

MINUTE ITEM

This Calendar Item No. 28
was approved as Minute Item
No. 28 by the State Lands
Commission by a vote of 3
0 at its 3-25-76
meeting

CALENDAR ITEM

28

3/76
EPW
W 320.190
PRC 5110

A COMMERCIAL LEASE AND
APPROVAL OF ASSIGNMENT

APPLICANT: Alan Lowe and Judith Lowe
5999 Garden Highway
Sacramento, California 95837

ASSIGNEE: Gaylen R. Marquardson
14724 Ventura Blvd., Suite 610
Sherman Oaks, California 91403

AREA, TYPE LAND AND LOCATION:
A 1.32 acre parcel of tide and submerged land
in the Sacramento River, mile 70.9, Sacramento
County.

LAND USE: For the maintenance of a commercial marina.

TERMS OF PROPOSED LEASE:
Initial period: 15 years from November 15, 1975.

Renewal options: 3 successive periods of 10
years each.

Surety bond: \$2,000.

Public liability insurance: \$500,000 per
occurrence for combined single
limit bodily injury and property
damage.

Special: In consideration of Lessee's
use of State lands prior to
the commencement date of this
lease, Lessee agrees to com-
pensate the State of California
in the amount of \$2,867.40.

CONSIDERATION: \$908.16 per annum with State reserving the
right to fix a different rental on each fifth
anniversary of the lease.

BASIS FOR CONSIDERATION:
8% of appraised value of land. \$100 minimum
rental for this type of lease for period
August 29, 1959 to August 24, 1969. \$300
minimum rental for this type of lease for
period August 25, 1969 to November 14, 1975.

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PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee of \$25 has been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. The State Lands Commission on November 21, 1974, adopted the following resolution, "The Commission authorizes the staff of the State Lands Division and/or the Office of the Attorney General to take all steps necessary, including litigation, in order to bring the above-listed trespassers into compliance with lease regulations or eject them from sovereign lands". Alamar Landing, (W 320.138), was named in that authorization. During the course of lease negotiations with Mr. Lewe, he entered into a sales agreement (subject to the approval of the State Lands Commission and the Alcoholic Beverage Control Commission) with Gaylen R. Marquardson, Assignee.
2. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
3. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class B. Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS:

A. Land Description.

B. Location Map.

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IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT NEED NOT BE PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100 ET SEQ.; AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ. OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO ALAN LEWE AND JUDITH LEWE OF A 15-YEAR COMMERCIAL LEASE FROM NOVEMBER 15, 1975, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH AND THE APPROVAL OF AN ASSIGNMENT TO GAYLEN R. MARQUARDSON; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$908.16; FOR THE USE OF STATE LANDS AND PRIOR TO THE COMMENCEMENT DATE OF THIS LEASE, THE SUM OF \$2,867.40 IN BACK RENTS; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE, PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY IN THE AMOUNT OF \$500,000 PER OCCURRENCE FOR COMBINED SINGLE LIMIT BODILY INJURY AND PROPERTY DAMAGE; FOR THE MAINTENANCE OF A COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 320.190

That portion of the State owned bed of the Sacramento River, Sacramento County, California, adjacent to that tract of land described in deed to Fred R. and Barbara H. Lewe, recorded in Volume 2639 at Page 597 of Sacramento County Records and more particularly described as follows:

BEGINNING at the southeasterly corner of said Lewe tract; thence N 40° 50' W, 400 feet along the northeasterly line of said Lewe tract to the northeasterly corner thereof; thence S 63° 40' W, 360 feet along the northwesterly line of said Lewe tract and the southwesterly extension thereof; thence S 35° 30' E, 422.38 feet to a point on the southwesterly extension of the northwesterly line of that parcel leased to Charles E. Brown by the State of California on September 1, 1972, under Public Resources Code No. 4812.1; thence N 49° 28' E, 127.41 feet along said southwesterly extension and along said northwesterly line of the Brown parcel; thence N 65° 35' 19" E, 67.62 feet along said northwesterly line of the Brown parcel; thence N 63° 30' E, 201.76 feet to the point of beginning.

EXCEPTING THEREFROM any portions lying landward of the ordinary high water mark.

END OF DESCRIPTION

Prepared R. L. Blake Checked John C. Fleming
Reviewed A. J. Gammack Date 12/15/75