

MINUTE ITEM

9/27/73
EWC

9. AMENDMENT OF LEASE PRC 2362.1, TIDE AND SUBMERGED LAND IN CORTE MADERA CREEK, MARIN COUNTY; GREENBRAE YACHT HARBOR, INC. - W 8425, PRC 2362.1.

After consideration of Calendar Item 7 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE ISSUANCE TO GREENBRAE YACHT HARBOR, INC. OF AN AMENDMENT TO LEASE PRC 2362.1, EFFECTIVE JULY 25, 1967, THAT WILL:

A. DELETE THE LEGAL DESCRIPTION OF SAID LEASE AND SUBSTITUTE THAT IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF;
AND

B. CHANGE THE RENTAL FROM \$1,177.83 PER ANNUM TO \$898.84 PER ANNUM.

2. AUTHORIZES THE REFUND TO GREENBRAE YACHT HARBOR, INC. OF UNEARNED RENTALS FROM THE EFFECTIVE DATE OF THIS AMENDMENT, LESS ANY UNPAID RENTALS AND PENALTIES YET OWING ON SAID LEASE PRC 2362.1.

ALL OTHER TERMS AND CONDITIONS OF SAID LEASE SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

Attachment:

Calendar Item 7 (3 pages)

CALENDAR ITEM

7.

9/73
EWC
W 8425

AMENDMENT OF LEASE PRC 2362.1

APPLICANT: Greenbrae Yacht Harbor, Inc.

LOCATION: A 5.09-acre parcel of tide and submerged land in Corte Madera Creek, Marin County.

LAND USE: Bulkhead for proposed boat harbor.

TERMS OF ORIGINAL LEASE:

Initial period: 30 years, from March 15, 1959.

Surety bond: \$2,500.

Consideration: \$1,177.83 per annum.

TERMS OF PROPOSED AMENDMENT:

The legal description is to be changed to delete approximately 1.58 acres, required for flood control purposes, from the leased premises.

CONSIDERATION: \$898.84 per annum, effective July 25, 1967.

BASIS FOR CONSIDERATION:

Pro-rata reduction based on area change.

STATUTORY AND OTHER REFERENCES:

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

OTHER PERTINENT INFORMATION:

1. The Marin County Flood Control and Water Conservation District has purchased the lessee's interest in 1.58 acres of the leased parcel and other land, by condemnation, for its Corte Madera Creek flood control project.
2. From the effective date of the taking, unearned rental in the amount of \$278.99 per year, representing a proportional share of the leased parcel, is to be refunded. Any as yet unpaid rental and penalties owing for 1973 shall be withheld from the refund. All rental deposits have been held in a suspense fund.
3. The delay in effecting the amendment has been inadvertent and is due to a misfiling of the amendment documents.

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4. An environmental impact report is not required under Section 6371 of the Public Resources Code, according to an informal opinion of the office of the Attorney General, as this action does not constitute an enlargement or change in the basic purpose of the lease. Any flood control work which the District might undertake on the land in question would be subject to requirements of the California Environmental Quality Act.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ISSUANCE TO GREENBRAE YACHT HARBOR, INC. OF AN AMENDMENT TO LEASE PRC 2362.1, EFFECTIVE JULY 25, 1967, THAT WILL:
 - A. DELETE THE LEGAL DESCRIPTION OF SAID LEASE AND SUBSTITUTE THAT IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; AND
 - B. CHANGE THE RENTAL FROM \$1,177.83 PER ANNUM TO \$898.84 PER ANNUM.
2. AUTHORIZE THE REFUND TO GREENBRAE YACHT HARBOR, INC. OF UNEARNED RENTALS FROM THE EFFECTIVE DATE OF THIS AMENDMENT, LESS ANY UNPAID RENTALS AND PENALTIES YET OWING ON SAID LEASE PRC 2362.1.

ALL OTHER TERMS AND CONDITIONS OF SAID LEASE SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

Attachment: Exhibit "A"

EXHIBIT "A"

W 8425

A parcel of tide and submerged land lying in the bed of Corte Madera Canal, Marin County, California, more particularly described as follows:

BEGINNING at Tideland Stake No. 700 on the northerly line of Corte Madera Canal as shown upon "Map No. 2 of Salt Marsh and Tide Land, County of Marin, by G. F. Allardt; thence along said canal line S 75° 09' W, 300 feet; thence at right angles into the canal line S 14° 51' E, 374.37 feet to a point hereafter described as "Point A"; thence continuing S 14° 51' E, 45.63 feet; thence S 84° 59' E, 750 feet; thence N 32° 30' W, 450 feet; thence N 05° 01' E, 70 feet more or less to a point on the northerly canal line mentioned above; thence along said canal line N 54° 05' W, 27 feet more or less to Tideland Stake No. 701; thence N 77° 45' W, 310.20 feet to the point of beginning.

EXCEPTING from the above described property the included portion of Sir Francis Drake Highway.

EXCEPTING therefrom the following described property:

BEGINNING at "Point A" thence N 86° 13' 51" E, 590.955 feet; thence along a curve to the right of radius 990 feet whose center bears S 03° 46' 09" E, an arc distance of 73.185 feet; thence S 32° 30' E, 178.583 feet; thence N 84° 59' W, 749.951 feet; thence N 14° 51' W, 45.63 feet to the point of beginning.

Containing a net area after said exceptions of 5.09 acres more or less.

END OF DESCRIPTION