

**CALENDAR ITEM  
C38**

A 15  
S 6

03/29/12  
PRC 3264.1  
N. Lavoie

**CONTINUATION OF RENT**

**LESSEE:**

Cliff's River Marina, Inc.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Sacramento River, adjacent to 8651 River Road, near the town of Freeport, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing commercial marina consisting of 126 covered and uncovered berths, debris barrier, harbor master's office, gas pump, sewage pumpout facility, boat launch, storage shed, and access bridge.

**LEASE TERM:**

25 years, beginning June 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 a continuation of rent for the minimum rent at \$6,800 per year, the percentage of gross rent at five percent of gross income from berthing, 25 percent of all coin operated vending and game machines, 10 percent of gross income from all other sources, and \$0.015 per gallon of fuel sold to a maximum of 100,000 gallons and \$0.02 per gallon thereafter, effective June 1, 2012.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

This lease provides that Lessor may increase the amount of liability insurance periodically during the lease term. Pursuant to this provision, staff recommends an increase in liability insurance from no less than \$1,000,000 to no less than \$2,000,000, effective June 1, 2012.

Surety:

Surety bond or other security in the amount of \$20,000.

CALENDAR ITEM NO. **C38** (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. On June 7, 2004, the Commission authorized a General Lease – Commercial Use, with Cliff’s River Marina, Inc. That lease will expire on May 31, 2029.
2. The staff recommends that the Commission find that the subject Continuation of Rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the subject Continuation of Rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**AUTHORIZATION:**

1. Approve the continuation of rent for Lease No. PRC 3264.1 at a minimum of \$6,800 per year, and the percentage of gross rent at five percent of gross income from berthing, 25 percent of all coin operated vending and game machines, 10 percent of gross income from all other sources, and \$0.015 per gallon of fuel sold to a maximum of 100,000 gallons and \$0.02 per gallon thereafter, effective June 1, 2012.
2. Approve the increase in liability insurance from \$1,000,000 to \$2,000,000, effective June 1, 2012.

EXHIBIT A

LAND DESCRIPTION

WP 3264.1

A parcel of tide and submerged land situated in the bed of the Sacramento River, in Sections 23, 24, and 25, T7N, R4E, MDM, Sacramento County, California, and lying westerly of Swamp and Overflowed Lands Survey Numbers 152 and 168, and more particularly described as follows:

BEGINNING at the southwest corner of S & O Survey 168; thence along the westerly boundary of said survey N 0° 45' E 843.00 feet (this course shown as N 0° 13' 24" W on that record of survey map recorded in Book 26 of Surveys, page 15, on May 10, 1968, in the Office of the County Recorder of said county); thence leaving said boundary the following eight courses:

- 2) N 88° 02' 31" W 79.00 feet;
- 3) S 46° 57' 29" W 130.00 feet;
- 4) S 10° 17' 18" E 55.14 feet;
- 5) S 1° 57' 29" W 701.00 feet;
- 6) S 60° 08' 55" W 92.96 feet;
- 7) S 1° 49' 15" W 97.06 feet;
- 8) S 16° 01' 12" W 536.00 feet;
- 9) S 73° 58' 48" E 232.63 feet to a point on the westerly boundary of S & O Survey 152; thence along said boundary the following two courses:
- 10) N 21° 45' 00" E 270.30 feet;
- 11) N 10° 15' 00" E 477.18 feet to the point of beginning.

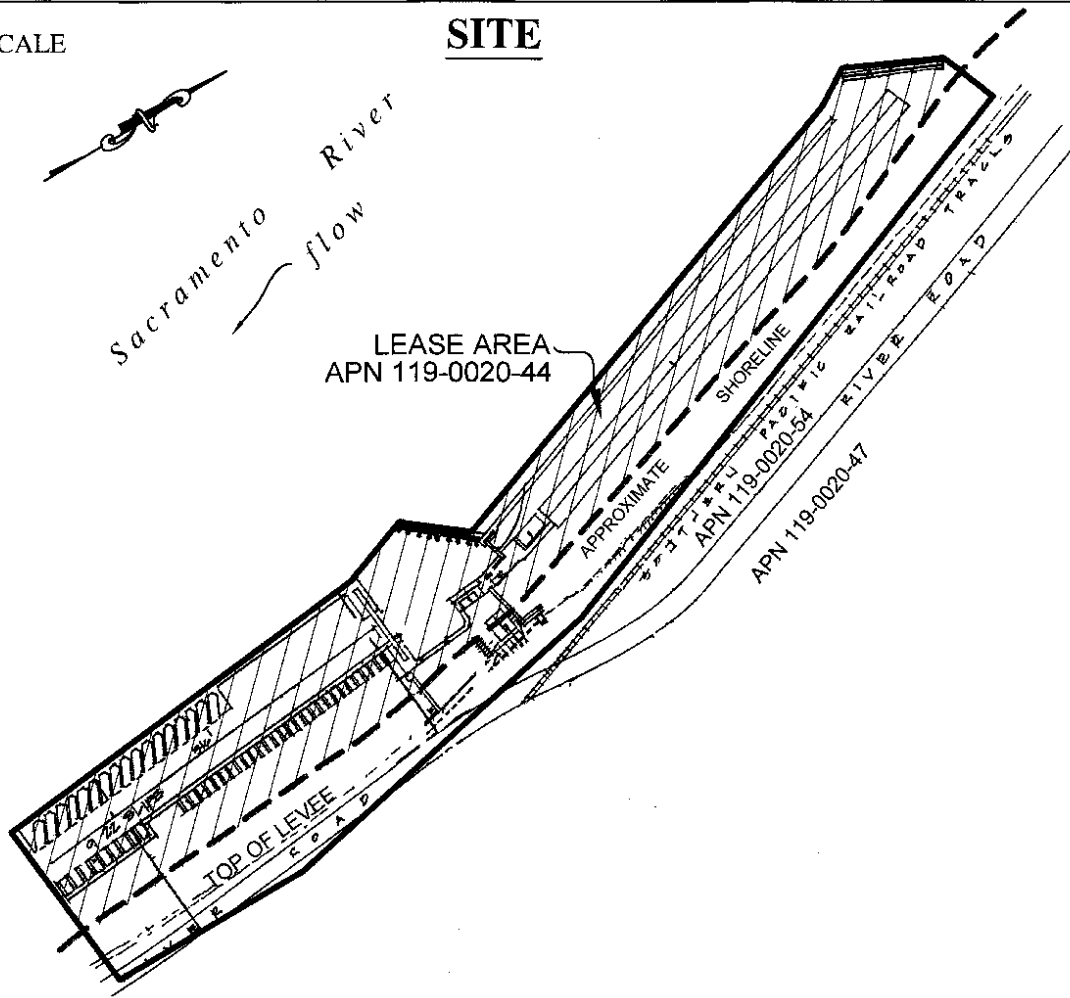
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Sacramento River.

END OF DESCRIPTION

REVISED AUGUST 30, 1984 BY BOUNDARY AND TITLE UNIT.

NO SCALE

### SITE



8651 RIVER ROAD, SACRAMENTO RIVER

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 3264.1  
 CLIFF'S RIVER MARINA, INC.  
 APN 119-0020-044, 047 & 054  
 GENERAL LEASE-  
 COMMERCIAL USE  
 SACRAMENTO COUNTY



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.

MJJ 02/13/12