MINUTE ITEM

This Calendar Item No. C13 was approved as Minute Item No. 13 by the California State Lands Commission by a vote of 3 to 0 at its 2-17-05 meeting.

CALENDAR ITEM
C13

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02/17/05
PRC 7248.1
L. Burks

CONSIDER ACCEPTANCE OF A QUITCLAIM DEED AND TERMINATION OF GENERAL LEASE – RECREATIONAL USE NO. PRC 7248.1 AND CONSIDER RESCINDING AUTHORIZATION FOR A NEW GENERAL LEASE – RECREATIONAL USE

LESSEE:
Margaret G. Pelham

AREA, LAND TYPE, AND LOCATION:
0.06 acres, more or less, of submerged lands in the Sacramento River, near Los Molinos, Tehama County.

AUTHORIZED USE:
Continued use and maintenance of an existing 8 foot by 80 foot accommodation dock with walkway.

LEASE TERM:
Ten years, beginning June 1, 1998.

CONSIDERATION:
$300 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:
Liability Insurance: Combined single limit coverage of no less than $1,000,000.

Bond: $1,000.

OTHER PERTINENT INFORMATION:

1. On June 19, 1998, the Commission authorized issuance to Margaret G. Pelham, a ten-year General Lease – Recreational Use, effective June 1, 1998, for continued use and maintenance of an accommodation dock and walkway located in the Sacramento River, near Los Molinos, Tehama County. That lease will expire May 31, 2008. In 1997, the

existing dock was destroyed due to high water flows. In May 1998 the dock was replaced, in kind.

2. On October 30, 2002, the property was conveyed to River Rest Resort & RV Park, LLC, as Trustors, in which Margaret G. Pelham was named as Beneficiary and Fidelity Title Company, a California Corporation, was named as Trustee, and for which Dennis D. Albright, Attorney at Law, was substituted as Trustee in place of Fidelity Title Insurance Company, by Substitution of Trustee by Beneficiary dated March 31, 2003. On June 2, 2003, the Commission authorized a new General Lease – Recreational Use to River Rest Resort & RV Park, LLC.

3. A default has occurred in the obligations of said Deed of Trust and all assets have been distributed to the Beneficiary. By letter dated January 5, 2005, all improvements within the waterway have been removed and the Beneficiary no longer wishes to use the Lease Premises.

4. As to termination of General Lease – Recreational Use No. PRC 7248.1, and as to rescinding authorization of a new General Lease – Recreational Use, 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.

EXHIBIT:

A. Site Plan and Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

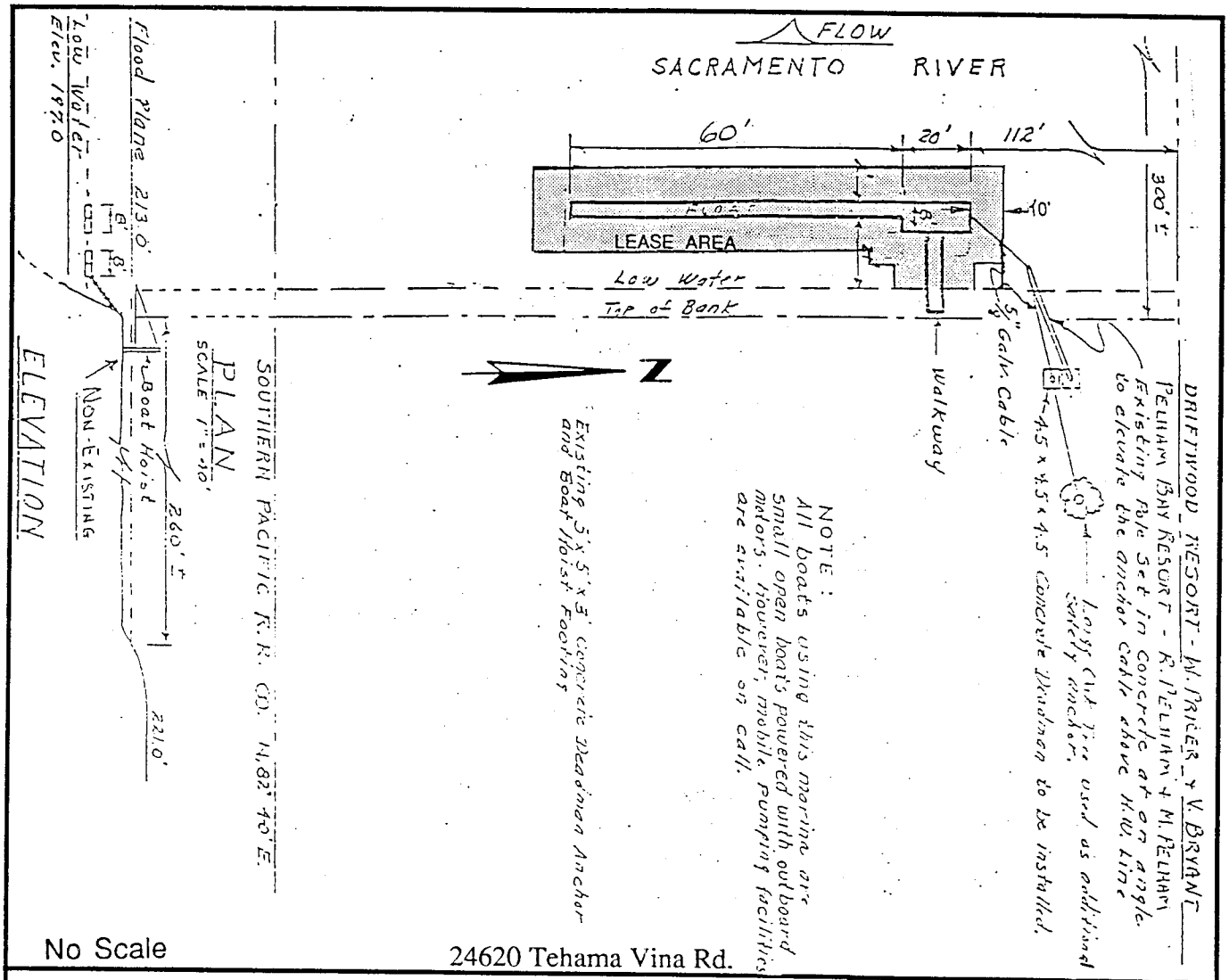
AS TO TERMINATION OF GENERAL LEASE – RECREATIONAL USE NO. PRC 7248.1, AND AS TO RESCINDING AUTHORIZATION OF A

NEW GENERAL LEASE – RECREATIONAL USE, FIND THAT THE ACTIVITY IS EXEMPT FROM 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.

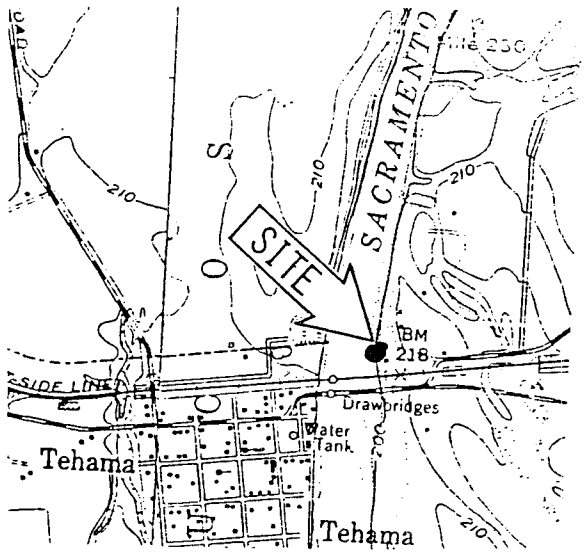
AUTHORIZATION:

1. AUTHORIZE ACCEPTANCE OF A QUITCLAIM DEED AND TERMINATION OF GENERAL LEASE – RECREATIONAL USE LEASE NO. PRC 7248.1, EFFECTIVE FEBRUARY 1, 2005, FOR THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

2. RESCIND AUTHORIZATION FOR A NEW GENERAL LEASE – RECREATIONAL USE, EFFECTIVE FEBRUARY 1, 2005, FOR AN EXISTING ACCOMMODATION DOCK AND WALKWAY.



LOCATION MAP



NO SCALE

EXHIBIT "A"

PRC 7248.1

APN 66 - 140 - 07

Sacramento River

TEHAMA COUNTY

This Exhibit is solely for purposes of generally defining the lease premises, 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.