

MINUTE ITEM

This Calendar Item No. C19
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 2
0 at its 6/30/87
meeting.

CALENDAR ITEM

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C18

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W 23/57
PRC 58/6
Gordon

**REDUCTION OF PUBLIC LIABILITY INSURANCE COVERAGE
FOR PROPOSED GENERAL LEASE - COMMERCIAL USE PRC 5846**

**PROPOSED
LESSEE:**

Naomie King
555 Pierce Street #1303
Albany, California 94706

AREA, TYPE LAND AND LOCATION:

Four 0.077-acre parcels totalling 0.309 acre of
tide and submerged land, located in Old River
at Bra's Island, also known as King's Island,
near Byron, San Joaquin County.

LAND USE:

Construction, placement and maintenance of four
floating boat docks utilized for multiple-use
recreational purposes.

TERMS OF AUTHORIZED LEASE:

Initial period: 15 years beginning July 1,
1985.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

Special:

1. The lease restricts any
residential use of the lease
area.

2. The lease is conditioned
on Lessee's compliance with
all laws and the regulations
of all governmental agencies
having jurisdiction.

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3. The lease is conditioned on the conformance of the docks with the regulations and statutes of all governmental agencies having jurisdiction.

4. The lease consents to Lessee's subletting the lease premises for berthing or mooring purposes for terms of one year or less.

CONSIDERATION: \$806.40 per annum; Five-year rent review.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

STATUTORY AND OTHER REFERENCES:

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

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

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. At its meeting on June 26, 1985, the State Lands Commission, in Minute Item 7, approved the issuance of the subject lease to Naomie King. Staff was unable to issue the lease because Naomie King's son challenged her deceased husband's estate in the probate process.

At its meeting on August 28, 1986, the State Lands Commission, in Minute Item 18, authorized the amendment of the lease to add the provision that the lease shall be voidable at the discretion of the Commission, if Naomie King's interest in the uplands is invalidated, in whole or in part.

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however, during this interim, conditions and circumstances in the insurance industry changed considerably, preventing issuance of the lease. The proposed Lessee and her agent have for a number of months diligently tried to acquire the public liability insurance coverage required by the Commission, without success. Naomie King has been successful only in finding and providing a certificate of insurance for \$300,000 combined single limit coverage and requests that the Commission accept the reduced amount to fulfill the coverage originally required.

Through her agent, Naomie King also has told staff she is unable to provide the necessary recreational boating facilities without the authorized lease for her tenants, lessees and guests.

Staff believes that Mrs. King has made a diligent and conscientious effort to provide the initial required insurance. Staff, therefore, recommends approval of the reduction.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

EXHIBIT A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.

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2. APPROVE THE REDUCTION OF THE PUBLIC LIABILITY COMBINED SINGLE LIMIT INSURANCE COVERAGE OF GENERAL LEASE - COMMERCIAL LEASE PRC 6846 TO \$300,000; WITH ALL OTHER TERMS AND CONDITIONS REMAINING UNCHANGED.

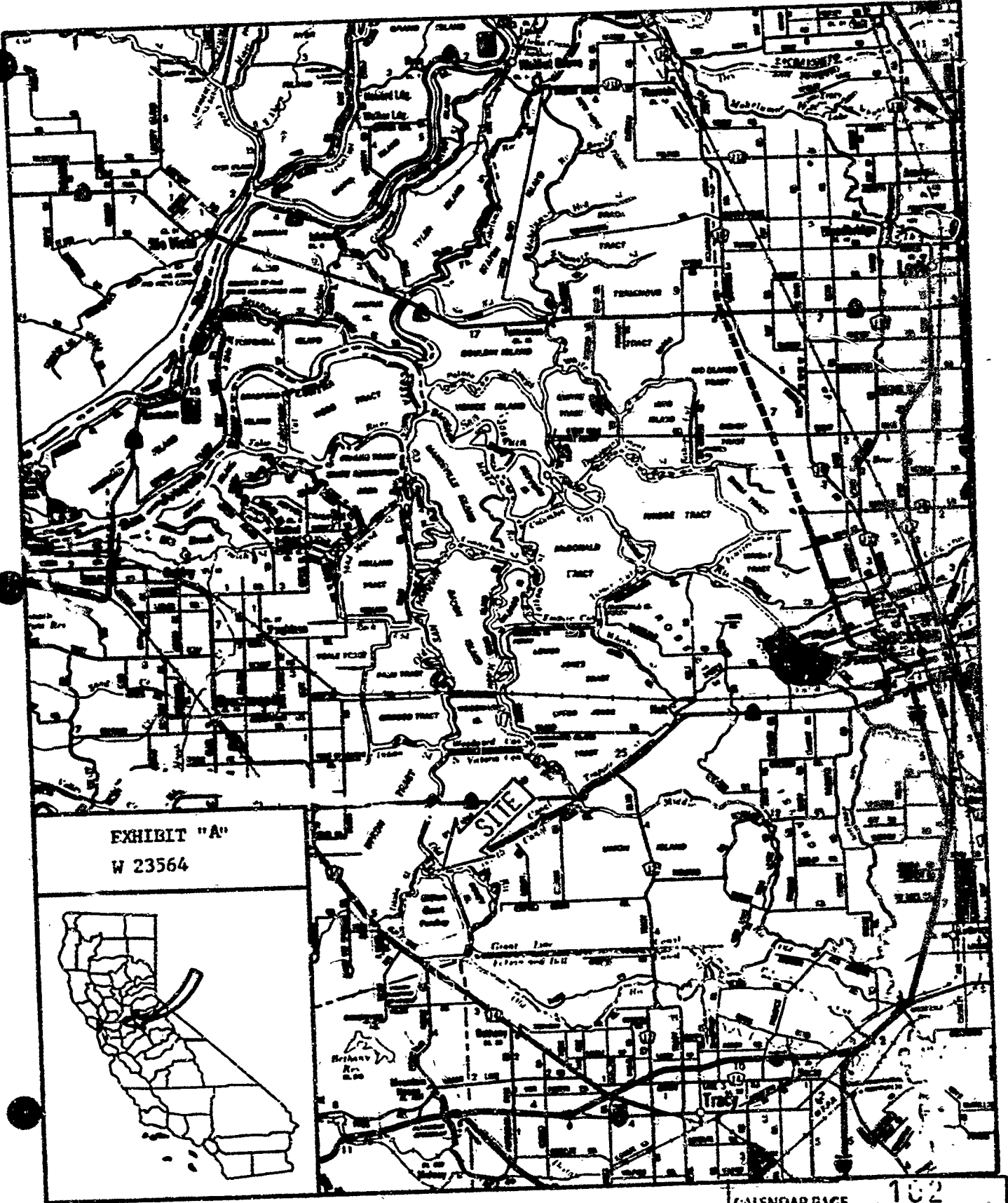


EXHIBIT "A"
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