

**CALENDAR ITEM
C07**

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04/09/09
PRC 7796.1
V. Caldwell

REVISION OF RENT

LESSEE:

Pacific Fruit Farms, Inc.
P.O. Box 356
Walnut Grove, California 95690

AREA, LAND TYPE, AND LOCATION:

0.03 acres, more or less, of sovereign lands in the Sacramento River, adjacent to 14090 State Highway 160, near Walnut Grove, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, gangway, walkway, dolphin, three pilings, and bank protection.

LEASE TERM:

Ten years, beginning September 1, 2004.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be revised from \$165.50 per year to \$197 per year, effective September 1, 2009.

SPECIFIC LEASE PROVISIONS:

Liability insurance with combined coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. On December 14, 2006, the Commission authorized a General Lease – Recreational and Protective Structure Use to Pacific Fruit Farms, Inc., for an uncovered floating boat dock, gangway, walkway, six pilings, and bank protection. That lease will expire on August 31, 2014.

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2. It has come to staff's attention that the dock was actually constructed in 1995 using only 3 pilings and a dolphin instead of six pilings. The lease area remains the same.
3. The Lessee does not qualify for rent-free status because the upland property is not improved with a single-family dwelling.

EXHIBIT:

- A. Site And Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

APPROVE THE REVISION OF RENT FOR LEASE NO. PRC 7796.1 FROM \$165.50 PER YEAR TO \$197 PER YEAR, EFFECTIVE SEPTEMBER 1, 2009.