

MINUTE ITEM

This Calendar Item No. C15
was approved as Minute Item
No. 15 by the State Lands
Commission by a vote of 3
to 0 at its 5/26/77
meeting.

CALENDAR ITEM

5/77
SA 4780
AMB

C15.

ACCEPTANCE OF QUITCLAIM DEED AND
AUTHORIZATION TO EXECUTE AND DELIVER A QUITCLAIM DEED
CONTAINING TEN ACRES IN SISKIYOU COUNTY

The State Lands Commission at its meeting of December 20, 1973, considered Supplemental Calendar Item 30, a compromise regarding purchase application No. SA 4780 of Rodney Gregg, Siskiyou County, and upon motion duly made and carried, adopted the following resolution:

"The State Lands Commission authorizes its Executive Officer and the Attorney General to:

1. Enter into a stipulation for entry of judgment with Mr. Rodney Gregg whereby the Commission will be required to sell (fractional) Section 16, T45N, R7W, MDM, to Mr. Gregg at a net purchase price of \$31,042, subject to reservations required by the constitution and applicable statutes, and Mr. Gregg will lease back to the State at no rental the surface rights to the southeast quarter of the northwest quarter of the southwest quarter of said section, together with a non-exclusive easement of ingress and egress to said leased property, the term of said lease to be measured by the lives of Mr. and Mrs. Ralph J. Rustenbach with the State to cancel said lease in the event it is unable to put the Rustenbach's under lease for said parcel or such a sublease is subsequently cancelled by the state..."
(Minute Item 32, December 20, 1973)

Pursuant to the Judgment entered January 8, 1974, in action No. 669-617, Superior Court of the State of California, in and for the City and County of San Francisco, all of fractional Section 16, T45N, R7W, MDM was patented to Rodney Gregg (Patent 20626, dated March 12, 1974.)

In accordance with the aforesaid Judgment, a Lease Agreement was entered into on March 28, 1974 by and between Rodney Gregg, lessor, and the State of California, acting by and through the State Lands Commission, lessee. Said lease embraced lands located in Siskiyou County, State of California, described as follows:

The surface rights to the SE 1/4, NW 1/4, SW 1/4 of Section 16, T45N, R7W, MDM, upon which the cabin occupied by Mr. and Mrs. Ralph J. Rustenbach is situated.

A proposed lease document embracing the above-described 10-acre parcel was sent to Mr. and Mrs. Ralph J. Rustenbach, Yreka, California, on March 10, 1977. In response, on March 15, 1977,

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CALENDAR ITEM NO. C15. (CONTD)

the Rustenbach's advised the Division they did not desire to lease from the State, they were not living in the cabin and would vacate the premises on April 30, 1977.

Division staff obtained a quitclaim deed, executed on May 5, 1977, by the Rustenbach's to the surface rights of the subject 10-acre parcel and the remaining improvements located thereupon. The quitclaim deed submitted for acceptance is on file with the office of the State Lands Division and by reference made a part hereof.

In compliance with the provisions of the Lease Agreement entered into on March 28, 1974, by and between Rodney Gregg, lessor, and the State of California, acting by and through the State Lands Commission lessee, it is now in order to cancel said lease, execute and deliver to Rodney Gregg a good and sufficient quitclaim deed conveying the surface rights to the land described in the subject lease.

A copy of the prepared Lease Quitclaim Deed is on file in the office of the State Lands Division and by reference made a part hereof.

The premises to be demised have been used and occupied by the Rustenbach's over the years as a place of residence.

OTHER PERTINENT INFORMATION:

This activity is not subject to the environmental impact report requirements of CEQA in that it is not a project. Authority: PRC 21065, 14 Cal. Adm. Code 15037.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21065, 14 CAL. ADM. CODE 15037.
2. AUTHORIZE THE ACCEPTANCE OF A QUITCLAIM DEED FROM MR. AND MRS. RALPH J. RUSTENBACH FOR THE SURFACE RIGHTS TO THE SE 1/4, NW 1/4, SW 1/4 OF SECTION 16, T45N, R7W, MDM, SISKIYOU COUNTY AND THE REMAINING IMPROVEMENTS LOCATED THEREUPON.
3. AUTHORIZE THE CANCELLATION OF THE LEASE AGREEMENT ENTERED INTO ON MARCH 28, 1974 BY AND BETWEEN RODNEY GREGG, LESSOR, AND THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, LESSEE.
4. AUTHORIZE THE DIVISION TO EXECUTE AND DELIVER TO RODNEY GREGG, A LEASE QUITCLAIM DEED CONVEYING THE SURFACE RIGHTS TO THE SE 1/4, NW 1/4, SW 1/4 OF SECTION 16, T45N, R7W, MDM, SISKIYOU COUNTY.