

MINUTE ITEM

This Calendar Item No. C1
was made by Minute Item
No. 1 of the Lands
Commission on 11/21/85
meeting.

CALENDAR ITEM

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11/21/85
WP 1584 PRC 1524
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ASSIGNMENT OF LEASE PRC 1584 -
GENERAL LEASE - COMMERCIAL USE

ASSIGNORS:

Gerrid C. Joy
12430 Highway 101
Smith River, California 95567
and
William Grover, Trustee in Bankruptcy
of the estate of Gisela A. Joy
Debtor, I-84-00352 in the United
States Bankruptcy Court for the
Northern District of California
1604 Fourth Street
Santa Rosa, California 95404

ASSIGNEES:

Emory E. Kaltenborn and
Mary Kaltenborn
200 Salmon Harbor Road
Smith River, California 95567

AREA, TYPE LAND AND LOCATION:

A 0.33-acre parcel of tide and submerged land
in Smith River, Del Norte County.

LAND USE:

Existing commercial boat docking facilities.

TERMS OF ORIGINAL LEASE:

Initial period: 25 years beginning January 1,
1981.

Surety bond: \$1,000.

Public liability insurance: Combined single
limit coverage of \$100,000.

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CONSIDERATION: Five percent of gross income, including consideration for fuel sales, with a minimum annual rental of \$250; five-year rent reviews.

ASSIGNEE STATUS: Assignees are owners of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES: Processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. By Calendar Item C5 at its December 17, 1981 meeting, the Commission approved issuance to Gerrid C. Joy and Gisela A. Joy of a 25-year General Lease - Commercial Use, Lease PRC 1584, covering a parcel of tide and submerged land in Smith River, Del Norte County. In July 1985 the upland and boat docking facilities were sold to Emory E. Kaltenborn and Mary Kaltenborn. Therefore, Commission staff requests approval of the assignment of this lease to the Kaltenborns.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

EXHIBITS:

- A. Land Description.
- B. Location Map.

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AUTHORIZE ASSIGNMENT OF LEASE PRC 1584, GENERAL LEASE - COMMERCIAL USE, FROM GERRID C. JOY AND WILLIAM GROVER, TRUSTEE IN BANKRUPTCY FOR THE ESTATE OF GISELA A. JOY, DEBTOR, TO EMORY E. KALTENBORN AND MARY KALTENBORN, EFFECTIVE JULY 15, 1985. ALL OTHER CONDITIONS AND TERMS OF THE LEASE SHALL REMAIN UNCHANGED.

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EXHIBIT "A"

LAND DESCRIPTION

WP 1584

A parcel of tide and submerged land at the mouth of the Smith River in Fractional Section 17, T18N, R1W, HM, Del Norte County, California, said parcel being waterward of that parcel of land described in the Grant Deed recorded July 15, 1985, in Book 301, Page 156, Official Records of Del Norte County, and more particularly described as follows:

BEGINNING at a point on the ordinary highwater mark of the Smith River from which the N 1/4 corner of said Section 17 bears N 14° 15' 58" W, 4973.40 feet; thence S 15° 45' 00" W, 115.00 feet; thence N 74° 15' 00" W, 140.00 feet; thence N 15° 45' 00" E 105.00 feet to a point on said ordinary highwater mark; thence easterly along said ordinary highwater mark to the point of beginning.

END OF DESCRIPTION

REVISED OCTOBER 22, 1985 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR

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