MINUTE ITEM
This Calendar Item No. C26
was approved as Minute Item
No. C26 by the State Lands
Commission by a vote of 3
to 0 at its 8-22-90
meeting.

CALENDAR ITEM

C 26

A 74

S 37, 31

08/22/90
WP 5265
Reese

ASSIGNMENT OF GENERAL LEASE - AGRICULTURAL USE

APPLICANT: Steven L. White, Robert Witt, Sam Perricone, Thomas Kimmel
1601 East Olympic Boulevard
Los Angeles, California 90021

ASSIGNEE: BSTCO, a partnership
1601 East Olympic Boulevard
Los Angeles, California 90021

AREA, TYPE LAND AND LOCATION:
A 38.7-acre parcel of State school land near Fallbrook, San Diego County.

LAND USE: Avocado production.

TERMS OF EXISTING LEASE:

Initial period: Twenty-five (25) years beginning April 1, 1977.

Renewal options: One successive period of ten (10) years.

Public liability insurance: $300,000 per occurrence for bodily injury and $50,000 for property damage.

Consideration: $11,400 per annum, or percentage of gross revenue, based on market price per pound and total production, whichever is greater; five-year rent review.

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

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:
Processing costs have been received.

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.

2. The subject lease was approved on March 31, 1977 to Steven L. White, for a period of 25 years for avocado production. The lease was subsequently assigned to Steven L. White, Robert Witt, Sam Perricone, and Thomas Kimmel on November 29, 1984. Currently, the lessees have reorganized and request the lease be assigned to BSTCO, a partnership.

3. Lease rental is current through March 31, 1991.

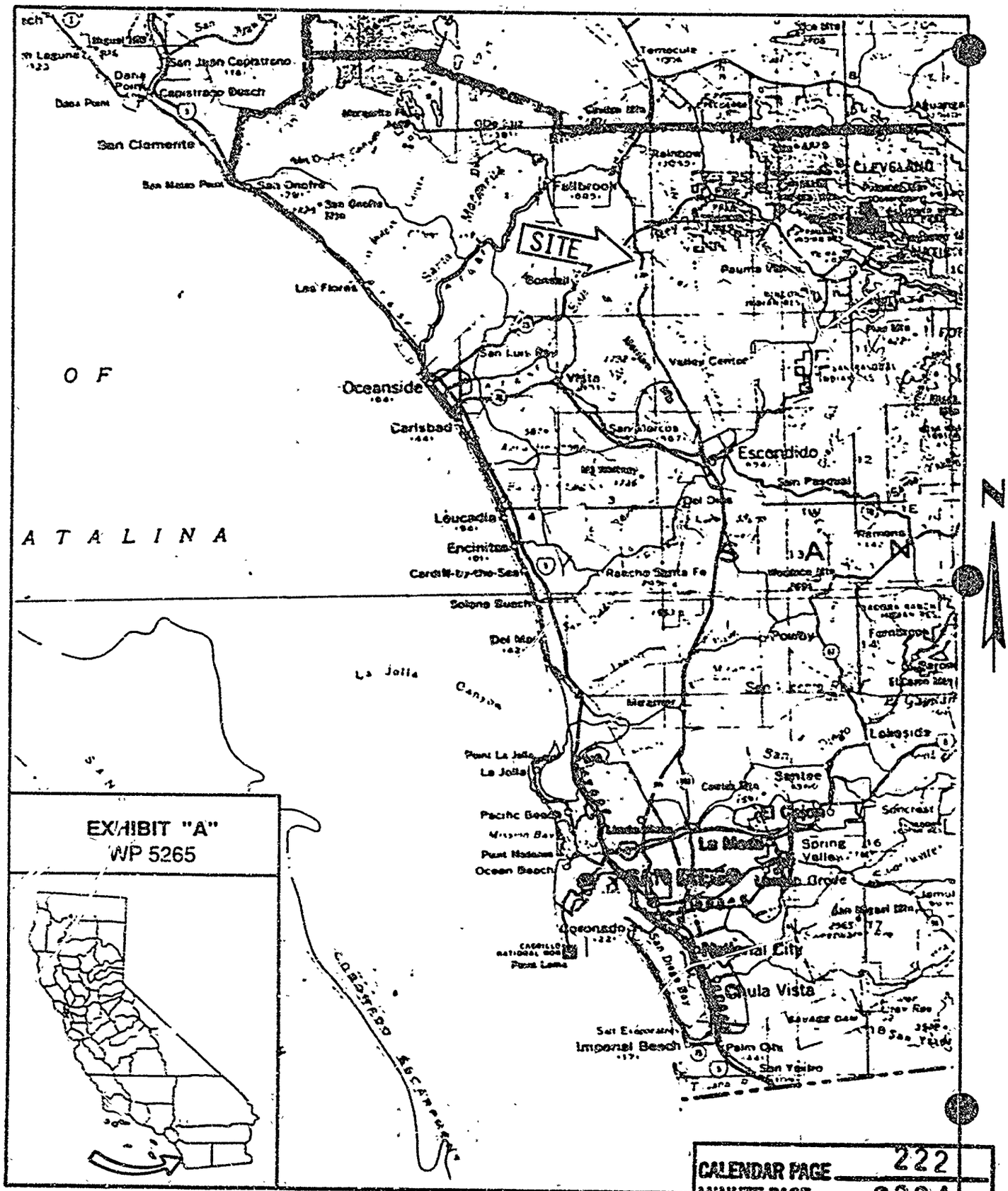
EXHIBIT: A. Location Map.

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. APPROVE THE ASSIGNMENT OF A GENERAL LEASE - AGRICULTURAL USE (WP 5265) FROM STEVEN L. WHITE, ROBERT WITT, SAM PERRICONE, AND THOMAS E. KIMMEL TO BSTCO, A PARTNERSHIP, EFFECTIVE JANUARY 1, 1988.

3. ALL OTHER TERMS AND CONDITIONS OF THE LEASE SHALL REMAIN UNCHANGED ON THE LAND SHOWN IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.



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