

12. TERMINATION OF LEASE P.R.C. 2214.1, SOVEREIGN LAND, SACRAMENTO RIVER, COLUSA COUNTY; MAURICE D. AND HELEN E. SCHOTT AND MR. AND MRS. H. F. MOORE - W.O. 5385.

After consideration of Calendar Item 4 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION RESCINDS ITS RESOLUTION OF OCTOBER 27, 1966 (MINUTE ITEM 45, PAGE 13,295), AND THE COMMISSION DECLARES LEASE P.R.C. 2214.1, TO MAURICE D. AND HELEN E. SCHOTT, TERMINATED AS OF AUGUST 3, 1966, ON THE GROUND OF BREACH OF LEASE AND ABANDONMENT AND SURRENDER OF THE PREMISES BY THE LESSEE.

Attachment

Calendar Item 4 (2 pages)

CALENDAR ITEM

9/68  
W.O. 5385

4.

TERMINATION OF LEASE P.R.C. 2214.1

LESSEES: Maurice D. and Helen E. Schott and Mr. and Mrs. H. F. Moore  
LOCATION: 1.66 acres of sovereign land in Sacramento River in a rural area near Colusa, Colusa County  
PRESENT USE: Occupied by new lessees, Ralph and Lydia Moffitt, who operate a boating facility

TERMS OF LEASE TO BE TERMINATED:

Initial period: 10 years, from August 4, 1958  
Renewal option: 1 additional period of 10 years  
Surety bond: \$1,000

CONSIDERATION: \$100 per annum

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Pt. 2, Ch. 1, Secs. 6501-6509
- b. Administrative Code: Title 2, Div. 3, Secs. 2000-2011
- c. Commission policy: Minute Item 18 of November 18, 1959

OTHER PERTINENT INFORMATION:

1. The Commission, by Resolution of October 27, 1966 (Minute Item 45, p. 13,295), authorized the Executive Officer to terminate this lease, but an effective date was omitted inadvertently.
2. Rent was not paid for the period August 3, 1965, to August 2, 1966, as required by paragraphs 2 and 3 of the lease.
3. The surety bond required to be maintained during the lease was cancelled August 4, 1968, without renewal.
4. The Schotts leased to the Moores in 1964 (later terminated) and to the Moffitts on or about August 3, 1966, without prior authorization of the State Lands Commission, as required by paragraph 6 of the lease.
5. The Schotts vacated the premises on or before August 3, 1966.
6. The State Lands Commission, by Minute Item 45, October 27, 1966, authorized termination of the Schott lease as follows:

"THE EXECUTIVE OFFICER IS AUTHORIZED TO TERMINATE LEASE P.R.C. 2214.1, COVERING SUBMERGED LANDS IN THE SACRAMENTO RIVER IN THE COUNTY OF COLUSA, AND THAT THE ATTORNEY GENERAL

CALENDAR ITEM 4. (CONTD.)

BE AUTHORIZED TO TAKE SUCH LEGAL ACTION AGAINST MAURICE D. SCHOTT AND HELEN E. SCHOTT, AND MR. AND MRS. H. F. MOORE, AND ANY OTHER PARTIES AN INTEREST AS IS APPROPRIATE TO SECURE PAYMENT OF THE BALANCE DUE TO THE STATE, AND TO REMOVE ALL PARTIES FROM THE STATE-OWNED LANDS."

7. Subsequent to the Commission action of October 27, 1966, the prepaid last year's rental, initially paid by the Schotts, was applied to the period of default, August 3, 1965, to August 2, 1966, pursuant to paragraph 2 of the lease.
8. The leased premises have been occupied by the Moffitts since on or about August 3, 1966.
9. On April 25, 1968, the State Lands Commission authorized a new lease to the Moffitts, commencing August 3, 1966 (P.R.C. 3933.1).
10. In consideration of rent paid through August 3, 1966, through application of the prepaid rent, termination of the lease effective August 3, 1966, and vacation of the premises on or before that date, no action is required to be taken against the Schotts by the Attorney General.
11. Rental for the period subsequent to August 3, 1966, is provided for by the new Moffitt lease, and the State will therefore lose no rental.

IT IS RECOMMENDED THAT THE COMMISSION RESCIND ITS RESOLUTION OF OCTOBER 27, 1966 (MINUTE ITEM 45, PAGE 13,295), AND THAT THE COMMISSION DECLARE LEASE P.R.C. 2214.1, TO MAURICE D. AND HELEN E. SCHOTT, TERMINATED AS OF AUGUST 3, 1966, ON THE GROUND OF BREACH OF LEASE AND ABANDONMENT AND SURRENDER OF THE PREMISES BY THE LESSEE.