR TO THE DATE OF INVOICING THE AMOUNTS DUE AND OWING; THUS, IN EQUITY, THE LESSEES SHOULD NOT BE REQUIRED TO PAY SUCH AMOUNTS.
- (2) COLLECTION IS IMPROBABLE, AND, IF RESISTED, THE AMOUNTS DUE AND OWING ARE TOO SMALL TO JUSTIFY THE COST OF COLLECTION THEREOF.

Attachment

Calendar Item 28 (3 pages)

CALENDAR ITEM

28.

TERMINATION OF LEASES, AND CANCELLATION OF RENTALS BILLED JANUARY 1, 1959,  
FISH CANYON, LOS ANGELES COUNTY - W.O. 3052.

The State Lands Division administers school lands in Fish Canyon, situated in the San Gabriel mountains near the city of Duarte, Los Angeles County. These lands are leased as cabin sites, at an annual rental of \$30 each, payable on the first day of each calendar year.

On October 4, 1958, a forest fire burned out a group of the cabins, while others were subsequently destroyed by floods resulting from the fire devastation.

On January 1, 1959, the lessees were billed for the 1959 rents, in accordance with lease terms. Subsequently 17 of the lessees holding leases on devastated sites requested termination of their leases, based on the fact that the purpose for which the lease was held had been frustrated by fire or flood.

Under the provisions of Section 15 of the lease, "the lessee may terminate this agreement upon 60 days' notice of such termination to the State".

Section 14 of each lease provides that in the event the lessee defaults in any payment of the rent "it shall be lawful for the lessor at its sole election to declare the said term ended". One lessee holding a burned-out site failed to pay the rental billed January 1, 1959, and did not respond to letters asking whether he proposed to continue holding the lease.

Because of the catastrophe which occurred, the purpose for which the lands were leased has been frustrated, and therefore all of the leases aforementioned should be terminated as requested, or for cause, without requiring the lessees to pay rentals billed as of January 1, 1959.

Section 13942, Government Code, provides in part:

"The board" (Board of Control) "shall make an order discharging the applicant from further accountability for the collection of taxes, licenses, fees, or other money specified in the application, and authorizing the applicant to close his or its books in regard to such items, if it is satisfied that:

- (a) The matters contained in the application are true.
- (b) Where an item exceeds one hundred dollars (\$100), the Attorney General has in writing advised that the amount is too small to justify the cost of collection, or that collection is improbable for any reason.
- (c) The amounts are too small to justify the cost of collection.
- (d) It will be to the advantage of the State to grant the relief requested."

CALENDAR ITEM 28. (CONTD.)

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED: (1) TO CANCEL THE LEASES LISTED IN EXHIBIT "A" ATTACHED AND HEREBY MADE A PART HEREOF, EFFECTIVE WITH THE DATE OF COMMISSION ACTION. (2) TO MAKE APPLICATION TO THE BOARD OF CONTROL FOR DISCHARGE OF ACCOUNTABILITY, UNDER THE PROVISIONS OF SECTIONS 13940, ET SEQ., GOVERNMENT CODE, WITH RESPECT TO THE AMOUNTS DUE AND OWING THE STATE SET FORTH AS ITEMS IN THE ATTACHED EXHIBIT, THE GROUNDS FOR SUCH APPLICATION BEING:

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- (2) COLLECTION IS IMPROBABLE, AND, IF RESISTED, THE AMOUNTS DUE AND OWING ARE TOO SMALL TO JUSTIFY THE COST OF COLLECTION THEREOF.

Attachment  
Exhibit "A"

EXHIBIT "A"

<u>Lease No. P.R.C.</u>	<u>Lot No.</u>	<u>Name of Lessee</u>	<u>Rental Account Balances 4/30/59</u>
1264.2	1	Ray Sprague, et al.	\$ 30.00
1265.2	2	F. J. Tookey	30.00
1272.2	13	L. W. Stone	30.00
1273.2	14	Mr. and Mrs. T. C. Jones	30.00
1278.2	19	Mr. and Mrs. J. B. Henderson	30.00
1279.2	20	Mr. and Mrs. H. J. O'Neal	30.00
1280.2	22	Larry Dore	30.00
1282.2	24	Mildred Gilmore	30.00
1283.2	25	Mr. and Mrs. H. J. O'Neal	30.00
1285.2	28	M. H. Pickett	30.00
1286.2	29	Mr. and Mrs. G. Garner	30.00
1287.2	30	Miss E. Haddock	30.00
1288.2	31	Howard J. Leslie	30.00
1290.2	35A	R. R. Burgoon	30.00
1294.2	41	R. V. Martini	30.00
1298.2	52	R. Conzevoy	30.00
1299.2	53	Estate of Flora T. Langstaff	30.00
1300.2	54	Boy Scouts of America, Troop 121	30.00