

MINUTE ITEM

This Calendar Item No. 429
was approved as Minute Item
No. 29 by the State Lands
Commission by a vote of 3
to 0 at its 537-176
meeting.

CALENDAR ITEM
23.

5/76
WP 3200
SJS

COMMERCIAL LEASE

APPLICANT: William F. and Juanita E. Morrow
Route 1, Box 1050
West Sacramento, California 95691

AREA, TYPE LAND AND LOCATION:
A 4.914 acre parcel of tide and submerged
and artificially accreted land, near Oak
Hall Bend, Sacramento River, Yolo County.

LAND USE: For maintenance of a commercial marina.

TERMS OF PROPOSED LEASE:
Initial period: 15 years, from June 17, 1976.

Renewal options: 3 successive periods of 10
years each.

Surety bond: \$5,000.

Public liability insurance: \$500,000 per
occurrence for bodily
injury and \$50,000 for
property damage.

CONSIDERATION: \$2,480 per annum with the State reserving
the right to fix a different rental on each
fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
8% of appraised value of land.

OTHER PERTINENT INFORMATION:

1. Commercial Lease PRC 3200.1 is due to terminate June 16, 1976, and assignees William F. and Juanita E. Morrow have applied for a new lease. Assignees did not sign documents which extended the term of the old lease and increased rental rate to \$3,120 per annum, but found it advantageous to allow lease to expire and to apply for a new lease.
2. Minute Item 10, Page 1371, Section 4b and 4d of recommendations, authorized a change in the termination date of Lease PRC 3200.1 from June 16, 1976 to November 14, 1985, for a consideration of \$3,120 per annum. However, if the assignees

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agreed to the \$3,120 per annum they would in fact be agreeing to a double rental payment for the use of the same parcel of accreted land, now being claimed by both the State and adjacent upland owners. The assignees now pay an annual rental of \$1,920 per annum for the accreted upland to the adjacent owners. The adjacent uplands owners, Mr. Keijo Kubo and the estate of Arthur F. Turner claim the land between the Reclamation District #900 levee and the ordinary low water line of the Sacramento River. Division staff believes that said land is not a part of S & O Survey #372 as claimed by the upland owners but is a part of the Sacramento River.

In a separate transaction, the Division will seek to perfect the State's title to the lands in the vicinity of the Four Seasons Marina.

3. The new lease describes the entire 4.914 acre parcel, in support of the State's title claim, but the annual rental rate of \$2,480 was calculated on the 3.97 acres of tide and submerged land excluding the accreted upland now under contention. If Quiet Title actions prove to be in favor of the State, a new annual rental of \$3,120 for the entire 4.914 acre will apply.
4. The new assignee, Mr. and Mrs. Morrow, propose substantial additions to the existing marina facilities. The expansion consists of relocating 200 linear feet of dockage, a shop and 7 open boat berths to a location north of the existing restaurant, and the construction of an additional 183 linear feet of dockage to the south of the main dock and 590 feet of new covered berths between the main dock and the shoreline. The county of Yolo, as lead agency under CEQA prepared an Environmental Impact Report on the subject expansion proposal and circulated the report to various concerned agencies including the State Clearinghouse (SCH #75092352). There were no adverse comments received on the Marina expansion project. Accordingly, the Yolo County Planning Commission produced a Notice of Determination on the project in which they approved the marina modifications.

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5. The proposed marina expansion project is situated on lands that have been tentatively identified as possessing significant environmental values pursuant to Section 6370.1 of the Public Resources Code. Division staff has determined that the project is compatible with and non-consumptive of those significant environmental values present.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is permittee 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.

EXHIBITS:

A. Land Description.

B. Location Map.

C. Environmental Impact Report.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT (ENVIRONMENTAL IMPACT STATEMENT) HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY YOLO COUNTY PLANNING COMMISSION ON JULY 15, 1975.
2. CERTIFY THAT THE INFORMATION CONTAINED IN THE ENVIRONMENTAL IMPACT REPORT OF YOLO COUNTY HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. FIND THAT THE GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED BY THE COMMISSION AT ITS DECEMBER 1, 1975 MEETING.
5. AUTHORIZE ISSUANCE TO WILLIAM F. AND JUANITA E. MORROW OF A 15-YEAR COMMERCIAL LEASE FROM JUNE 17, 1976, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$2,480 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL AT SUCH TIME AS TITLE OF THE DISPUTED AREA OF UPLAND IS CLEARED TO THE STATE AND ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000 PER OCCURRENCE FOR BODILY INJURY AND \$50,000 FOR PROPERTY DAMAGE FOR MAINTENANCE OF COMMERCIAL MARINA ON THE LAND DESCRIBED

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ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

6. RESCIND PARAGRAPH 4B AND 4D OF MINUTE ITEM 10, PAGE 1371
RECOMMENDATION, APPROVED AT THE STATE LANDS COMMISSION
MEETING ON DECEMBER 1, 1975.

Attachments: Exhibit "A"

EXHIBIT "A"

WP 3200

That portion of the State-owned bed of the Sacramento River adjacent to the right bank, situated in the County of Yolo, State of California, in the vicinity of Site Mile 53.5 R, being portions of protracted Sections 21 and 22, Township 8 North, Range 4 East, M.D.M., and being more particularly described as follows:

BEGINNING at a point on the waterward toe of the Reclamation District No. 900 levee from which a No. 5 reinforcing bar with tag marked "M 53.5 R" bears N 36° 07' 34" W, 20 feet; thence from said point of beginning, upstream along said toe of levee N 53° 52' 26" E, 288.13 feet; thence N 51° 50' 14" E, 470.02 feet; thence leaving said toe of levee into the river S 72° 30' 00" E, 225.00 feet; thence downstream S 46° 44' 07" W, 600.83 feet; thence S 63° 00' 00" W, 500.00 feet; thence leaving the river N 33° 00' 00" W, 180.00 feet to a point on said toe of levee; thence upstream along said toe of levee N 59° 53' 51" E, 189.79 feet to the point of beginning.

END OF DESCRIPTION

Prepared Eugene L. Foster Checked Wm R. Palmer
Reviewed J. R. [Signature] Date 11/5/75

