MINUTE ITEM
This Calendar Item No. 58
was approved as Minute Item
No. 58 by the State Lands
Commission by a vote of 3
to 0 at its 6/11/90
meeting.

CALENDAR ITEM

58

A 3

S 1

06/11/90
PRC 4897
J. Ludlow
Hadly

AUTHORIZATION FOR LITIGATION FOR EJECTMENT AND DAMAGES FOR UNAUTHORIZED OCCUPATION OF STATE-OWNED LAND AND RECOVERY OF BACK RENTAL INCLUDING PENALTY AND INTEREST

LESSEE: Jerry and Margarette Meline
P. O. Box 361
Knights Landing, California 95645

AREA, TYPE LAND AND LOCATION:
A 0.161-acre parcel of submerged land in the Sacramento River near Knights Landing, Sutter County.

LAND USE: Commercial floating wharf and boat launch.

TERMS OF LEASE:

Initial period: Ten years beginning January 24, 1980.

Surety bond: $1,000.

Public liability insurance: $200,000 per occurrence for bodily injury and $50,000 for property damage or combined single limit coverage of $200,000.

CONSIDERATION: $250 per annum.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

BACKGROUND:
On January 26, 1981, Minute Item 10, the State Lands Commission approved the assignment of lease PRC 4897 for the operation and maintenance of a commercial marina at Knights Landing to Jerry and Margarette Meline. The assignment became effective on June 23, 1980.

Starting in April 1981, letters were sent to Mr. or Mrs. Meline requesting annual rental payments and evidence of compliance with insurance or bond requirements. Staff received a notice of cancellation of liability insurance effective June 12, 1981. The insurance has never been replaced or renewed.

During the lease period, the Lessee has breached the lease contract by:

1. Failure to supply the required insurance since June 12, 1981.

2. Failure to pay the annual rental for the remaining five years of the lease term. Rental has not been received on this lease since 1984. Lessee owes $1,250, $250 for each year since January 24, 1985, plus penalty and interest.

3. Failure to remove all structures from the lease premises within 90 days of the lease expiration date. Lease expired on January 23, 1990.

CURRENT STATUS:
The Commission staff has diligently attempted to contact Mr. Meline for the purpose of bringing this lease into conformance, but has been unsuccessful to date.

Mr. Meline was contacted by letters dated July 29, 1987, January 13, 1988, January 27, 1988, December 7, 1989, December 22, 1989, and May 8, 1990. Staff also called Mr. Meline on the telephone on November 12, 1987. He was not available and did not return the call as requested.

Mr. Meline has been advised that this lease expired on January 23, 1990. On December 22, 1989, a final letter was sent requesting his cooperation in this matter. To date, there has been no response.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

   Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

EXHIBITS:

A. Land Description.
B. Location Map.
C. Minute Item 10.
D. Letters.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

2. AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE CONTINUED UNAUTHORIZED OCCUPATION OF STATE-OWNED LAND IN THE BED OF THE SACRAMENTO RIVER.

3. AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO COLLECT ALL BACK RENTAL DUE THE STATE, INCLUDING PENALTY AND INTEREST.

4. AUTHORIZE STAFF TO FORECLOSE THE $1,000 BOND HELD IN THE FORM OF A CERTIFICATE OF DEPOSIT FOR THE REMOVAL OF PRESENTLY UNAUTHORIZED STRUCTURES ON THE STATE LAND AT THE LEASE SITE AND AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO PURSUE THE COLLECTION OF ANY FUNDS, IN ADDITION TO THE ABOVE $1,000, WHICH MAY BE NECESSARY TO REMOVE SUCH STRUCTURES DESCRIBED HEREIN.

## EXHIBIT "A"

PRC 4897

## LAND DESCRIPTION

A parcel of submerged land in the State Owned bed of the Sacramento River, at Knight's Landing, Sutter County, California, adjacent to and waterward of that land acquired by the California Division of Highways March 1, 193[illegible], by grant deed from Sutter Basin Corporation Ltd., recorded July 12, 1935, in Book 74 at page 52, Official Records of Sutter County and being bounded as follows:

1. On the north by the ordinary low water mark of the left bank of the Sacramento River.

2. On the east by a line parallel with and 130 feet westerly from the centerline of State Highway 113, said highway centerline bears N 10° 32' 00" W and passes through an iron pin which bears S 77° 24' 51" W 5,749.28 feet from the south quarter corner of Section 12, T11N, R2E, MDM.

3. On the west by a line parallel with and 270 feet westerly from said centerline of State Highway 113.

4. On the south by a line parallel with and 10 feet southerly from the southerly edge of an existing floating wharf.

## END OF DESCRIPTION

REVIEWED APRIL 11, 1989 BY SAS.

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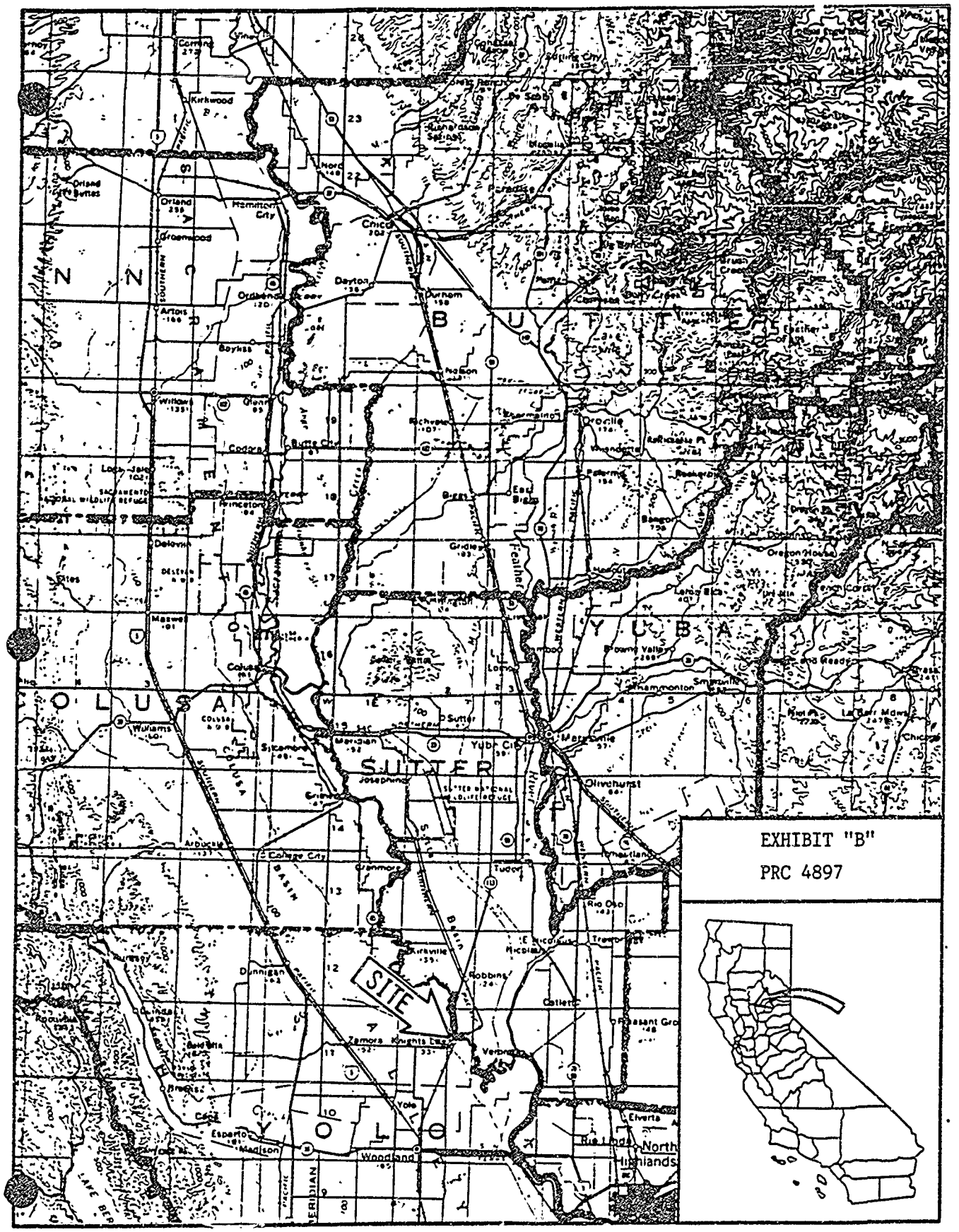


EXHIBIT "B"

PRC 4897



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MINUTE PAGE 1527

EXHIBIT "C"

MIN ITE ITEM
This Calendar Item No. C10 was approved as Minute Item No. 11 by the State Lands Commission by a vote of 3 to 0 at its 1-21-81 meeting.

CALENDAR ITEM

C10

1/81
WP 4897
Grimmett

ASSIGNMENT OF GENERAL LEASE - COMMERCIAL USE

ASSIGNOR: Paul A. and Jean Meeks
dba Knights Landing Lone Pine
Boat and Launch Club
P. O. Box 27
Knights Landing, California 95645

ASSIGNEE: Jerry and Margarette Meline
Route 2, Box 245-A
Woodland, California 95695

AREA, TYPE LAND AND LOCATION:
0.161-acre parcel of submerged land in the Sacramento River near Knights Landing, Sutter County.

LAND USE: Maintenance of an existing floating wharf and boat launch.

TERMS OF CURRENT LEASE:
Initial period: 10 years from January 24, 1980.

Surety bond: $1,000.

Public liability insurance: $200,000 per occurrence for bodily injury and $50,000 for property damage, or combined single limit coverage of $200,000.

Consideration: $225, 5-year rent review.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:
Assignee is lessee of upland.

Filing fee and processing costs ~~have been~~ received.

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MINUTE PAGE 1521

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CALENDAR PAGE 047
MINUTE PAGE 054

CALENDAR ITEM NO. C10 (CONTD)

STATUTORY AND OTHER REFERENCES:

A. P.R.C: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. Paul A. and Jean Meeks, dba Knights Landing Lone Pine Boat and Launch Club, have sold their interests in lease PRC 4897.1, issued January 24, 1980, to Jerry and Margarette Meline effective June 23, 1980. The lease being assigned meets current State Lands Commission leasing standards. The new owners also have a lease from Caltrans for the upland.

2. This activity is exempt from CEQA because it does not constitute a project.

   Authority: PRC 21065, 14 Cal. Adm. Code 15037 and 15060, and 2 Cal. Adm. Code 2903(d).

3. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

   Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21065, 14 CAL. ADM. CODE 15037 AND 15060 AND 2 CAL. ADM. CODE 2903(d).



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MINUTE PAGE 055

CALENDAR ITEM NO. C 10 (CONTD)

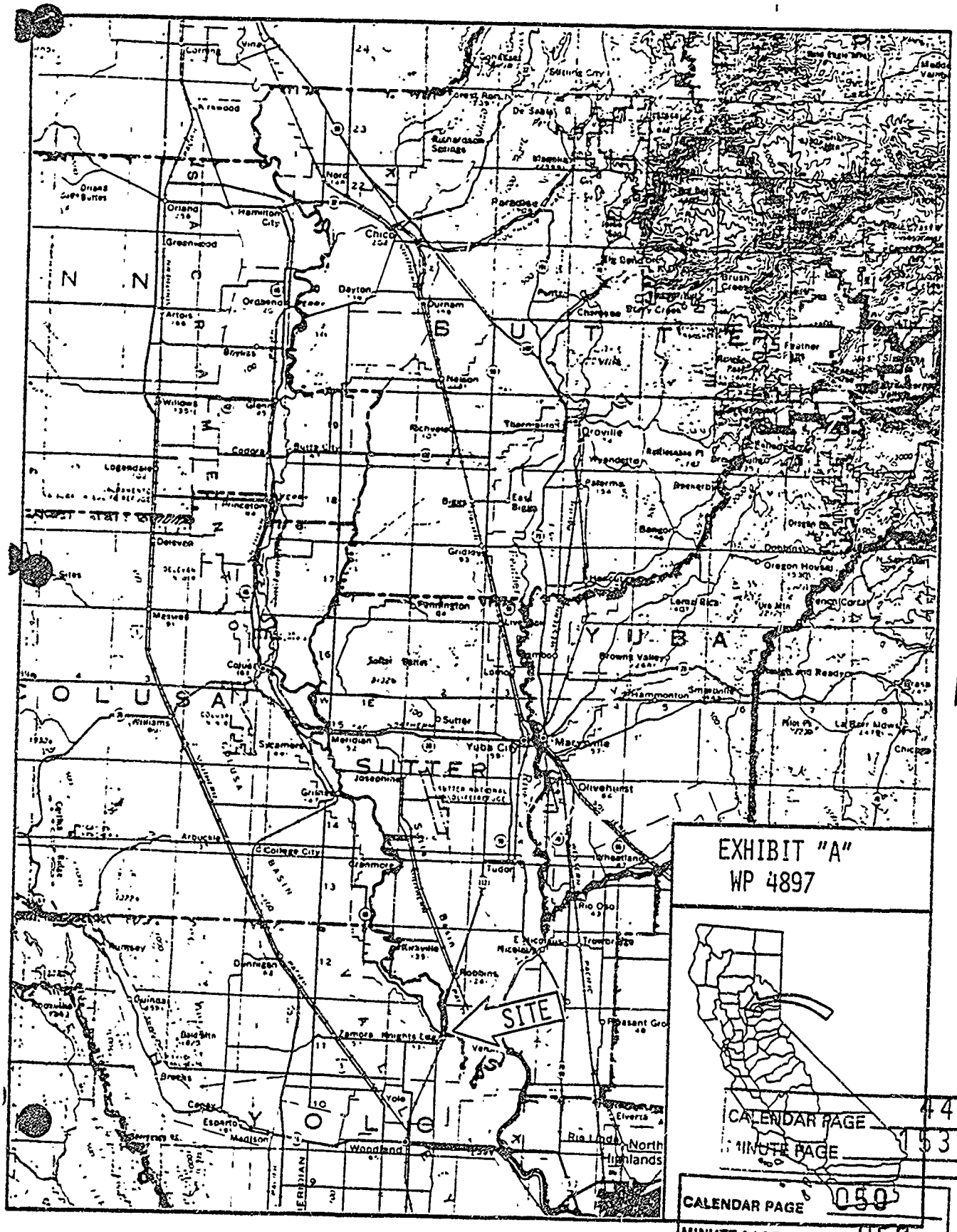
2. FIND THAT THE APPROVAL OF THE ASSIGNMENT OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.

3. AUTHORIZE APPROVAL OF THE ASSIGNMENT, EFFECTIVE JUNE 23, 1980, OF LEASE PRC 4897 FROM PAUL A. AND JEAN MEEKS TO JERRY AND MARGARETTE MELINE. ALL TERMS AND CONDITIONS OF THE LEASE REMAIN UNCHANGED.



CALENDAR PAGE 44
MINUTE PAGE 1530

CALENDAR PAGE 049
MINUTE PAGE 056


BUTTE
YUBA
SUTTER
COLUSA
YOLO
GLENN
SITE
EXHIBIT "A"
WP 4897
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STATE OF CALIFORNIA — GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

EXHIBIT "D"
Page 1 of 5

July 29, 1987

File Ref: PRC 4897.1

Mr. Jerry Meline
P.O. Box 361
Knights Landing, California 95645

Dear Mr. Meline:

SUBJECT: Non Compliance With Terms and Conditions of Lease PRC 4897.1, Sutter County

Our Accounting Unit has informed me that your annual rental of $250 has not been paid for the following periods:

January 24, 1985, through January 23, 1986 . . . $250

January 24, 1986, through January 23, 1987 . . . $250

January 24, 1987, through January 23, 1988 . . . $250

Minimum amount due . . . . $750

In accordance with Section 6224 of the Public Resources Code, late rental payments are subject to penalty and interest charges. You will receive a separate billing for these charges after the rental has been received.

In order to keep your lease in good standing, the rental now due the State should be received by this office at the earliest possible date.

If you have any questions, please feel free to call Barbara Dugal in our Accounting Department at (916) 322-7832.

Very truly yours,

JUDY LUDLOW
Land Agent

cc: B. Dugal
R. Lynch

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CALENDAR PAGE 443
MINUTE PAGE 1532

STATE OF CALIFORNIA — GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

Exhibit "D"
Page 2 of 5

January 13, 1988

File Ref: PRC 4897.1

Mr. Jerry Meline
P.O. Box 361
Knights Landing, California 95645

Dear Mr. Meline:

SUBJECT: Non Compliance With Terms and Conditions of Lease PRC 4897.1, Sutter County

This letter is sent to again remind you that your annual rental of $250 has not been paid for the last three years (see attached letter dated July 29, 1987). In addition, there is no evidence of the structures, occupying the State's land, being insured.

Please contact me at (916) 445-7134 within the next five days so we can discuss this matter.

Very truly yours,

JUDY LUDLOW
Land Agent

Attachment:

cc: Barbara Dugal
Accounting

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CALENDAR PAGE 444
MINUTE PAGE 1533

STATE OF CALIFORNIA — GEORGE DEUKMEJIAN, Governor

STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

Exhibit "D"
Page 3 of 5

January 27, 1988

File Ref: PRC 4897.1

Mr. Jerry Meline
P.O. Box 361
Knights Landing, California 95645

Dear Mr. Meline:

Subject: Non-Compliance With Terms and Conditions of Lease PRC 4897.1, Sutter County

This letter is to follow up on the letter sent to you on January 13, 1988, requesting that you contact me to discuss rental due the State for your wharf and launching ramp in the Sacramento River.

Please understand that without any contact from you, the State must take the position that you are in breach of your lease and will require that your structures, which occupy the State land, be removed.

Please contact me at (916) 445-7134, as soon as possible so that this matter can be resolved.

Very truly yours,

JUDY LUDLOW
Land Agent
(916) 445-7134

cc: Barbara Dugal, Accounting
Lisa Beutler - Enforcement

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CALENDAR PAGE 445
MINUTE PAGE 1534

STATE OF CALIFORNIA — GEORGE DEUKMEJIAN, Governor
STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

Exhibit "D"
Page 4 of 5

December 7, 1989

File Ref: PRC 4897.1

Mr. Jerry Meline
P. O. Box 361
Knights Landing, California 95645

Dear Mr. Meline:

Subject: Expiration of State Lease PRC 4897.1

On January 23, 1990, your lease with this Commission for your commercial marina on the Sacramento River at Knights Landing will expire.

Due to the fact that you have not paid rental to the State since January 1985, the State will not recommend that this lease be renewed. We will, however, recommend that the dock be removed from the State's land as quickly as possible.

If you wish to continue your operation, which includes the dock on State-owned land, all of the back rent must be received by this office within ten (10) days.

The rental amounts due are as follows:

| | |
|---|---|
| January 24, 1985 thru January 23, 1986 | $ 250 |
| January 24, 1986 thru January 23, 1987 | 250 |
| January 24, 1987 thru January 23 1988 | 250 |
| January 24, 1988 thru January 23, 1989 | 250 |
| Minimum amount due: | $1,000 |

In accordance with Section 6224 of the Public Resources Code, late rental payments are subject to penalty and interest charges. You will receive a separate billing for these charges after the rental has been received.

I wish to emphasize the fact, that if I do not hear from you within ten days of this letter, I will proceed with the authorization for ejectment.

If you have any questions, please feel free to call Debbie Pilas-Treadway in our Accounting Department at (916) 322-7832.

Very truly yours,

JUDY LUDLOW
Land Agent

cc: D. Pilas-Treadway
R. Lynch

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CALENDAR PAGE 446
MINUTE PAGE 1535

STATE OF CALIFORNIA
STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

GEORGE DEUKMEJIAN, Governor

Exhibit "D"
Page 5 of 5

December 22, 1989

File Ref: PRC 4897

Mr. Jerry Meline
P. O. Box 361
Knights Landing, California 95645

Dear Mr. Meline:

Subject: Non-compliance With State Lease No. 4897 for Commercial Dock in the Sacramento River at Knights Landing, Sutter County

Land Agent, Judy Ludlow, of the State Lands Commission staff has, on a number of occasions, contacted you concerning the delinquent rent on the above-referenced lease for the above-described facilities occupying State-owned land in the Sacramento River. Her efforts to date have apparently not been successful, and she has referred the matter to the Commission's Legal Section for enforcement.

I regret to inform you that, if your cooperation on this matter is not forthcoming, Commission staff will have no choice but to request litigation authority from the Commission and to commence a legal action to secure your compliance.

It is our sincere hope that such action can still be avoided. you may contact either Judy Ludlow (916) 445-7134, or myself (916) 322-2277, to resolve this matter.

Sincerely,

DAVID M. HADLY
Staff Counsel

cc: Judy Ludlow
Bob Lynch

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CALENDAR PAGE 447
MINUTE PAGE 1536