

MINUTE ITEM

This Calendar Item No. 19  
was approved as Minute Item  
No. 19 by the State Land  
Commission by a vote of 7-2-17  
at its 4-2-81  
meeting.

CALENDAR ITEM

19

4/81  
WP 5393  
Reese  
PRC 5393

TERMINATION OF ORIGINAL LEASE PRC 5393.1  
AND APPROVAL OF A GENERAL LEASE - COMMERCIAL USE

APPLICANT: Paul L. Erman and Linda F. Erman  
Pierce Lane  
Benicia, California 94510  
dba Erman's Pierce Harbor

AREA, TYPE LAND AND LOCATION: 0.110-acre parcel of tide and submerged  
land in Goodyear Slough near Benicia, Solano  
County.

LAND USE: Maintenance and operation of an existing  
commercial marina.

TERMS OF ORIGINAL LEASE:  
Initial period: 15 years from November 10,  
1976.  
Renewal options: 3 successive periods  
of 10 years each.  
Public liability insurance: Combined single  
limit coverage of \$300,000.  
Consideration: \$225 5-year review.

TERMS OF PROPOSED REPLACEMENT LEASE:  
Initial period: 30 years from January 28,  
1980.  
Surety bond: \$5,000.  
Public liability insurance: Combined single  
limit coverage of \$300,000.

CONSIDERATION: \$225 per annum with the State reserving  
the right to fix a different rental on  
each fifth anniversary of the lease.

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BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2005.

PREREQUISITE, TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Applicant has submitted rental payment for the period of January 28, 1980 to January 27, 1982.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

OTHER PERTINENT INFORMATION:

1. The original lease is being terminated, effective January 27, 1980, and a replacement lease, which reflects current leasing policy and new tenants, is being issued effective January 28, 1980.
2. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), 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.
3. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a 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.

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CALENDAR ITEM NO. 19. (CONTD)

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISION OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT TERMINATION OF THE ORIGINAL LEASE AND GRANTING OF THE REPLACEMENT LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE TERMINATION OF ORIGINAL LEASE PRC 5393.1, EFFECTIVE JANUARY 27, 1980, AND THE ISSUANCE TO PAUL L. ERMAN AND LINDA F. ERMAN OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 28, 1980; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225, 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 FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000 FOR MAINTENANCE AND OPERATION OF AN EXISTING COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 5393

A parcel of tide and submerged land in the bed of Goodyear Slough, Solano County, California, said parcel being westerly of and adjacent to that land described in the Grant Deed recorded July 2, 1959 in Book 982, page 124, Solano County Records, said parcel more particularly described as follows:

COMMENCING at the point of intersection of the southerly line of County Road No. 522 and the Southern Pacific Railroad Company's easterly right of way; thence  $N 82^{\circ}45'E$  along said county road to the ordinary high water mark of the westerly bank of Goodyear Slough; thence southerly along said ordinary high water mark, 55 feet more or less to the POINT OF BEGINNING; thence continuing southerly along said ordinary high water mark, 120 feet; thence  $N 86^{\circ}51'E$ , 40 feet; thence northerly along a line parallel with and 40 feet distant from the westerly ordinary high water mark, 120 feet to a point that bears  $N 86^{\circ}51'E$  from the point of beginning; thence  $S 86^{\circ}51'W$ , 40 feet to the point of beginning.

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

END OF DESCRIPTION

REVIEWED DECEMBER 16, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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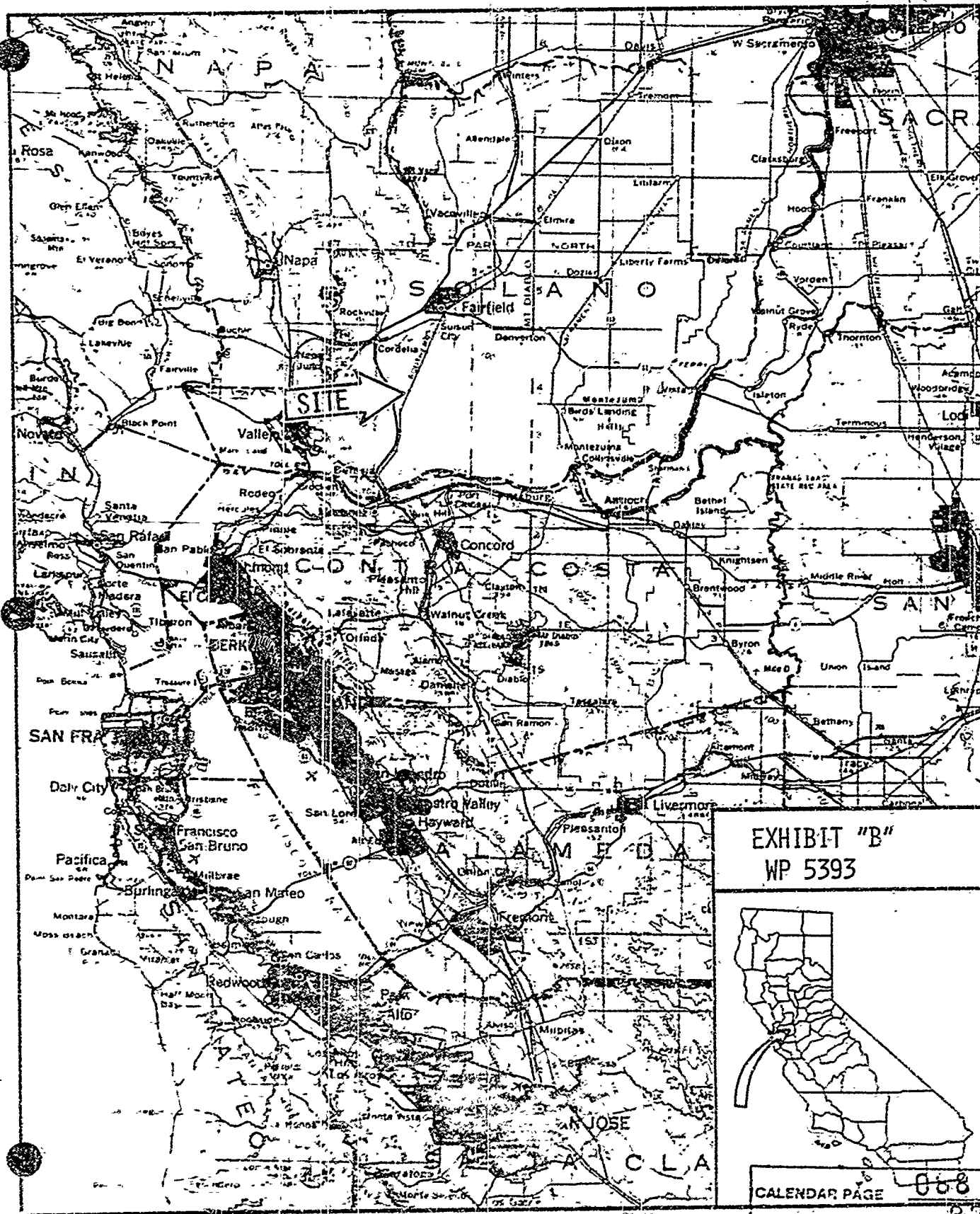


EXHIBIT "B"  
WP 5393



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