

**CALENDAR ITEM
C16**

A 2, 5
S 4, 6

03/29/12
WP 4812.1
V. Caldwell

GENERAL LEASE – COMMERCIAL USE

APPLICANT:

Donald Joseph Glidewell, dba Metro Marina

AREA, LAND TYPE, AND LOCATION:

0.953 acre parcel, more or less, of sovereign land in the Sacramento River, adjacent to 5871 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Operation, use, and maintenance of an existing commercial marina, known as Metro Marina, consisting of 13 covered berths with water and electric outlets, uncovered finger berth with two outlets, uncovered floating side-tie dock with eight outlets, accommodation dock with three outlets, gangway, walkway, two steel pilings, two wood 3-pile dolphins, two wood 2-pile dolphins, and six wood pilings.

LEASE TERM:

20 years, beginning September 1, 2012.

CONSIDERATION:

Minimum annual rent in the amount of \$2,453 per year, against six percent of the gross annual income derived from the commercial activities from the berthing, docking, and mooring of boats generated on the Lease Premises with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance of no less than \$2,000,000

Surety:

Surety bond or other security in the amount of \$10,000.

Other:

The lease contains provisions that:

CALENDAR ITEM NO. C16 (CONT'D)

The Lessee must implement the Commission's "Best Management Practices for Marina Owners/Operators" and encourage implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters", including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. The Lessee shall provide the Commission a report on compliance with all BMPs on the first anniversary of the lease and on every third anniversary thereafter.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On July 22, 1982, the Commission authorized a 30-year General Lease – Commercial Use to James O. Muncil and Lilac Muncil, dba Metro Marina, for a commercial marina. On December 7, 1995, the Commission authorized an assignment of the lease to Donald Joseph Glidewell. The Lease expires on August 31, 2012. The Applicant is applying for a new General Lease – Commercial Use.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

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

CALENDAR ITEM NO. C16 (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize Issuance of a General Lease – Commercial Use to Donald Joseph Glidewell, dba Metro Marina, beginning September 1, 2012, for a term of 20 years, for the operation, use, and maintenance of an existing commercial marina known as Metro Marina, consisting of 13 covered berths with water and electric outlets, one uncovered finger berth with two outlets, one uncovered floating side-tie dock with eight outlets, one accommodation dock with three outlets, gangway, walkway, two steel pilings, two wood three-pile dolphins, two wood two-pile dolphins, and six wood pilings as described in Exhibit A and as shown on Exhibit B (for reference purposes only) and by this reference made a part hereof; Minimum annual rent in the amount of \$2,453, against six percent of the gross annual income derived from the commercial activities from the berthing, docking, and mooring of boats, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance in the amount of no less than \$2,000,000; and surety in the amount of \$10,000.

Exhibit A

Land Description

PRC 4812.1

A parcel of tide and submerged land in the State-owned bed of the Sacramento River adjacent to the east bank in Sacramento County, State of California, described as follows:

COMMENCING at a concrete monument marking the intersection of the boundary line between Swamp and Overflowed Survey 898, Sacramento County, and Lot 23 of Natomas Elkhorn Subdivision with the easterly boundary line of the river levee right of way of Reclamation District No. 1000, said concrete monument being shown on the official "Map of Natomas Elkhorn Subdivision" recorded in the office of the County Recorder of Sacramento County, February 26, 1918, in Book 15 of Maps, Map No. 42; thence the following four courses:

1. S 52° 30' 30" W 314.20 feet;
2. N 45° 57' 30" W 545.00 feet;
3. N 39° 30' 00" W 300.50 feet;
4. N 35° 38' 00" W 46.70 feet, to the POINT OF BEGINNING; thence the following nine courses:

5. S 55° 26' 05" W 5.00 feet;
6. S 76° 00' 00" W 40.00 feet;
7. S 53° 32' 00" W 16.00 feet;
8. N 65° 30' 00" W 187.50 feet;
9. N 40° 32' 00" W 173.40 feet;
10. N 49° 28' 00" E 115.00 feet;
11. N 65° 35' 19" E 67.62 feet;
12. S 30° 23' 30" E 159.20 feet;
13. S 35° 38' 00" E 188.10 feet to the point of beginning.

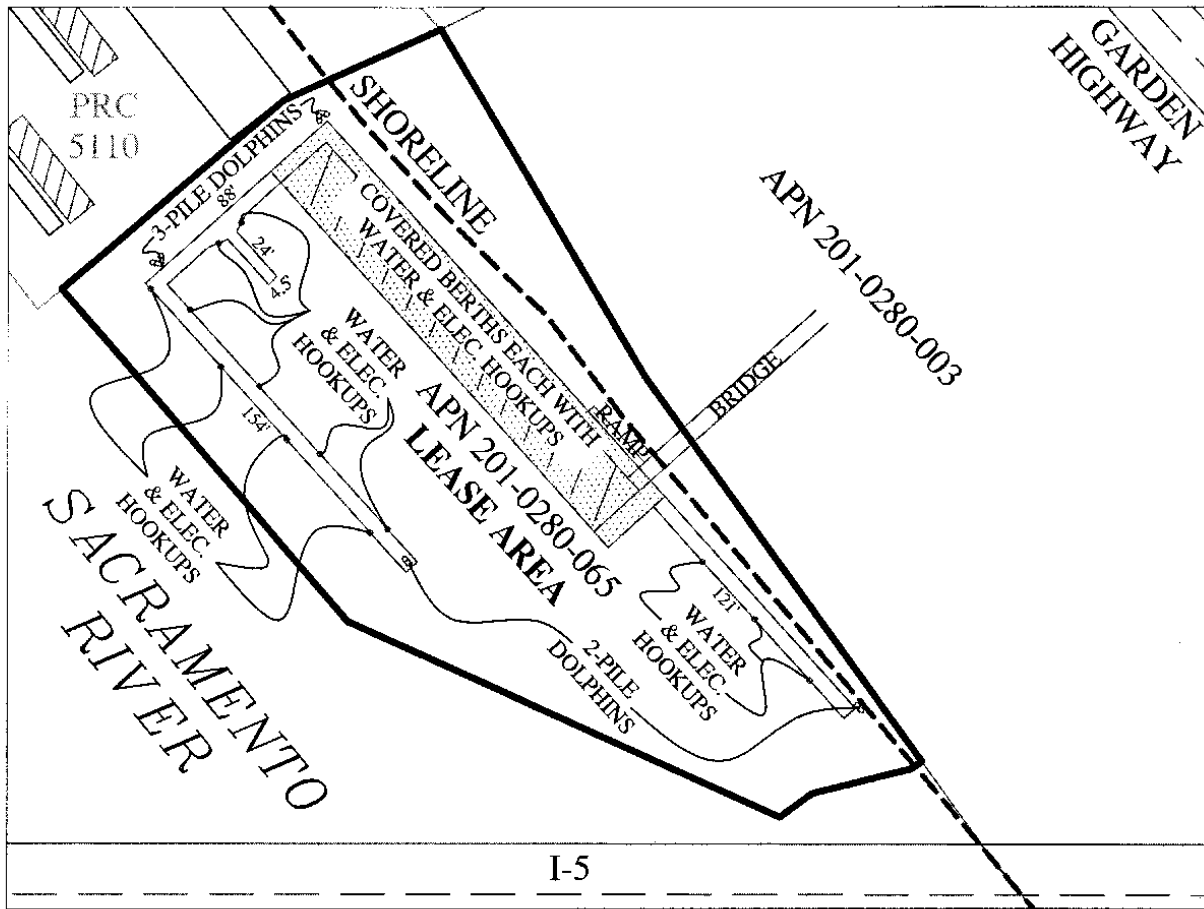
EXCEPTING THEREFROM any portion thereof lying landward of the ordinary high water mark of the left bank of the Sacramento River.

END OF DESCRIPTION

REVIEWED MAY 19, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

NO SCALE

SITE



5871 Garden Highway

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4812.1
 GLIDEWELL dba
 METRO MARINA
 APN 201-0280-003,065
 GENERAL LEASE-
 COMMERCIAL USE
 SACRAMENTO COUNTY



MJF 1/24/12

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.