MINUTE ITEM
This Calendar Item No. C35 was approved as Minute Item No. 35 by the California State Lands Commission by a vote of 3 to 0 at its 2-21-03 meeting.

CALENDAR ITEM
C35

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02/21/03
PRC 5226.1
N. Quesada

LEASE ASSIGNMENT AND CONTINUATION OF RENT

1) LEASE ASSIGNMENT

LESSEE/ASSIGNOR:
The Maben Family Trust, dated August 5, 1999, dba Tunnel Trailer Park

ASSIGNEE:
Frances R. Maben, Trustee of the M. Earl and Frances R. Maben Marital Trust, under Declaration of Trust dated August 5, 1999, dba Tunnel Trailer Park

AREA, LAND TYPE, AND LOCATION:
0.18 acres, more or less, of sovereign lands in the Sacramento River, near the town of Ryde, Sacramento County.

AUTHORIZED USE:
Continued use and maintenance of a floating boat dock, a ramp, and a fixed walkway.

LEASE TERM:
15 years, beginning December 1, 1997.

CONSIDERATION:
$422 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

OTHER PERTINENT INFORMATION:

1. On February 27, 1998, the Commission approved General Lease – Commercial Use, PRC 5226.1 to Earl Maben, dba Tunnel Trailer Park for a period of 15 years commencing on December 1, 1997, was transferred to The Maben Family Trust, dated August 5, 1999, dba Tunnel Trailer Park, without consent of the Lessor as required by the Lease. On April 12, 2000, Mr. Earl Maben passed away, and on September 5, 2002, the subject property was transferred from the Maben Family Trust to the M. Earl and Frances R. Maben Marital Trust.

2. The floating boat dock is used as an accommodation dock for recreational use for the tenants of the trailer park.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

   Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060(c)(3) and 15378.

2) CONTINUATION OF RENT

LESSEE:

Frances R. Maben, Trustee of the M. Earl and Frances R. Maben Marital Trust, under the Declaration of the Trust dated August 5, 1999.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be continued at $422 per year, effective December 1, 2002.

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

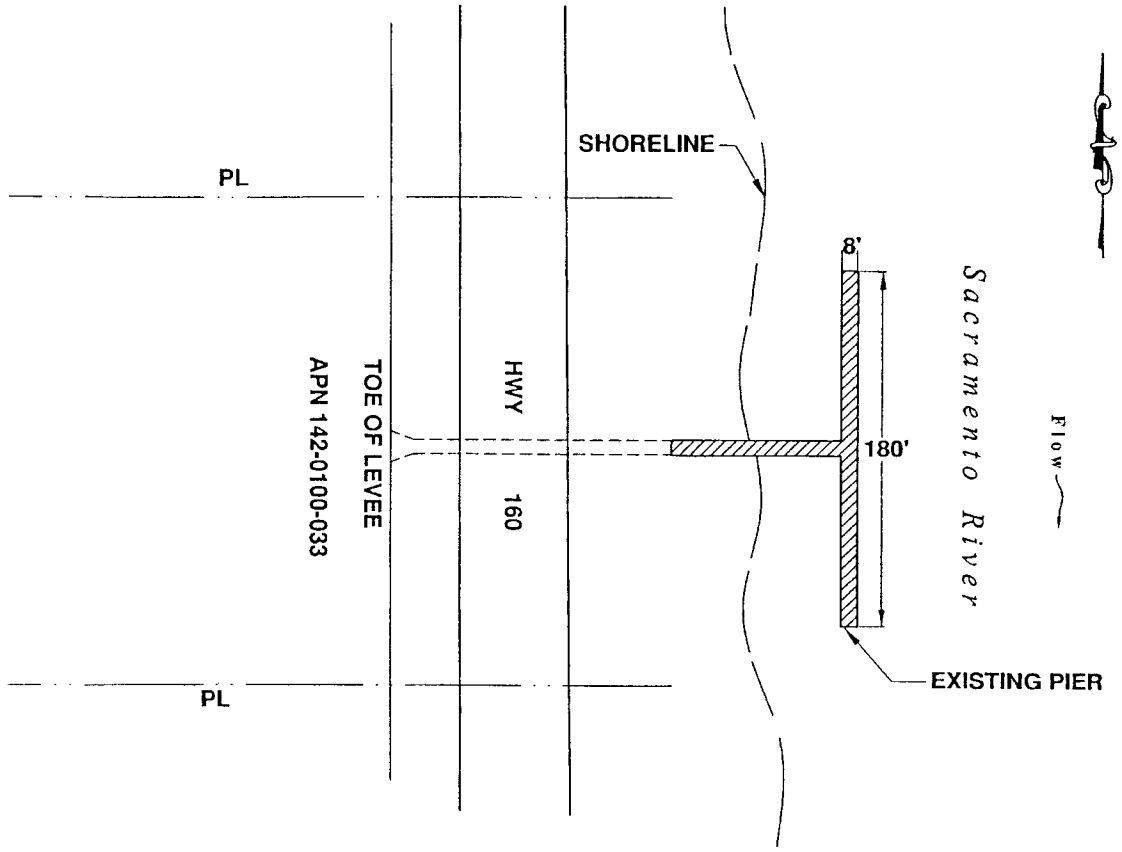
1. RATIFY THE ASSIGNMENT OF LEASE PRC 5226.1, A GENERAL LEASE – COMMERCIAL USE FROM M. EARL MABEN, DBA TUNNEL TRAILER PARK, TO THE MABEN FAMILY TRUST, DATED AUGUST 5, 1999, DBA TUNNEL TRAILER PARK.

2. AUTHORIZE THE ASSIGNMENT OF LEASE NO. PRC 5226.1, A GENERAL LEASE – COMMERCIAL USE, OF SOVEREIGN LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, FROM THE MABEN FAMILY TRUST, DATED AUGUST 5, 1999, DBA TUNNEL TRAILER PARK TO FRANCES R. MABEN, TRUSTEE OF THE M. EARL AND FRANCES R. MABEN MARITAL TRUST, UNDER DECLARATION OF TRUST DATED AUGUST 5, 1999, DBA TUNNEL TRAILER PARK; EFFECTIVE DECEMBER 1, 2002.

3. APPROVE THE CONTINUATION OF RENT FOR LEASE PRC 5226.1 AT $422 PER YEAR, EFFECTIVE DECEMBER 1, 2002.

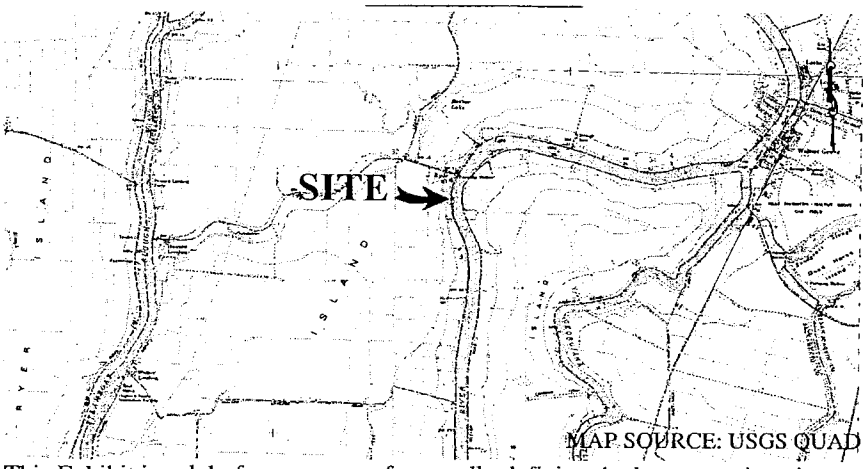
NO SCALE

SITE



NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

PRC 5226.1
Maben Family Trust
APN 142-0100-033
Grand Island
SACRAMENTO CO.

MJ 12/02