

**CALENDAR ITEM
C41**

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WP 7620.1
V. Caldwell

**ASSIGNMENT OF LEASE AND AN AGREEMENT AND
CONSENT TO ENCUMBRANCING OF LEASE**

LESSEES/ASSIGNORS:

Wallace G. Clark and Carolyn Sue Clark, Trustees of the Wallace G. Clark and Carolyn Sue Clark Trust Dated February 18, 1997, Wallace Bradly Clark, Brian Marchini Clark, Dennis Edward Vollman and Ginger Lee Vollman as Trustees of the Dennis E. Vollman and Ginger L. Vollman 2006 Revocable Trust, Joanne Vollman, James B. Morey and Patricia J. Morey, and Marilyn A. Vollman, Trustee of the Mav Revocable Trust Dated July 8, 1997

ASSIGNEE:

The Vollman – Clark Ranch, LLC

SECURED-PARTY LENDER:

The Merchants National Bank of Sacramento
1015 7th Street
Sacramento, California 95814

AREA, LAND TYPE, AND LOCATION:

1.139 acres, more or less, of sovereign land in the Sacramento River, adjacent to 14180 River Road, in the city of Walnut Grove, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing commercial marina, known as Dagmar's Landing, consisting of 30 covered berths, 27 pilings, two gangways, sewage pump out, public fishing dock, and public accommodation dock as shown on the attached Exhibit A.

LEASE TERM:

26 years, beginning June 1, 2009.

CONSIDERATION:

Annual rent of five percent of the gross annual income derived from the berthing, docking, and mooring of boats; and 10 percent of all other gross income

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generated on the Lease Premises; with a minimum annual rent of \$4,251; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

OTHER PERTINENT INFORMATION:

1. Lessee/Assignor owns the upland adjoining the lease premises.
2. On June 1, 2009, the Commission authorized a General Lease – Commercial Use to Wallace G. Clark and Carolyn Sue Clark, Trustees of the Wallace G. Clark and Carolyn Sue Clark Trust Dated February 18, 1997, Wallace Bradley Clark, Brian Marchini Clark, Dennis Edward Vollman and Ginger Lee Vollman as Trustees of the Dennis E. Vollman and Ginger L. Vollman 2006 Revocable Trust, Joanne Vollman, James B. Morey and Patricia J. Morey, and Marilyn A. Vollman, Trustee of the Mav Revocable Trust Dated July 8, 1997. On August 20, 2010, the Commission approved an Agreement and Consent to Encumbrancing of Lease in favor of The Merchants National Bank of Sacramento. The lease will expire May 31, 2035.
3. The Lessee is in the process of transferring the ownership of the marina and the upland property from individuals and trusts to a limited liability company and is now applying for an assignment of Lease and its related Agreement and Consent to Encumbrancing of Lease to the Assignee, The Vollman-Clark, LLC.
4. Staff has received the written notification from the Secured Party-Lender that the lender has no objection to the assignment of the Lease and transfer of the real property to the Assignee. However, as required in the Agreement and Consent to Encumbrancing of Lease, the Secured Party Lender's formal consent will be provided in escrow at such time as the loan modification requirements are completed and the Commission has approved the assignment of the lease and the encumbrance agreement.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

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EXHIBIT:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 7620.1, a General Lease – Commercial Use, and its related Agreement and Consent to Encumbrancing of Lease of sovereign land as shown on Exhibit A (for reference purposes only) and as described on Exhibit B attached and by this reference made a part hereof, from Wallace G. Clark and Carolyn Sue Clark, Trustees of the Wallace G. Clark and Carolyn Sue Clark Trust Dated February 18, 1997, Wallace Bradley Clark, Brian Marchini Clark, Dennis Edward Vollman and Ginger Lee Vollman as Trustees of the Dennis E. Vollman and Ginger L. Vollman 2006 Revocable Trust, Joanne Vollman, James B. Morey and Patricia J. Morey, and Marilyn A. Vollman, Trustee of the Mav Revocable Trust Dated July 8, 1997 to The Vollman – Clark Ranch, LLC; effective the later of June 23, 2011, or close of escrow, but no later than November 1, 2011.