

MINUTE ITEM

This Calendar Item No. 24
was approved as Minute Item
No. 24 by the State Lands
Commission by a vote of 3
to 0 at its 12/16/82
meeting.

CALENDAR ITEM

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12/16/82
PRC 4049
Reese
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AUTHORIZATION FOR LITIGATION
FOR ACCOUNTING AND COLLECTION OR RENTAL
ON EXISTING LEASE PRC 4049.1
FOR STATE-OWNED LAND

LAND LESSEE: F. Roy Gustavson,
dba Owl Harbor
1550 Twitchell Island Road
Isleton, California 95640

AREA, TYPE LAND AND LOCATION:
A 6.198-acre parcel of tide and submerged
land, located in Seven Mile Slough, Sacramento
County.

LAND USE: Commercial marina.

LEASE TERMS: Term: 30 years from November 9,
1978 to November 8, 2008.

Rental: \$3,000 minimum annual
rental or five percent
of gross income derived
from the rental of boat
docks and moorings, one
cent (0.01¢) per gallon
of fuel to maximum of
one hundred thousand
(100,000) gallons and

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one and one-half cents
(1.5¢) per gallon thereafter
per reporting period;
whichever is greater.

NATURE OF BREACH:

1. Lessee has failed and refused to pay minimum annual rental for the period November 9, 1981 through November 8, 1983, (two years), and/or to report annual gross income derived from lease premises as required under the lease for the period November 9, 1981 to November 8, 1982.
2. To date lessee owes a total of \$5,000 in back minimum annual rental and interest and an additional undetermined amount for the period November 9, 1981 to November 8, 1982.

DEMANDS:

1. Written demand by certified letter dated January 20, 1982; in which staff requested lessee to submit the bond and insurance required by the lease.
2. Staff requested by letters dated March 8, 1982, September 3, 1982, October 14, 1982 and November 16, 1982 that lessee bring rent current and report annual gross income.

CURRENT STATUS:

The Commission staff has diligently attempted to have lessee cure its default and bring its lease current, but has been unsuccessful to date.

AB 884:

N/A.

EXHIBITS:

- A. Legal Description.
- B. Site Map.

CALENDAR ITEM NO. 24 ⁴ (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY TO ADDRESS THE BREACH OF STATE LANDS LEASE PRC 4049.1, INCLUDING LITIGATION FOR (AN ACCOUNTING) AND COLLECTION OR RENTAL AND WHATEVER OTHER LEGAL OR EQUITABLE REMEDIES THAT MAY BE NECESSARY OR APPROPRIATE.

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EXHIBIT "A"

Land Description

WP 4049

A parcel of tide and submerged land in the State-owned bed of Seven Mile Slough, Sacramento County, California, in projected Section 10, T3N, R3E, MDM, described as follows:

A strip of tide and submerged land 120 feet wide bounded on the south by the left bank of said Seven Mile Slough, bounded on the east by, and extending westerly 2700 feet from a line which bears S 30° W from a point designated "AC", said point being a boat nail and C.S.L.C. tag set in a plank at the southeast corner of a wooden bridge as shown on that certain map entitled "Record of Survey of Owl Island" prepared by the State Lands Commission and filed in Book 27 of Surveys, Page 9, Sacramento County Recorder's Office.

Said point "AC" has California Coordinate System, Zone 2 coordinates of $x = 2,109,928.45$ and $y = 163,841.63$.

EXCEPTING THEREFROM any portion lying waterward of the ordinary high water mark of Seven Mile Slough.

END OF DESCRIPTION

PREPARED OCTOBER 27, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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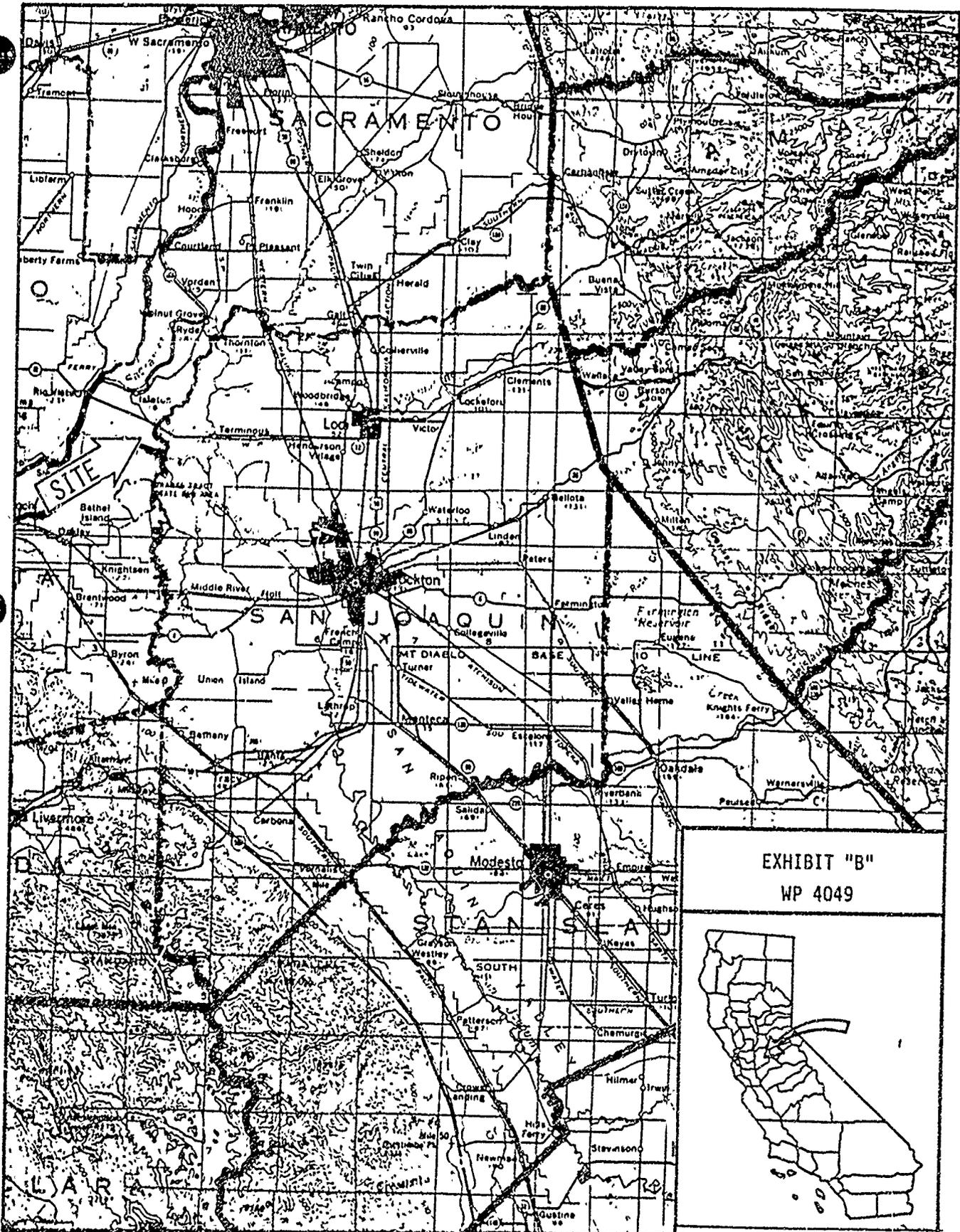


EXHIBIT "B"
WP 4049



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