

MINUTE ITEM
This Calendar Item No. 45
was approved as Minute Item
No. 15 by the State Lands
Commission by a vote of 2
to 0 at its 3-2-88
meeting.

CALENDAR ITEM

A 3
S 1

C 15

03/02/88
WP 2216 PRC 2216
J. Ludlow

TERMINATION OF LEASE PRC 2216,
ISSUED TO ANNE L. SALMEN, AKA ANNE HOUK,
AND APPROVAL OF
GENERAL LEASE - COMMERCIAL USE

APPLICANT: Robert G. Gager, et al
P.O. Box 661854
Sacramento, California 95866

AREA, TYPE LAND AND LOCATION:
A 0.416-acre parcel of submerged land in the
Sacramento River.

LAND USE: Use and maintenance of commercial docking
facilities.

TERMS OF PROPOSED LEASE:
Initial period: 20 years beginning July 18,
1985.

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

CONSIDERATION: Minimum annual rental of \$747, against five
percent of gross income per annum, derived from
the rental of the boat docks, with the State
reserving the right to fix a different rental
on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is owner of upland.

(CALENDAR ITEM NO. C 15 CONT'D)

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and all back rental has been received from the date Applicant received title to the upland property.

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: 05/27/88.

OTHER PERTINENT INFORMATION:

1. As to the termination of lease issued to Anne Salmen, 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.

2. As to the issuance of a new lease to Robert Gager 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 as a categorical exempt project. The project is exempt under Class 1, existing facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

3. The subject property was leased to Anne L. Salmen, aka Anne Houk, for a thirty (30) year term beginning January 1, 1979. The State's lessee declared bankruptcy and the upland property has subsequently been sold to the new applicant, Robert G. Gager, et al.

(CALENDAR ITEM NO. C 15 CONT'D)

4. The previous owners were under lease for a proposed 700-foot extension of floating docks and a fuel pump. The new lease will authorize only the 600 feet of existing dock and ramp. The fuel pump has been removed from the State's land and the 700-foot dock extension was never constructed.
5. The Applicant received title to the upland property on July 18, 1985. In light of the fact that the Applicant has paid the minimum rental due the State backdating to July 18, 1985, the date of recording, staff feels it would be in the best interest of the State and recommends that all penalty and interest be waived for minimum rental and percentage rental, if any, for the period covering July 18, 1985 through December 31, 1987.
6. An attempt to collect back rental from the previous lessee, in the amount of \$1,575 is presently being handled through the Federal bankruptcy court.
7. Lessor hereby consents to Lessee's subletting of all or any portion of the lease premises for berthing or mooring purposes in conjunction with normal commercial marina subleasing practices for terms of one year or less.
8. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description.
- B. Location Map.

(CALENDAR ITEM NO. C 15 CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE TERMINATION OF THE LEASE ISSUED TO ANNE SALMEN-HOUK, 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.
2. AS TO THE ISSUANCE OF A NEW LEASE TO ROBERT GAGER ET AL, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
3. FIND IT IN THE BEST INTEREST OF THE STATE TO WAIVE ALL PENALTY AND INTEREST DUE FOR THE PERIOD COVERING JULY 18, 1985 THROUGH DECEMBER 31, 1987.
4. TERMINATE LEASE PRC 2216 ISSUED TO ANNE L. SALMEN, AKA HOUK, EFFECTIVE JULY 17, 1985.
5. AUTHORIZE ISSUANCE TO ROBERT G. GAGER, ET AL OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING JULY 18, 1985; IN CONSIDERATION OF A BASE ANNUAL RENT IN THE AMOUNT OF \$747 OR FIVE PERCENT OF GROSS INCOME PER ANNUM, WHICHEVER IS GREATER, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF LIABILITY INSURANCE IN THE AMOUNT OF \$500,000 FOR THE OPERATION AND MAINTENANCE OF A COMMERCIAL BOAT DOCKING FACILITY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 2216

A parcel of submerged land in the bed of the Sacramento River, Sutter County, California, adjacent to the SE 1/4 of Section 23, T11N, R3E, MDM, being more particularly described as follows:

COMMENCING at the most southerly corner of Lot 1 as shown on the map entitled "Map of Natomas Bennett Subdivision", filed March 25, 1921, in Book 3 of Surveys, page 83, Sutter County Official Records, and from which the southeast corner of said Section 23, bears N 42°56'E, 468.00 feet; thence N 44°16'46" W, 895.27 feet to the TRUE POINT OF BEGINNING; thence the following nine courses:

1. S 46°38'49" W, 39.67 feet;
2. N 52°48'28" W 115.68 feet;
3. N 37°12'17" W 98.76 feet;
4. N 49°26'08" W 235.11 feet;
5. N 40°33'52" E 40.00 feet;
6. S 49°26'08" E, 75.00 feet from which the most westerly corner of Parcel 2 as described in that certain deed from H.I.D.E., Inc., to Richard J. and Anne L. Houk recorded August 15, 1975, in Volume 852, page 554, Official Records of Sutter County, bears N 58°07'E, 237.00 feet;
7. S 49°20'29" E 161.88 feet;
8. S 37°14'44" E 99.86 feet;
9. S 52°40'37" E 116.94 feet to the point of beginning.

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

END OF DESCRIPTION

REVISED OCTOBER 6, 1987 BY BIU 1.

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CALENDAR PAGE	71
MINUTE PAGE	583

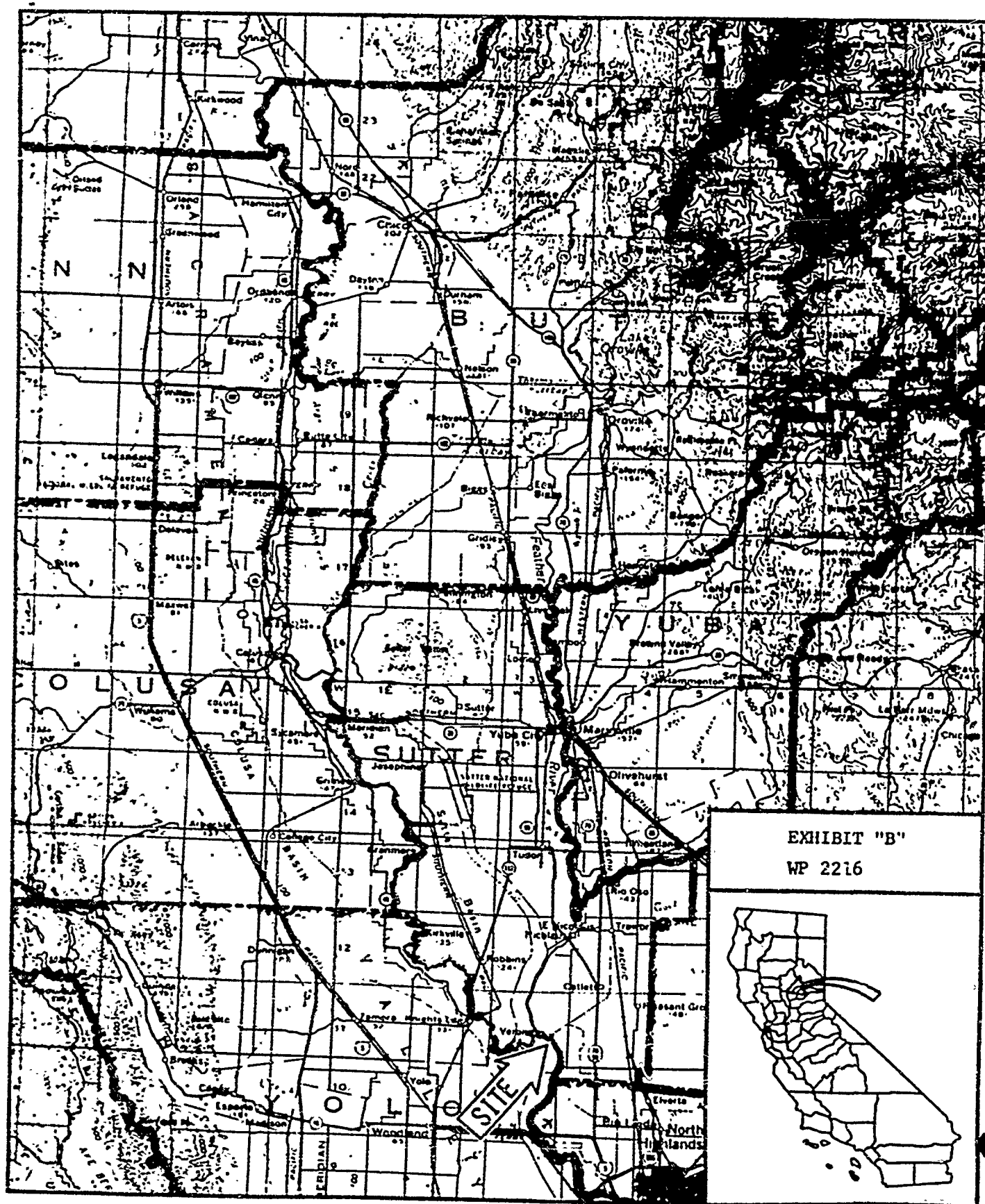


EXHIBIT "B"

WP 2216



CALENDAR PAGE

72

MINUTE PAGE

584