

MM 12/76
The
Lands
to meeting.

CALENDAR ITEM
C15.

12/76
WF 564
DR

ACCEPTANCE OF QUITCLAIM DEED
AND INDUSTRIAL LEASE

APPLICANT: Horace W. and Dorothy K. Henris
P. O. Box 138
Petaluma, California 94952

AREA, TYPE LAND AND LOCATION: An 0.210-acre parcel of tide and submerged land in the Petaluma River, Sonoma County.

LAND USE: Loading pier with dolphins for sand and gravel.

TERMS OF ORIGINAL LEASE:
Initial period: 15 years from February 28, 1951.
Renewal options: 2 successive periods of 10 years each.
Surety bond: \$1,000.
Consideration: \$50 per annum.

TERMS OF PROPOSED LEASE:
Initial period: 15 years from February 28, 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 \$50,000 for property damage.

CONSIDERATION: Minimum annual rental of \$450, 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.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.
Filing fee has been received.

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CALENDAR ITEM NO. C15. (CONTD)

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.

OTHER PERTINENT INFORMATION:

1. An Environmental Impact Report is not required for the issuance of the proposed lease. 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. An Environmental Impact Report is not required for the acceptance of the quitclaim deed, in that it is an administrative procedure (non-project). Authority: PRC 21065, 14 Cal. Adm. Code 15037.
3. This project is situated on State land identified as environmentally significant, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class B: Limited Use. The project is determined to be a compatible use consistent with identified significant environmental values. This is an existing use for which no adverse comments have been received.
4. The site was previously occupied by Atlantic Richfield Company. The upland was purchased by Horace W. and Dorothy K. Harris. A quitclaim deed has been received from Atlantic Richfield Company.
5. This lease contains provision for a volumetric rental.

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, AS TO THE PROPOSED LEASE; PRC 21065, 14 CAL. ADM. CODE 15037, AS TO THE ACCEPTANCE OF THE QUITCLAIM DEED.

CALENDAR ITEM NO. C15. (CONT'D)

2. FIND THIS TRANSACTION IS COMPATIBLE WITH ENVIRONMENTAL VALUES IDENTIFIED PURSUANT TO SECTION 6370 ET SEQ., OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE THE ACCEPTANCE OF A QUITCLAIM DEED, ON FILE IN THE OFFICE OF THE STATE LANDS DIVISION AND BY REFERENCE MADE A PART HEREOF, FOR THAT INDUSTRIAL LEASE DESIGNATED AS PRC 564.1.
4. AUTHORIZE ISSUANCE TO HORACE W. AND DOROTHY K. HENRIS OF A 15-YEAR INDUSTRIAL LEASE FROM FEBRUARY 28, 1976; WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH; CONSIDERATION SHALL BE COMPUTED BY MULTIPLYING THE NUMBER OF TONS OF BULK COMMODITIES (SAND AND GRAVEL) PASSING OVER THE STATE'S LAND BY \$0.05; MINIMUM ANNUAL RENTAL OF \$450; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE FOR BODILY INJURY AND \$50,000 FOR PROPERTY DAMAGE; FOR LOADING PIER WITH DOLPHINS FOR SAND AND GRAVEL ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 564

A parcel of tide and submerged land in the State owned bed of Keraluma River, County of Sonoma, California, said parcel being adjacent to and northwesterly of a parcel of land owned by Horace W. & Dorothy E. Harris, more particularly described as follows:

COMMENCING at Engineers Station 917+01.42 on State Highway Sonoma Route 1, Section 16 as recorded in Book 2 of Highway Maps at Page 61; thence N 35° 17' E, 310.92 feet; thence N 58° 47' W, 153.47 feet; thence N 60° 39' E to the ordinary high water mark of the right bank of Petaluma River and the TRUE POINT OF BEGINNING; thence northwesterly along said ordinary high water mark to a point from which the most westerly corner of the aforementioned parcel of Harris bears S 60° 39' W; thence N 60° 39' E to a point 55 feet distant at right angles to the ordinary high water mark; thence southeasterly on a line parallel with and 55 feet distant from said ordinary high water mark to a point from which the true point of beginning bears S 60° 39' E; thence S 60° 39' W to the true point of beginning.

END OF DESCRIPTION

Prepared *M. J. [Signature]* Checked *R. L. [Signature]*
 Reviewed *[Signature]* Date *8/5/76*