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CALENDAR ITEM
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01/23/86
PRC 4082
Gordon

LESSOR'S CONSENT AND ESTOPPEL CERTIFICATE AND
AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE

APPLICANT: Horst Hanf
P. O. Box 3178
San Rafael, California 94912

SECURED PARTY-LENDER:
Capital Federal Savings and
Loan Association
Attn: Neal A. Lacativo
3614 Mt. Diablo Boulevard
Lafayette, California 94549

BACKGROUND:

On January 31, 1985, the State Lands Commission authorized the issuance to applicant of a General Lease - Commercial Use, covering a 6.880-acre area of tide and submerged land in the bed of Whiskey Slough, San Joaquin County, for operation and maintenance of a commercial marina.

CURRENT SITUATION:

Lessee has applied to Capital Federal Savings and Loan Association (CapFed) for a loan to refinance the improvements authorized under Lease PRC 4082. As a condition for the loan, CapFed has requested that it be named as a secured party-lender with respect to the lessee's interest under the subject lease. CapFed and the Lessee have signed an Agreement and Consent to Encumbrancing of Lease and CapFed requests the Commission's execution of a Lessor's Consent and Estoppel Certificate. Both documents are on file in the office of the State Lands Commission.

AB 884: N/A.

CALENDAR ITEM NO. C10 (CONT'D)

OTHER PERTINENT INFORMATION:

1. 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.

2. This activity will involve lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq., but will have no direct or indirect effect on such lands.

EXHIBIT: A. Location Map.

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. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
3. AUTHORIZE STAFF EXECUTION OF THE DOCUMENTS ENTITLED "LESSOR'S CONSENT AND ESTOPPEL CERTIFICATE" AND "AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE," ON FILE IN THE OFFICE OF THE COMMISSION, IN FAVOR OF CAPITAL FEDERAL SAVINGS AND LOAN ASSOCIATION FOR THE PURPOSE OF GRANTING A LOAN TO HORST HANF TO REFINANCE THE IMPROVEMENTS AUTHORIZED UNDER LEASE PRC 4082.

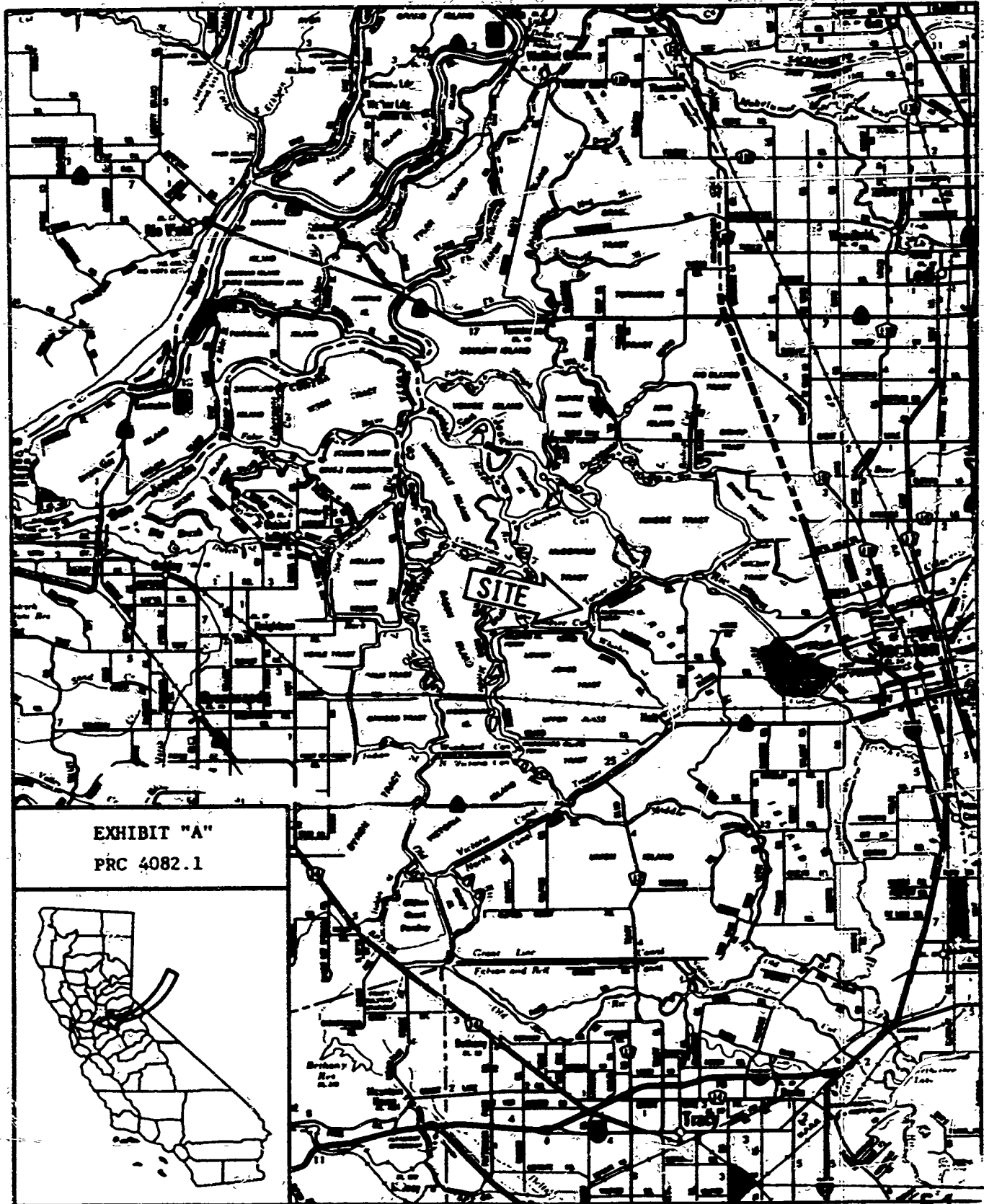


EXHIBIT "A"
PRC 4082.1

