

MINUTE ITEM

This Calendar Item No. C7
was approved as Minute Item
No. 7 by the State Lands
Commission by a vote of 2
to 0 at its 5-27-76
meeting.

CALENDAR ITEM

C 7.

5/76
W 8719
DR

COMMERCIAL LEASE

APPLICANT: Robert Hallmark, Executor of the estate of
Neva Hallmark
P O. Box 123
Trinidad, California 95570

AREA, TYPE LAND AND LOCATION: An 0.610 acre parcel of tide and submerged
land in Trinidad Bay, Humboldt County.

LAND USE: An existing pier.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from March 8, 1945.

Renewal options: 1 successive period of 10
years.

Surety bond: \$1,000.

Consideration: \$50 per annum.

TERMS OF REPLACEMENT LEASE:

Initial period: 14 years from March 8, 1970.

Surety bond: \$3,000.

Public liability insurance: \$100,000/\$250,000
per occurrence for bodily
injury and \$50,000 for property
damage.

CONSIDERATION: \$300 per annum with the State reserving the
right to fix a different rental on each fifth
anniversary of the lease. \$300 minimum rental
for this type of lease or permit.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has 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.

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OTHER PERTINENT INFORMATION:

1. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

2. This project is situated on State land identified as possessing significant environment values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class A: Restricted Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

3. The processing of this transaction was delayed because of an existing trespass situation by the applicant regarding a boat launching ramp.

4. Mrs. Neva Hallmark, the applicant, died late last year. Her son, Robert Hallmark has been appointed executor of the estate by the Superior Court, Santa Clara County.

5. During negotiations concerning the trespass situation and the proposed lease, the Hallmarks have been extremely cooperative. The rental, as agreed upon in the lease document, has been paid to March, 1977. At that time, under the terms and conditions of the lease, it will be fixed at a different amount. In light of the Hallmarks' cooperation, the staff feels that the issuance of the lease should not be delayed any longer.

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 REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.

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2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO ROBERT HALLMARK, EXECUTOR OF THE ESTATE OF NEVA HALLMARK, A 14-YEAR COMMERCIAL LEASE FROM MARCH 8, 1970, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$300 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$3,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$100,000/\$250,000 PER OCCURRENCE FOR BODILY INJURY AND \$50,000 FOR PROPERTY DAMAGE FOR AN EXISTING PIER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 8719

Two parcels of land in the State owned bed of Trinidad Bay, Humboldt County, California, lying adjacent to fractional Section 26, T8N, R1W, Humboldt Meridian, more particularly described as follows:

PARCEL 1:

A parcel of tide and submerged land lying immediately beneath and extending 10.0 feet from all sides of an existing pier situated between Trinidad Head and Little Head.

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

PARCEL 2:

A strip of submerged land, 36.0 feet in width, encompassing a floating dock and supporting cables, the centerline of said strip being described as follows:

BEGINNING at a point on the easterly side of the existing pier described in Parcel 1 which lies 255.0 feet southerly from the landward end of said pier; thence southeasterly 155 feet, more or less, to Spanish Rock and the point of termination.

END OF DESCRIPTION

Prepared R. L. Blake Checked H. H. Kunnick
Reviewed John L. King Date 4-13-76