

MINUTE ITEM

This Calendar Item No. C12
was approved as Minute Item
No. 42 by the Land
Commission by a vote of 3
2 at its 9/29/81
meeting.

CALENDAR ITEM

C 1 2

9/29/81
PRC 5637.1
Reese

AUTHORIZE EXECUTION OF A
SUPPLEMENTARY LETTER OF UNDERSTANDING

BACKGROUND: At its meeting on March 28, 1979, the Commission approved a General Lease - Commercial Use, for reconstruction and continued maintenance of an existing marina complex including floating docks, walkways and boat hoist to Jack Arbuckle dba Courtland Docks. The lease provides for an annual rental of \$418.40 with a start date of September 1, 1977.

On April 15, 1981 Commission staff advised the lessee that he was four years in arrears on rental payments, insurance certificate had expired and the required surety bond had never been received.

CURRENT SITUATION:

Lessee, to date, has submitted a certificate of insurance and three back rental payments.

The rental for the years 1980 thru 1981 and 1981 thru 1982, together with penalty and interest, is due and payable at this time. Inasmuch as the lessee is cooperating with staff and that the primary income producing season is about to end, staff recommends that a supplementary Letter of Understanding be prepared which provides that:

"Notwithstanding Paragraph 2 of Section 5 of PRC 4051.1, which provides in part that lessee agrees to pay the annual rental to lessor without deduction, delay or offset; lessee shall pay lessor the sum of \$836.80 in ten equal monthly payments of \$83.68 commencing on September 8, 1981 with the final payment due and payable on June 8, 1982. Upon receipt of the June 8, 1982 payment staff will bill the lessee for the penalty and interests due on the late payments of annual rental."

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CALENDAR ITEM NO. C 12 (CONTD)

This activity is not a project under CEQA and does not require the preparation of environmental documents.

AB 884: N/A.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21065, 14 CAL. ADM. CODE 15037 AND 15060 AND 2 CAL. ADM. CODE 2903(d).
2. AUTHORIZE ISSUANCE OF A SUPPLEMENTAL LETTER OF UNDERSTANDING TO JACK ARBUCKLE dba COURTLAND DOCKS WHICH PROVIDES: NOTWITHSTANDING PARAGRAPH 2 OF SECTION 5 OF PRC 4051.1, WHICH PROVIDES IN PART THAT LESSEE AGREES TO PAY THE ANNUAL RENTAL TO LESSOR WITHOUT DEDUCTION, DELAY OR OFFSET; LESSEE SHALL PAY LESSOR THE SUM OF \$836.80 IN TEN EQUAL MONTHLY PAYMENTS OF \$83.68 COMMENCING ON SEPTEMBER 8, 1981 WITH THE FINAL PAYMENT DUE AND PAYABLE ON JUNE 8, 1982. UPON RECEIPT OF THE JUNE 8, 1982 PAYMENT STAFF WILL BILL THE LESSEE FOR THE PENALTY AND INTEREST DUE ON THE LATE PAYMENTS OF ANNUAL RENTAL.

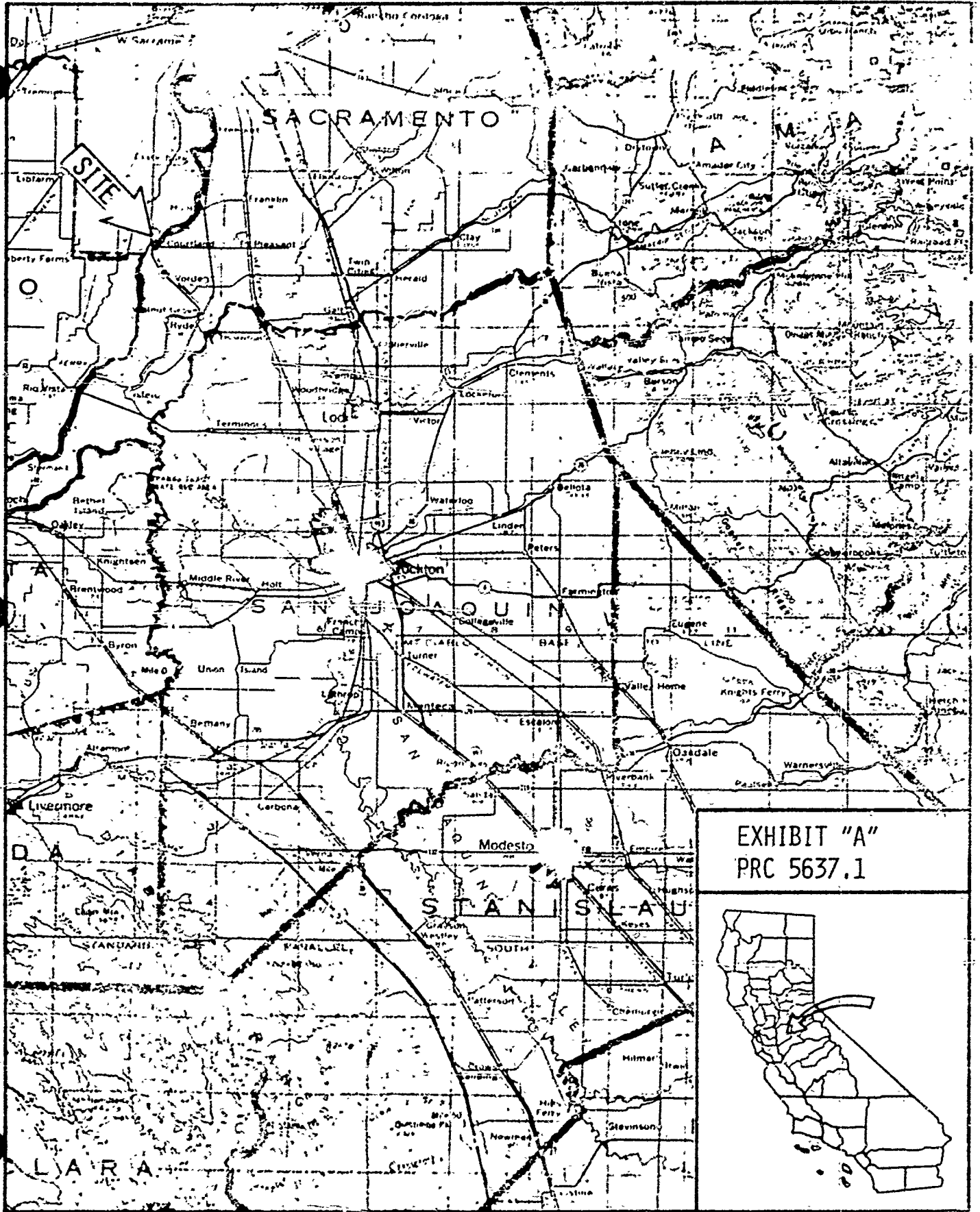


EXHIBIT "A"
 PRC 5637.1

