

MINUTE ITEM

7. TERMINATION OF LEASE P.R.C. 1974.1, DON McMILLAN, KLAMATH RIVER, HUMBOLDT COUNTY - P.R.C. 1974.1.

After consideration of Calendar Item 14 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO:

1. CANCEL LEASE P.R.C. 1974.1, COVERING TIDE AND SURMERGED LANDS ON THE KLAMATH RIVER, HUMBOLDT COUNTY, EFFECTIVE DECEMBER 29, 1961;
2. DEMAND AND ACCEPT A GOOD AND SUFFICIENT QUITCLAIM DEED FROM THE LESSEE;
3. SHOULD THE LESSEE FAIL OR REFUSE TO EXECUTE THE AFOREMENTIONED QUITCLAIM DEED WITHIN 60 DAYS OF THE DEMAND DATE, FILE A WRITTEN NOTICE OF SAID FAILURE OR REFUSAL WITH THE COUNTY RECORDER OF HUMBOLDT COUNTY.

Attachment

Calendar Item 14 (1 page)

CALENDAR ITEM

14.

TERMINATION OF LEASE P.R.C. 1974.1, DON McMILLAN, KLAMATH RIVER, HUMBOLDT COUNTY - P.R.C. 1974.1.

The current annual rental on the subject lease became due and payable on July 29, 1961. In accordance with the provisions of the lease for notice, final demand for said rental was sent by the State Lands Commission, Accounting Section, by certified mail (No. 348096) on September 20, 1961; return receipt was signed by the lessee, Don McMillan, on September 22, 1961. No reply was received to this notice. Additional notice was made by the Legal Section of the State Lands Commission on October 19, 1961, informing the lessee that failure to remit payment would result in Commission action to enforce or cancel the subject lease.

From this failure to respond to all correspondence, it would appear that the lessee has abandoned the purpose (i.e., log dump and rafting) for which the subject lease was issued.

Upon issuance of the lease, the first and last years' rent was paid in advance; therefore, termination of the lease at this time will not require additional rent collection, and there would be no rental refund pursuant to the terms of the lease.

Paragraph 16 of the subject lease provides that upon termination of the lease, the lessee shall execute and deliver to the State a good and sufficient quitclaim deed. The lease further provides that should the lessee fail or refuse to deliver to the State such a quitclaim deed, a written notice by the State reciting the failure or refusal of the lessee to execute and deliver the quitclaim deed shall be, upon the date of recordation of said notice, conclusive evidence against the lessee and all persons claiming under lessee as to the termination of the lease.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO:

1. CANCEL LEASE P.R.C. 1974.1, COVERING TIDE AND SUBMERGED LANDS ON THE KLAMATH RIVER, HUMBOLDT COUNTY, EFFECTIVE DECEMBER 29, 1961;
2. DEMAND AND ACCEPT A GOOD AND SUFFICIENT QUITCLAIM DEED FROM THE LESSEE;
3. SHOULD THE LESSEE FAIL OR REFUSE TO EXECUTE THE AFOREMENTIONED QUITCLAIM DEED WITHIN 60 DAYS OF THE DEMAND DATE, FILE A WRITTEN NOTICE OF SAID FAILURE OR REFUSAL WITH THE COUNTY RECORDER OF HUMBOLDT COUNTY.