

**CALENDAR ITEM  
C26**

A 8  
S 5

10/19/12  
PRC 8710.1  
V. Caldwell

**ASSIGNMENT OF LEASE**

**LESSEES/ASSIGNOR:**

Carl Clayton and Viki Clayton, dba Clarksburg Marina

**APPLICANT/ASSIGNEE:**

T H GRACE LLC

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

0.39 acre, more or less, of sovereign land in the Sacramento River, adjacent to 36250 Riverview Drive, near the town of Clarksburg, Yolo County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing commercial marina known as Clarksburg Marina, consisting of an uncovered floating side tie dock, boat hoist, walkway, pilings, dolphins, and concrete bank protection.

**LEASE TERM:**

20 years, beginning September 1, 2006.

**CONSIDERATION:**

\$2,406 per year, payable bi-annually in the amount of \$1,203 on or before September 1 and March 1 of each lease year, 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 \$1,000,000

Bond:

\$5,000 (Increases to \$10,000 on September 1, 2013)

**OTHER PERTINENT INFORMATION:**

1. Assignee owns the upland adjoining the lease premises.

CALENDAR ITEM NO. C26 (CONT'D)

2. On August 24, 2006, the Commission authorized a General Lease – Commercial Use to Carl Clayton and Viki Clayton, dba Clarksburg Marina, for an existing commercial marina. The lease will expire on August 31, 2026. On February 5, 2011, Carl Clayton passed away. The surviving Lessee is now requesting Commission authorization for an assignment of the Lease.
3. On August 31, 2012, Viki Clayton transferred the upland ownership to Donald Updegraff and Kathleen Updegraff. On September 27, 2012, Donald Updegraff and Kathleen Updegraff transferred the upland ownership to T H GRACE LLC. Applicant has applied for an assignment of the lease.
4. The staff recommends that the Commission find that the subject lease assignment 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 lease assignment 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:**

Authorize the assignment of Lease No. PRC 8710.1, a General Lease – Commercial Use, of sovereign land as described on Exhibit A attached and by this reference made a part hereof, from Carl Clayton and Viki Clayton to T H GRACE LLC; effective October 19, 2012.

**EXHIBIT A**

**PRC 8710.1**

**LAND DESCRIPTION**

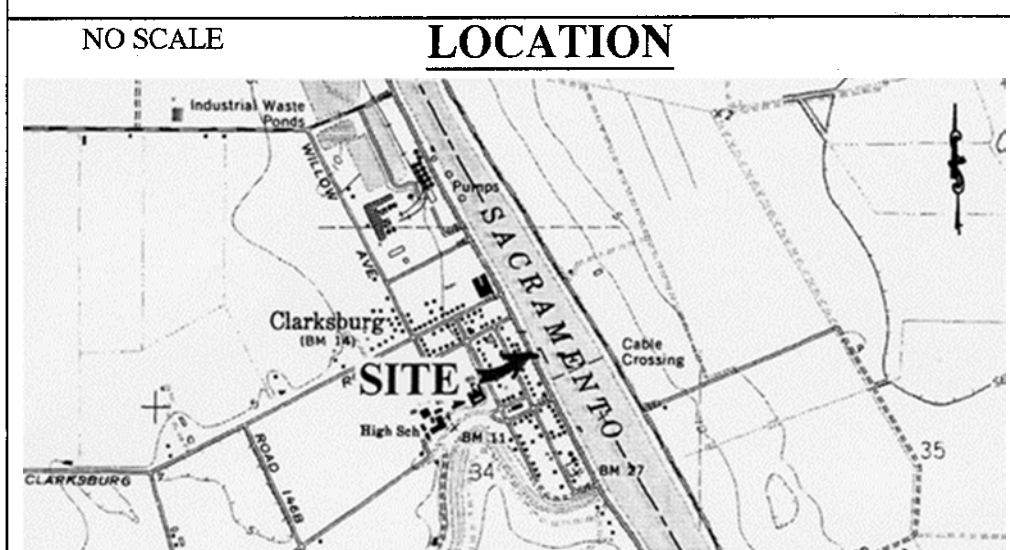
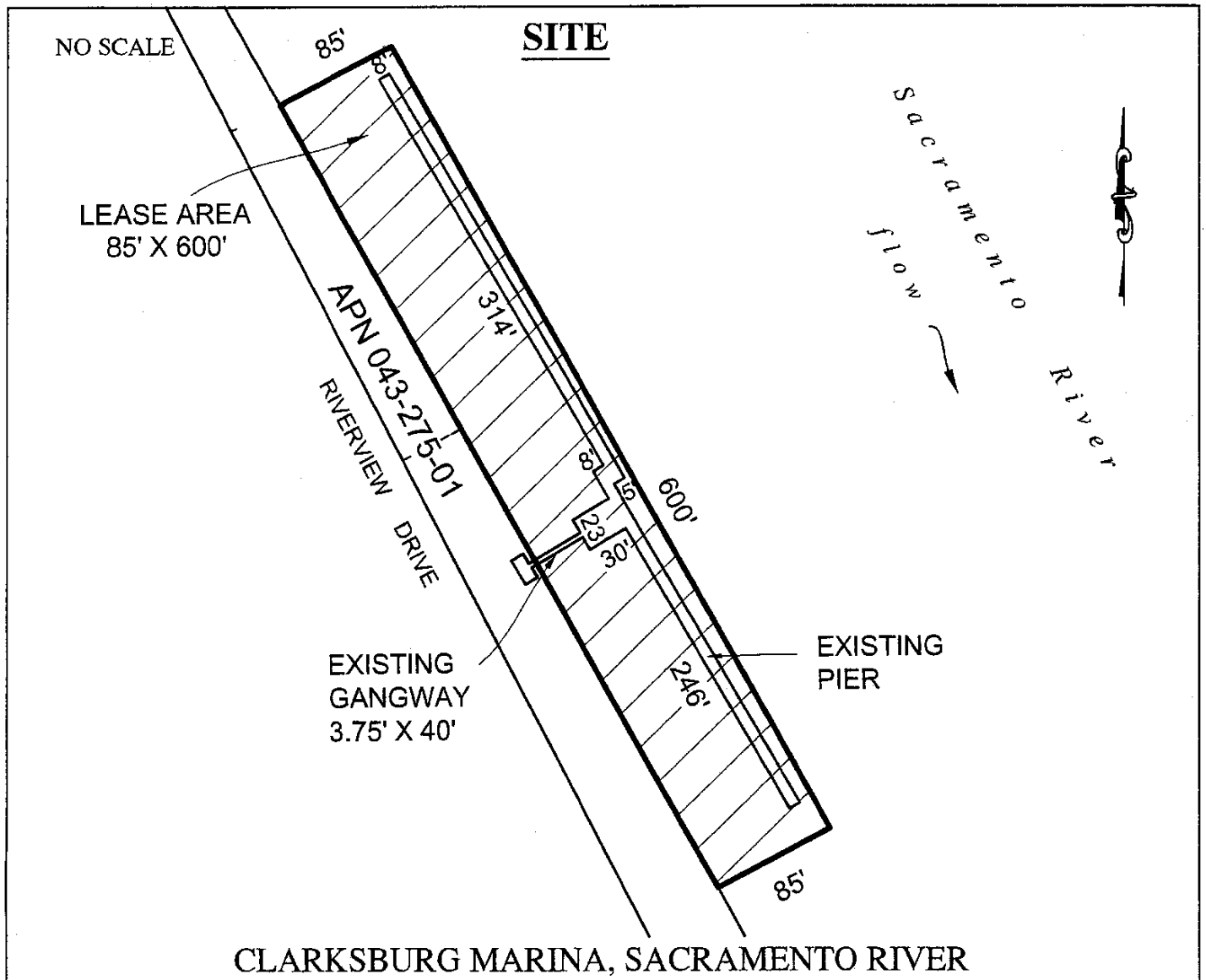
A parcel of tide and submerged land in the bed of the Sacramento River situate in the City of Clarksburg, Yolo County, State of California, adjacent to Parcels 1 and 2, Block A of Holland Land Company Subdivision Number 10A, recorded May 10, 1923 in Book 3 of Maps, Page 50, Yolo County Records, said parcel of submerged land bounded to the West by the ordinary high water mark, bounded on the East by a line lying 85 feet perpendicular to and parallel with said high water mark, bounded to the North by the easterly prolongation of the northerly line of lot 4 of said subdivision, bounded on the South by the easterly prolongation of the southerly line of Lot 15 of said subdivision.

EXCEPTING THEREFROM any portion of said parcel lying landward of the Ordinary High Water Mark of the right bank of the Sacramento River.

**END OF DESCRIPTION**

Prepared March 28, 2012 by the California State Lands Commission Boundary Unit.





**Exhibit B**  
 PRC 8710.1  
 T H GRACE LLC  
 APN 043-275-01  
 GENERAL LEASE -  
 COMMERCIAL USE  
 YOLO 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.