

This Calendar Item No. 17
was approved as Minute Item
No. 17 by the State Lands
Commission by a vote of 3
to 0 at its 6-24-76
meeting.

CALENDAR ITEM

6/76
WP 4308
EPW

17.

ACCEPT A QUITCLAIM DEED - TERMINATE EXISTING PRC 4308.1
ISSUE THE REPLACEMENT OF A COMMERCIAL LEASE

APPLICANTS: Frank H. Wittpen; Mable Marie Wittpen;
William Garcia; Roseline Isabell Garcia;
Monty M. Dorman and Ethel C. Dorman
6912 Pocket Road
Sacramento, California 95831

AREA, TYPE LAND AND LOCATION:
An 0.751 acre parcel of tide and submerged
land in the Sacramento River, Sacramento,
Sacramento County.

LAND USE: Maintenance of a commercial marina.

TERMS OF EXISTING LEASE:

Initial period: 6 years, 5 months from June
15, 1969.

Renewal options: 1 successive period of 15 years.

Surety bond: \$2,000.

PUBLIC LIABILITY INSURANCE: \$300,000 per
occurrence for bodily
injury and \$600,000 for
property damage.

Consideration: \$115.03 with 5 year review.

TERMS OF REPLACEMENT LEASE:

Initial period: 15 years from November 15, 1975.

Renewal options: 2 successive periods of 10
years each.

Public liability insurance: \$300,000 per
occurrence for bodily injury
and \$600,000 for property damage.

CONSIDERATION: \$450 per annum with the 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.

CALENDAR ITEM NO. 17. (CONTD)

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland. Rent deposit in amount of \$450 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. Although Lease PRC 4308.1 provided for an option to renew for 15 years, staff determined that a new lease was in the best interest of the State. The new lease provides for additional parties to join in the lease and the inclusion of current lease provisions. Staff has received a lease Quitclaim Deed to the existing lease PRC 4308.1.
2. 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.
3. 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.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN 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 THE GRANTING OF THIS APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.
3. ACCEPT A QUITCLAIM DEED AND TERMINATE LEASE PRC 4308.1

CALENDAR ITEM NO. 17.(CONTD)

ENTERED INTO SEPTEMBER 16, 1969.

4. AUTHORIZE ISSUANCE TO FRANK H. WITTPEN; MABEL MARTE WITTPEN; WILLIAM GARCIA; ROSELINE ISABELL GARCIA; MONTY N. DORMAN AND ETHEL C. DORMAN OF A 15-YEAR COMMERCIAL LEASE FROM NOVEMBER 15, 1975; WITH LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 10-YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$450 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 INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE FOR BODILY INJURY AND \$600,000 FOR 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"

WP 4308

A parcel of tide and submerged land lying in the State owned bed of the Sacramento River, Sacramento County, California, immediately beneath and surrounding an existing complex of floating docks adjacent to that property described in document recorded in Book 48-06-26 at Page 399, Sacramento County Records, said parcel of land being more particularly described as follows:

BEGINNING at the intersection of the approximate center line of the existing levee in the vicinity of the left bank of the Sacramento River with a line that is perpendicular to said center line of levee and distant 10.0 feet southerly from the most southerly end of said existing docks; thence northerly along said center line of levee 385 feet to the intersection with a line that is perpendicular to said center line of levee and distant 10 feet northerly from the most northerly end of said existing docks; thence westerly along said line 145.0 feet to the intersection with a line that is parallel with and distant 10.0 feet westerly from the westerly edge of said existing docks; thence southerly 394.0 feet along said line to hereinbefore described line that is perpendicular to the center line of levee at the point of beginning and distant 10.0 feet southerly from the most southerly end of said existing docks; thence easterly along said line to the point of beginning.

EXCEPTING THEREFROM that portion lying landward of the ordinary high water mark of the left bank of the Sacramento River.

END OF DESCRIPTION

Prepared R. L. Blake Checked J. H. Kummer
Reviewed Donald B. Buttercher Date 4/5/76

