

MINUTE ITEM
This Calendar Item No. 20
was approved as Minute Item
No. 20 by the State Lands
Commission by a vote of 2
to 0 at its 11/30/77 CALENDAR ITEM
meeting.

11/77
W 20218
Reese

20.

AUTHORIZATION TO TERMINATE
LEASE PRC 4790.1

LESSEE: Michael and Margaret Swendra, and
Hugh and Alice Melville,
dba Happy Hollow Fishing Resort
Route 1, Box 144
Glenn, California 95943

AREA, TYPE LAND AND LOCATION:
An 0.22 acre parcel of submerged land in
the Sacramento River, near Glenn, Glenn
County.

LAND USE: Commercial Marina.

TERMS OF ORIGINAL LEASE:
Initial period: 15 years from January 1,
1973.

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

Consideration: \$ 150 per annum with
the State reserving the
right to fix a different
rental on each fifth
anniversary of the lease.

BASIS FOR CONSIDERATION:
\$150 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:
Lessee was owner of upland.

Filing fee had been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

A 1

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OTHER PERTINENT INFORMATION:

1. This transaction is exempt from CEQA because it is not a project.

Authority: PRC 21065, 14 Cal. Adm. Code 15037 and 2 Cal. Adm. Code 2903(d).

2. This site is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6870.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff review indicated that there will be no significant effect upon the identified environmental values. This transaction is not a project.

3. A. Lessee sold the upland property on October 24, 1973. Lessee has refused to execute an Assignment of Lease PRC 4790.1 and has not paid rental since January 1, 1974.

B. New owner of the upland has agreed to all terms and conditions of a new lease PRC 5372 including back rental to date of purchase.

C. Lessee has not cooperated in the transfer of the leasehold interest and is in breach of his Lease PRC 4790.1 by virtue of Paragraph 4, Section 4 of said lease that states: "In the event of failure of the Lessee to pay rental..... it shall be lawful for the Lessor to re-enter into and upon the demised premises and to repossess and enjoy the herein described premises as in the first and former estate of the State.....".

- EXHIBITS: A. Land Description. B. 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

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REQUIRED UNDER THE PROVISIONS OF PRC 21065, 14 CAL. ADM. CODE 15037 AND 2 CAL. ADM. CODE 2903(d).

2. FIND THAT APPROVAL OF THIS TRANSACTION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE TERMINATION OF LEASE PRC 4790.1 EFFECTIVE AUGUST 31, 1973.

Attachment: Exhibit "A"

EXHIBIT "A"

W.O.: W 20218.

Lessee: Mike Swendra and
Hugh Melville.

A parcel of submerged land lying in the bed and along the right bank of the Sacramento River, Glenn County, State of California, being more particularly described as follows:

BEGINNING at the northeasterly corner of that certain parcel described in deed recorded in Book 506, Official Records, at page 488 in the Office of the Recorder of said County; thence N 82° 47' E 81 feet; thence southerly to a point which bears N 83° 32' E 81 feet from the southeast corner of the above-mentioned parcel; thence S 83° 32' W 81 feet to the above-mentioned southwest corner; thence northerly along the easterly line of the above-mentioned parcel to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark.

END OF DESCRIPTION