

7. AUTHORIZATION FOR ISSUANCE OF AN AMENDMENT TO COMMERCIAL LEASE PRC 4194.1, TIDE AND SUBMERGED LAND IN LITTLE POTATO SLOUCH AT TERMINOUS, SAN JOAQUIN COUNTY; SIDNEY EDWARD WALLACE, dba TOWER PARK MARINA - W 20003, PRC 4194.1.

After consideration of Calendar Item 6 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 47 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AN AMENDMENT OF A COMMERCIAL LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.

2. AUTHORIZES THE ISSUANCE TO SIDNEY EDWARD WALLACE, dba TOWER PARK MARINA, OF AN AMENDMENT TO COMMERCIAL LEASE NO. PRC 4194.1 WHICH WILL:

CHANGE THE TERM FROM 49 YEARS, BEGINNING MARCH 1, 1969, TO 23 YEARS, BEGINNING MARCH 1, 1969;

CHANGE THE TERMINATION DATE FROM FEBRUARY 28, 2018, TO FEBRUARY 29, 1992;

CHANGE THE RENTAL FROM \$603 PER ANNUM TO \$1,514.70 FOR THE YEAR BEGINNING MARCH 1, 1972, AND \$3,728.10 FOR EACH OF THE NEXT FOUR YEARS, WITH STATE RESERVING THE RIGHT TO REVIEW AND RESET A REASONABLE RENTAL ON MARCH 1, 1977, AND ON EACH FIFTH ANNIVERSARY THEREAFTER;

ADD TO PARAGRAPH 4 THE PHRASE: "THE CONSTRUCTION AND OPERATION OF A MARINA.";

CHANGE THE COMPLETION OF CONSTRUCTION DATE FROM DECEMBER 31, 1970, TO DECEMBER 31, 1973;

CHANGE THE BOND FROM \$3,000 TO \$5,000 AND THE INSURANCE FROM \$200,000/\$600,000/\$100,000 TO \$500,000/\$1,000,000/\$100,000;

CHANGE THE PROVISION FOR NO RENEWAL TO A PROVISION FOR TWO ADDITIONAL PERIODS OF TEN YEARS EACH; AND

SUBSTITUTE FOR THE LEGAL DESCRIPTION THAT ATTACHED HERETO AS EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 6 (4 pages)

CALENDAR ITEM

4/72
W 20003
ATD

6.

AMENDMENT TO COMMERCIAL LEASE PRC 4194.1

APPLICANT: Sidney Edward Wallace, dba Tower Park Marina.

LOCATION: A 7.31-acre parcel of tide and submerged land in Little Potato Slough at Terminous, San Joaquin County.

LAND USE: The construction and operation of a marina utilizing pre-existing structures with additional covered berths being constructed.

TERMS OF EXISTING LEASE:

49 years, from March 1, 1969.

Renewal options: None.

Surety bond: \$3,000. Public liability insurance: \$200,000/
\$600,000 for personal injury and \$100,000 for property damage.

CONSIDERATION OF EXISTING LEASE:

\$603 per annum, with State reserving the right to review and reset a reasonable rental on each fifth anniversary.

BASIS FOR CONSIDERATION:

6% of appraised value of land.

TERMS OF AMENDED LEASE:

Initial period: 23 years, from March 1, 1969.

Renewal options: 2 additional periods of 10 years each.

Surety bond: \$5,000. Public liability insurance: \$500,000/
\$1,000,000 for personal injury and \$100,000 for property damage.

CONSIDERATION OF AMENDED LEASE:

\$1,514.70 for the first year's rent, then to be increased to \$3,728.10 for the period March 1, 1973, through February 28, 1977, with State reserving the right to review and reset a reasonable rental at that time and on each fifth anniversary thereafter.

BASIS FOR CONSIDERATION:

6% of appraised value of land.

PREREQUISITE ITEMS:

U.S. Army Corps of Engineers permit issued.

Applicant is owner of upland.

CALENDAR ITEM NO. 6. (CONTD)

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Division 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Division 3, Articles 1 and 2.

OTHER PERTINENT INFORMATION:

1. The legal description of Lease PRC 4194.1 is being amended to add additional area for the construction and operation of covered berthing in a phased operation. Additional area will be added to the lease March 1, 1973. This will be a total area of 7.31 acres, and will earn a total rent of \$3,728.10 per annum.
2. An environmental impact report has been prepared and circulated to affected governmental agencies. No adverse comments were received. General comments have been incorporated into the report.

EXHIBITS: A. Land description. B. Location map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 47 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AN AMENDMENT OF A COMMERCIAL LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZE THE ISSUANCE TO SIDNEY EDWARD WALLACE, DBA TOWER PARK MARINA, OF AN AMENDMENT TO COMMERCIAL LEASE NO. PRC 4194.1 WHICH WILL:

CHANGE THE TERM FROM 49 YEARS, BEGINNING MARCH 1, 1969, TO 23 YEARS, BEGINNING MARCH 1, 1969;

CHANGE THE TERMINATION DATE FROM FEBRUARY 28, 2018, TO FEBRUARY 29, 1992;

CHANGE THE RENTAL FROM \$603 PER ANNUM TO \$1,514.70 FOR THE YEAR BEGINNING MARCH 1, 1972, AND \$3,728.10 FOR EACH OF THE NEXT FOUR YEARS, WITH STATE RESERVING THE RIGHT TO REVIEW AND RESET A REASONABLE RENTAL ON MARCH 1, 1977, AND ON EACH FIFTH ANNIVERSARY THEREAFTER;

ADD TO PARAGRAPH 4 THE PHRASE: "THE CONSTRUCTION AND OPERATION OF A MARINA.";

CHANGE THE COMPLETION OF CONSTRUCTION DATE FROM DECEMBER 31, 1970, TO DECEMBER 31, 1973;

CHANGE THE BOND FROM \$3,000 TO \$5,000 AND THE INSURANCE FROM \$200,000/\$600,000/\$100,000 TO \$500,000/\$1,000,000/\$100,000;

CALENDAR ITEM NO. 6. (CONTD)

CHANGE THE PROVISION FOR NO RENEWAL TO A PROVISION FOR TWO
ADDITIONAL PERIODS OF TEN YEARS EACH; AND

SUBSTITUTE FOR THE LEGAL DESCRIPTION, THAT ATTACHED HERETO AS
EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W.O.: W 20003

A parcel . tide and submerged land in the bed of Little Potato Slough, San Joaquin County, California, being a portion of Section 13, T. 3 N., R. 4 E., M.D.M., said parcel being further described as lying waterward of the ordinary high water mark immediately beneath existing and proposed structures together with the area of necessary use and immediately adjacent to that parcel of land described in Grant Deed, recorded May 20, 1971, in Book 3529 at page 258, and more particularly described as a strip of land of varying width lying westerly of the following described line:

(PHASE I) COMMENCING at a concrete monument located on the east bank of Little Potato Slough at Terminous, 25.0 feet north of the centerline of Terminous Road and 200.6 feet south and 9933.8 feet west of the northeast corner of Section 18, T. 3 N., R. 5 E., M.D.M., thence from said point of commencement S. 12° 21' 30" E., 535.75 feet; thence N. 67° 18' E., 199.8 feet; thence S. 22° 42' E., 100 feet; thence southwesterly along a curve to the left, having a radius of 666.78 feet, an arc length of 214.0 feet to a point herein designated "A"; thence S. 23° 52' W., 498.2 feet; thence N. 88° 50' E., 242.51 feet; thence S. 23° 43' W., 576.81 feet; thence S. 41° 34' 30" W., 575.44 feet; thence S. 16° 10' W., 246.79 feet; thence S. 25° 41' 26" E., 205 feet to a point hereinafter designated point "B"; thence S. 64° 18' 34" W., 450 feet more or less to the ordinary high water mark and the POINT OF BEGINNING of the herein described line; thence from said point of beginning running northerly along the ordinary high water mark of the east bank of Little Potato Slough 2,400 feet more or less to a point from which aforesaid point "A" bears East, and the end of the herein described line.

A strip of land of varying width lying southwesterly of the following described line:

(PHASE II) COMMENCING at aforementioned point "B"; thence S. 25° 41' 26" E., 624.22 feet; thence S. 66° 35' E., 490.43 feet; S. 80° 00' E., 235.00 feet; thence south 150 feet more or less to the ordinary high water mark and the POINT OF BEGINNING of the herein described line; thence from said point of beginning running northwesterly along the ordinary high water mark of the east bank of Little Potato Slough 1600 feet more or less to a point from which aforesaid point "B" bears N. 64° 18' 34" W. and the end of the herein described line.

END OF DESCRIPTION