

MINUTE ITEM

This Calendar Item No. C13
was placed on the Calendar Item
List No. 13 of the Lands
Committee at its meeting of 3
to 0 at its 12/15/76
meeting.

CALENDAR ITEM

12/76
WP 2610
AS

C13.

COMMERCIAL LEASE

APPLICANT: Robert and Doris Jones
Jerry and Martha Wise
Francis and Renee Heller
1009 Westside Road
Healdsburg, California 95448

AREA, TYPE LAND AND LOCATION: An 0.781 acre parcel of tide and submerged land in the bed of the Mokelumne River adjacent to Andrus Island, Sacramento County.

LAND USE: Continued operation and maintenance of existing marina facilities previously called Sycamore Park Marina.

TERMS OF PROPOSED LEASE: Initial period: 15 years from October 1, 1976.

Renewal options: 3 successive periods of 10 years each.

Surety bond: \$2,000.

Public liability insurance: \$300,000 per occurrence for bodily injury and \$100,000 for property damage.

CONSIDERATION: \$450 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION: \$450 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 environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class B, which authorizes limited 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. These marina facilities have not been actively operated commercially since the 1972 Andrus Island flood. Although the facilities are in an acceptable state of repair, they are not in sufficient repair to allow immediate use commercially. Therefore the staff has included in the proposed lease a special provision which allows the lessee's five years to renovate the marina facilities and bring them to standard acceptable to the U.S. Army Corps of Engineers.

Should lessee fail to complete renovation within the five year period then the State lands Commission could terminate the lease and require removal of existing structure at lessee's sole expense.

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 15160 ET SEQ., AND 2 CAL. ADM. CODE 2907.

CALENDAR ITEM NO. C15.(CONTD)

2. FIND THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6570.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO ROBERT L. AND DORIS J. JONES; TERRY A. AND MARTHA J. WISE; FRANCIS AND RENEE HELLER; HUSBANDS AND WIVES; OF A 15-YEAR COMMERCIAL LEASE FROM OCTOBER 1, 1976; WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$450, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH PROVISION OF A \$2,000 SURETY BOND AND PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE; FOR THE CONTINUED OPERATION AND MAINTENANCE OF EXISTING MARINA FACILITIES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 2610

A parcel of tide and submerged land adjacent to the right bank of Mokelumne River, Sacramento County, approximately three and one-half miles southeast of the City of Isleton, more particularly described as follows:

BEGINNING at a 1/2 inch pipe on Andrus Island from which USC & GS Triangulation Station "Jackson 1931" having California Coordinate System, Zone 3, coordinates of X = 1,677,269.16 and Y = 598,360.94 bears N 50° 24' 50" W, a distance of 13,981.00 feet; thence N 64° 45' 40" W, a distance of 12.20 feet to the right bank of Mokelumne River, being the TRUE POINT OF BEGINNING; thence N 20° 22' 30" W, a distance of 347.43 feet; thence N 69° 37' 30" E, a distance of 80.00 feet; thence S 20° 22' 28" E, a distance of 425.13 feet; thence S 69° 50' 29" W, a distance of 80.00 feet; thence N 20° 22' 28" W, a distance of 77.70 feet to the true point of beginning.

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

The basis of bearings in this description is True North.

END OF DESCRIPTION

Prepared

Shirley DeBate

Checked

Colvin

Reviewed

J. H. Harrison

Date

8/26/96