

MINUTE ITEM

This Calendar Item No. C16
was approved as Minute Item
No. C16 by the State Lands
Commission by a vote of 3
to 0 at its 8-22-90
meeting.

CALENDAR ITEM

C 1 6

A 10

S 5

08/22/90
PRC 4306
Maricle

**APPROVAL OF FINANCING DOCUMENT ENTITLED,
"AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE"**

LESSEE: Horst Hanf
834 Francisco Blvd. West
San Rafael, California 94901

SECURED-PARTY LENDER:
First National Bank of Marin
1120 Nye Street
San Rafael, California 94901

AREA, TYPE LAND AND LOCATION:
A 10.86-acre parcel of tide and submerged land
located in the Mokelumne River at Andrus
Island, Sacramento County.

LAND USE: Commercial Marina.

TERMS OF EXISTING LEASE:
Initial period: 25 years beginning January 1,
1978.
Renewal options: Two successive periods of ten
years each.
Surety bond: \$5,000.

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Public liability insurance: \$500,000/\$1,000,000 per occurrence for bodily injury and \$500,000 for property damage, or combined single limit coverage of \$1,000,000.

CONSIDERATION IN EXISTING LEASE:

\$7,500 as rental for the period July 1, 1976 through December 31, 1977. Beginning January 1, 1978, five percent of gross income from berthing on State land, plus one cent per gallon of fuel sales up to 100,000 gallons, less a \$5,000 annual minimum paid in advance.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

- 1. Lease PRC 4306 was originally issued to the Willow Berm Corporation pursuant to Commission approval granted March 30, 1978, Minute Item 12. An assignment of the lease to Horst Hanf was authorized by the Commission on November 20, 1986, Minute Item C09. On December 12, 1987, Minute Item 6, the Commission approved a leasehold encumbering agreement in the amount of \$1,350,000.

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2. Lessee has requested approval of a second leasehold encumbrancing agreement in the amount of \$150,000. The Lessee has expended these monies in various types of property improvements, including replacement of all gangways leading to the floating boatsheds and rebuilding portions of the floating docks. The Lessee states that the loan will be a reimbursement for some of the costs of the improvements made through April 1990.

Lessee has applied to the First National Bank of Marin for the \$150,000. The bank requested that it be named as a Secured-Party Lender under the subject lease. The bank and the present lessee have executed an "Agreement and Consent to Encumbrancing of Lease", which document is on file in the offices of the Commission. State execution of the document is needed to render it complete.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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. Code Regs. 15378.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.

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. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

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2. AUTHORIZE STAFF EXECUTION OF THE DOCUMENT ENTITLED "AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE", ON FILE IN THE OFFICE OF THE COMMISSION, IN FAVOR OF THE FIRST NATIONAL BANK OF MARIN, AS SECURED-PARTY LENDER.

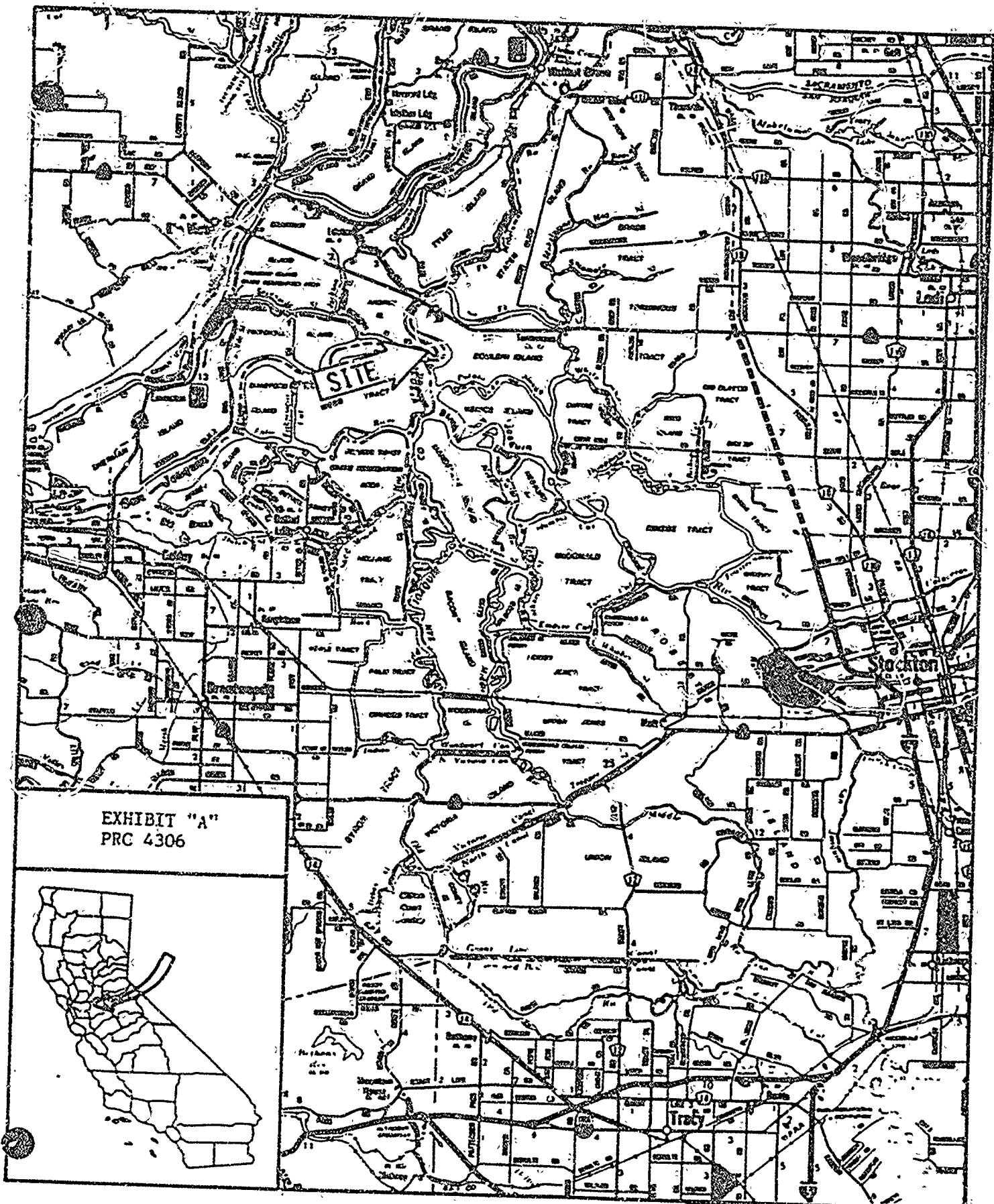


EXHIBIT "A"
PRC 4306



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