

MINUTE ITEM

This Calendar Item No. 24
was approved as Minute Item
No. 24 by the State Lands
Commission by a vote of 2
to 0 at its 8/20/81
meeting.

CALENDAR ITEM

24

8/20/81
WP 3889
Reese
PRC 3889

ACCEPTANCE OF A LEASE QUITCLAIM DEED,
SETTLEMENT OF FULL COMPENSATION
FOR PRIOR UNAUTHORIZED USE OF
STATE-OWNED TIDE AND SUBMERGED LAND
AND APPROVAL OF A GENERAL LEASE - COMMERCIAL USE

APPLICANT: Robert Griffin
dba Suisun Pacific Marina
166 Tolenas
Fairfield, California 94537

AREA, TYPE LAND AND LOCATION:
2.451 acres of tide and submerged land
in Suisun Slough, Suisun City, County of
Solano.

LAND USE: Commercial marina.

TERMS OF PROPOSED LEASE:

Initial period: 30 years from March 1,
1981.

Surety bond: \$5,000.

Public liability insurance: Combined single
limit coverage of \$500,000.

CONSIDERATION: \$1,000 per annum against 5% of the gross
income derived from the rental of boat
docks and mooring; 1% of the gross income
derived from sources exclusive of dock
rentals, mooring and fuel sales; 1 cent
per gallon of fuel sold during the reporting
period to a maximum of 100,000 gallons
and 1.5 cents per gallon thereafter, whichever
is greater.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has been received.

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(Non-substantive revision 1/11/82)

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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.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. On February 25, 1968, the Commission issued a lease to Jack Campbell, dba Campbell Construction and Equipment Company, to operate a commercial marina on the subject land. Mr. Campbell is now deceased and Campbell Construction Company was dissolved in March 1977. Mrs. Jack. T. Campbell, as trustee, executed a Quitclaim Deed on May 30, 1980. The fully executed Quitclaim Deed was received by staff on June 23, 1980.
2. On August 3, 1977, Mr. Robert E. Griffin purchased the lands upland of the marina at a tax sale.
3. On or about January 3, 1978, Mr. Griffin was advised that a lease from the State Lands Commission was required.
4. On March 19, 1980, (more than 2 years after the staff had first advised Mr. Griffin that a lease was required), the Commission authorized staff counsel and/or the Office of the Attorney General to take all steps necessary, including litigation, to terminate the continued unauthorized occupation of Mr. Robert E. Griffin on State-owned tide and submerged land, and to collect reasonable compensation.
5. Subsequent to the above, Mr. Griffin and his attorney, Mr. James Shumway, met with staff. The parties agreed that a payment of \$2,700 would be reasonable compensation to the State for the period of unauthorized use of sovereign land. The parties further agreed upon the terms and conditions of a General Lease - Commercial Use.

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6. On May 28, 1981, staff received a check for \$3,700 from Mr. Griffin. This amount includes the first years rental as agreed upon within the proposed lease.
7. On July 21, 1981, staff received the fully executed lease document from Mr. Griffin.
8. This transaction is exempt from CEQA because it is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), existing facilities which are 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.
9. 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.

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 PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907 AND P.R.C. 21065, 14 CAL. ADM. CODE 15037 AND 15060 AND 2 CAL. ADM. CODE 2903(d).
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE ACCEPTANCE OF A LEASE QUITCLAIM DEED ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION.

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4. AUTHORIZE THE STATE LANDS COMMISSION STAFF TO ACCEPT THE MONIES RECEIVED FROM MR. ROBERT GRIFFIN AS FULL COMPENSATION FOR HIS PRIOR UNAUTHORIZED USE OF STATE-OWNED TIDE AND SUBMERGED LAND.

5. AUTHORIZE ISSUANCE TO ROBERT GRIFFIN dba SUISUN PACIFIC MARINA OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE FROM MARCH 1, 1981; IN CONSIDERATION OF A BASE ANNUAL RENT IN THE AMOUNT OF \$1,000 AGAINST 5% OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORING; 1% OF THE GROSS INCOME DERIVED FROM SOURCES EXCLUSIVE OF DOCK RENTALS, MOORING AND FUEL SALES; 1 CENT PER GALLON OF FUEL SOLD DURING THE REPORTING PERIOD TO A MAXIMUM OF 100,000 GALLONS AND 1.5 CENTS PER GALLON THEREAFTER, WHICHEVER IS GREATER, 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 \$500,000; FOR AN EXISTING COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

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Seven parcels of State-owned tide and submerged land in Suisun Slough, near Suisun City, Solano County, California, said parcels lying immediately beneath seven existing boat docks, together with necessary use areas extending 10.00 feet from the extremities of said docks, said docks situated within a strip of land 276.00 feet in width, immediately adjacent to and southerly of the following described line:

BEGINNING at the most southerly corner of Lot 1 as shown on the map entitled, "Marina Village Unit No. 3," filed November 7, 1963, in Book 21 of Maps at page 17, Office of County Recorder, Solano County, thence along the southerly line of Lot 1 the following four courses:

1. N 40° 37' E 462.00 feet;
2. N 08° 07' E 198.00 feet;
3. N 62° 07' E 264.00 feet;
4. S 70° 23' E 198.00 feet; thence leaving said southerly lot line, S 27° 53' E 160 feet to the end of the herein described line.

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

END OF DESCRIPTION

REVIEWED MAY 1, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR

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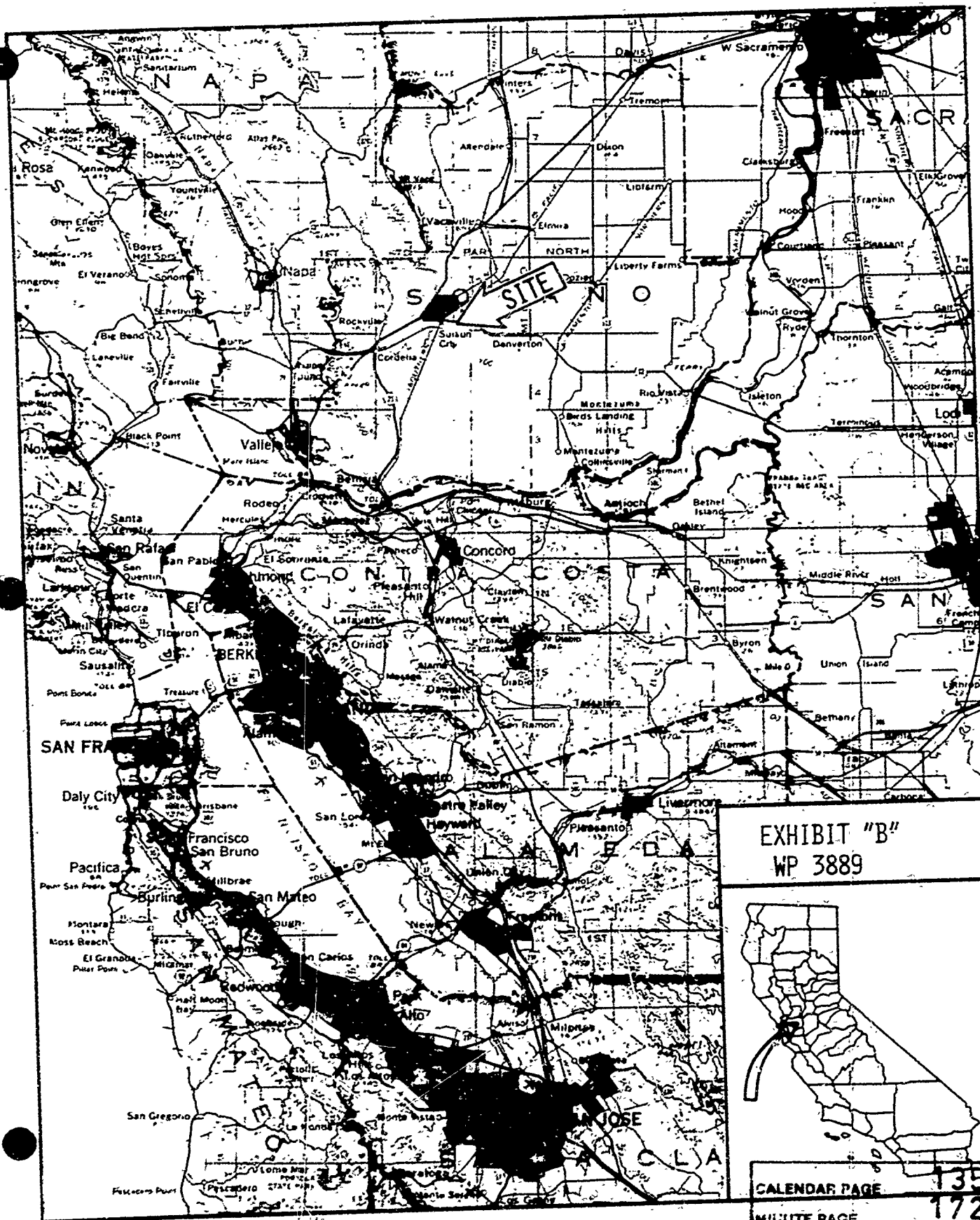


EXHIBIT "B"
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