

B MONTH ITEM

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12/15/76

CALENDAR ITEM

38.

12/76
WP 3885
ACS

AMENDMENT AND RENEWAL OF LEASE PRC 3885 1

APPLICANT: Robert M. Edwards and Mabel E. Edwards
Route 1, Box 146
Walnut Grove, California 95690

AREA, TYPE LAND AND LOCATION: Two parcels (.308 acres and 1.770 acres) of tide and submerged land in Steamboat Slough, Sacramento County.

LAND USE: 0.308 acre parcel, existing accommodation dock for upland restaurant; 1.770-acre parcel proposed construction and operation of marina facilities.

TERMS OF ORIGINAL LEASE:

Initial period: 10 years from January 1, 1968.

Renewal options: 3 successive periods of 10 years each.

Surety bond: \$5,000.

Public liability insurance: \$200,000/\$600,000 per occurrence for bodily injury and \$50,000 for property damage.

Consideration: \$150 per annum, with 5 year review.

Special: Amended to change beginning date to June 1, 1968 and consideration to \$225 per annum.

TERMS OF PROPOSED AMENDMENT AND RENEWAL:

Amendment and Renewal period: 12 years from June 1, 1976.

Renewal options: 2 successive periods of 10 years each.

Surety bond: \$5,000.

Public liability insurance: \$200,000/\$600,000 per occurrence for bodily injury and \$50,000 for property damage.

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CONSIDERATION: \$225 per annum, from June 1, 1976 through May 31, 1979; and \$1,428.60 per annum beginning June 1, 1979, or upon completion of construction of proposed facilities on the 1.770 acre parcel, whichever shall occur first, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
\$225 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

Filing fee and environmental costs have 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.

OTHER PERTINENT INFORMATION:

1. The environmental aspects of this project were considered and approved by the State Lands Commission at its meeting on August 26, 1976. The project has not changed; and therefore, staff feels that the previously-approved environmental document is still valid under CEQA.
2. The legal description of the land being leased to these applicants has been prepared as two parcels. Parcel 1 containing .308 acres is occupied by an existing boat dock which serves as an accommodation dock to an existing restaurant located on the upland. Parcel 2, containing 1.770 acres is to be used for the construction and operation of a proposed marina. The annual rental of \$225 presently being charged is a minimum for a noncommercial facility such as the existing accommodation dock, located on Parcel 1. The annual rental will increase to 8% of the appraised land value (Parcel 1 and 2) on June 1, 1979, or upon completion of construction of marina facilities on Parcel 2.

Staff feels that the above method of setting the annual rental is equitable to both the State and applicant and also encourages applicant to complete his proposed construction in a timely manner.

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3. This matter was previously considered by the State Lands Commission at its meeting on August 26, 1976. However, the proposed amendment has been changed to split the lease area into two parcels and to make adjustments in the annual rental and to enter into the first of three renewals periods. Therefore, staff feels that this matter and its recommendations should be reconsidered by the State Lands Commission.
4. Staff has prepared, with the concurrence of legal staff, a paragraph which sets aside a portion of the area under this proposed lease amendment as the sole property of one of the lessee's. This has been done at the request of the lessees, and staff recommends that this be approved by the State Lands Commission.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. RESCIND ONLY RECOMMENDATION NUMBER 5 OF MINUTE ITEM C13 APPROVED AT ITS AUGUST 26, 1976 MEETING.
2. AUTHORIZE ISSUANCE TO ROBERT M. EDWARDS AND MABEL L. EDWARDS OF A 12-YEAR AMENDMENT AND RENEWAL FROM JUNE 1, 1976; WITH LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 10-YEARS EACH; IN CONSIDERATION OF RENT IN THE AMOUNT OF \$225 PER ANNUM FOR THE PERIOD JUNE 1, 1976 THROUGH MAY 31, 1979, AND \$1,428.60 PER ANNUM BEGINNING JUNE 1, 1979, OR UPON COMPLETION OF CONSTRUCTION OF PROPOSED MARINA FACILITIES ON THE 1.770 ACRE PARCEL, WHICHEVER SHALL OCCUR FIRST; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$200,000/\$600,000 PER OCCURRENCE FOR BODILY INJURY AND \$50,000 FOR PROPERTY DAMAGE, APPROVE THE FOLLOWING SPECIAL CLAUSE... "IT IS EXPRESSLY AGREED, BY AND BETWEEN THE PARTIES HERETO, THAT ANY RIGHTS ACQUIRED BY THE LESSEES UNDER THIS LEASE, FOR THE LAND AREA DESCRIBED IN THE ATTACHED EXHIBIT "A" DATED AUGUST 23, 1976, AS PARCEL 2, ARE THE SOLE AND SEPARATE PROPERTY OF MABEL L. EDWARDS, A MARRIED WOMAN."; FOR THE CONTINUED MAINTENANCE OF AN EXISTING ACCOMMODATION DOCK ON A .308 ACRE PARCEL AND THE CONSTRUCTION AND MAINTENANCE OF NEW MARINA FACILITIES ON A 1.770 ACRE PARCEL OF LAND AS DESCRIBED ON EXHIBIT "C" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

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Two parcels of tide and submerged land lying immediately adjacent to the ordinary high water mark of the left bank of Steamboat Slough, said ordinary high water mark being designated as the "Mean High Tide Line" on that parcel map filed in Book 2 of Parcel Maps, Page 23, Sacramento County Records, said ordinary high water mark also being the line described in the boundary agreement between the State of California and Robert M. Edwards, recorded in Book 69-06-05, Page 173, Sacramento County Records, said parcels being more particularly described as follows:

PARCEL 1

COMMENCING at a point on the levee road along Steamboat Slough on Grand Island, Sacramento County, said point being marked by a railroad spike set in the pavement on the northwesterly extension of the centerline of a ditch, from which point an angle point in the centerline of said ditch bears S 56° 42' E, 928.08 feet, the centerline of said ditch being the west boundary of the Fong property as shown on said parcel map; thence along said northwesterly extension, N 56° 42' W, 88.75 feet to a 3/4 inch steel rod; thence continuing along said northwesterly extension, N 56° 42' W, 5.00 feet to a point on the ordinary high water mark of Steamboat Slough; thence along the ordinary high water mark the following two (2) courses:

1) N 16° 04' 30" E, 83.94 feet;
2) N 18° 11' E, 192.41 feet to the TRUE POINT OF BEGINNING;
thence N 42° 26' W, 35.00 feet; thence parallel with said ordinary high water mark the following four (4) courses:

1) N 18° 11' E, 60.00 feet;
2) N 26° 36' E, 115.79 feet;
3) N 39° 40' 30" E, 175.18 feet;
4) N 52° 26' E, 49.03 feet; thence S 42° 26' E, 35.00 feet to said ordinary high water mark; thence southwesterly along said ordinary high water mark the following four (4) courses:

1) S 52° 26' W, 49.03 feet;
2) S 39° 40' 30" W, 175.18 feet;
3) S 26° 36' W, 115.79 feet;
4) S 18° 11' W, 60.00 feet to the point of beginning.

PARCEL 2

COMMENCING at a point on the levee road along Steamboat Slough on Grand Island, Sacramento County, said point being marked by a railroad spike set in the pavement on the northwesterly

extension of the centerline of a ditch, from which point an angle point in the centerline of said ditch bears S 56° 42' E, 928.08 feet, the centerline of said ditch being the west boundary of the Fong property as shown on said parcel map; thence along said northwesterly extension, N 56° 42' W, 83.75 feet to a 3/4 inch steel rod; thence continuing along said northwesterly extension N 56° 42' W, 5.00 feet to a point on the ordinary high water mark of Steamboat Slough; thence along the ordinary high water mark the following five (5) courses:

- 1) N 16° 04' 30" E, 83.94 feet;
- 2) N 18° 11' E, 252.41 feet;
- 3) N 26° 36' E, 115.79 feet;
- 4) N 39° 40' 30" E, 175.18 feet;
- 5) N 52° 26' E, 49.03 feet to the TRUE POINT OF BEGINNING;

thence continuing along said ordinary high water mark the following six (6) courses:

- 1) N 52° 26' E, 44.05 feet;
- 2) N 54° 34' 30" E, 403.72 feet;
- 3) N 52° 57' 30" E, 163.13 feet;
- 4) N 47° 57' E, 170.97 feet;
- 5) N 55° 45' E, 54.70 feet;
- 6) N 60° 13' E, 110.65 feet; thence leaving said ordinary high water mark, N 42° 26' W, 82 feet; thence parallel with said ordinary high water mark the following six (6) courses:

- 1) S 60° 13' W, 110.65 feet;
- 2) S 55° 45' W, 54.70 feet;
- 3) S 47° 57' W, 170.97 feet;
- 4) S 52° 57' 30" W, 163.13 feet;
- 5) S 54° 34' 30" W, 403.72 feet;
- 6) S 52° 26' W, 44.05 feet; thence S 42° 26' E, 82 feet to the point of beginning.

END OF DESCRIPTION

Prepared: Milburn L. DeLoach Checked: John E. Griffin
Reviewed: John R. Ginn Date: 8/23/76