

12/15/76
The Commission on
No. 16.1
Commission
to 2 at the 12/15/76
meeting.

CALENDAR ITEM

12/76
WP 532
DR

CI6.

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 0.145-acre parcel of tide and submerged land
in the Petaluma River, Sonoma County.

LAND USE: Loading dock for sand and gravel.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years, from November 9, 1949.

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 November 9, 1974.

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 per annum, with
the State reserving the right to fix a different
rental on each fifth anniversary of the lease.
There is also a provision for a volumetric
rental.

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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STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1, 2 & 3.
- 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. This project is exempt from CEQA because 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 Union Oil Company. The upland was purchased by Horace W. and Dorothy K. Henris. A Quitclaim Deed has been received from Union Oil Company.

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.
2. FIND THIS TRANSACTION IS COMPATIBLE WITH ENVIRONMENTAL VALUES IDENTIFIED PURSUANT TO SECTION 6370 ET SEQ., OF THE PUBLIC RESOURCES CODE.

CALENDAR ITEM NO. C16. (CONT'D)

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 532.1.
4. AUTHORIZE ISSUANCE TO HORACE W. AND DOROTHY K. HENRIS OF A 15-YEAR INDUSTRIAL LEASE FROM NOVEMBER 9, 1974; 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 A LOADING DOCK 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 532

A parcel of tide and submerged land located in the State owned bed and along the right bank of the Petaluma River, County of Sonoma, State of California, said parcel being immediately beneath and extending 40 feet from all sides of an existing pier; said pier being immediately adjacent to that land described as PARCEL 1 in a deed recorded in Book 2861, pages 662 to 665 of the Official Records of Sonoma County.

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

END OF DESCRIPTION

Prepared *McGraw* Checked *R. L. Blake*
Reviewed *A. J. Kennedy* Date *7/29/76*
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