

MINUTE ITEM

This Calendar Item No. 51
was approved as Minute Item
No. 51 by the State Lands
Commission by a vote of 3
to 0 at its 11/27/78
meeting.

CALENDAR ITEM

51.

11/78
W 503.828
Lindfeldt
PRC 5630

SETTLEMENT OF LITIGATION AND ISSUANCE
OF COMMERCIAL LEASE

In June of 1976, Staff Counsel of the State Lands Commission filed a lawsuit in the case of State of California v. Milton C. Lane, and Does One through One Hundred, Yolo County Superior Court No. 34280; seeking damages and ejection for the occupation and use of the sovereign lands of the State. Negotiations with the parties and their attorney have resulted in a settlement of the lawsuit. The defendants have executed a State Lands Commission lease and have agreed to a settlement of back rent owed. Said lease and agreement are on file in the Office of the State Lands Commission. The lease provisions are summarized as follows:

APPLICANT: Milton C. Lane
1040 Longcroft
West Sacramento, California 95691

AREA, TYPE LAND AND LOCATION:
A 2.7 acre parcel of tide and submerged
land in the Sacramento River, Yolo County.

LAND USE: Continued operation of a commercial marina.

TERMS OF PROPOSED LEASE:
Initial period: 25 years from November 1,
1978.
Surety bond: \$2,000.
Public liability insurance: \$1,000,000
combined single limit
for bodily injury and
property damage.

CONSIDERATION: \$225 per year for the first 2 years of
the lease. For each year thereafter lessee
shall pay a minimum of \$225 per year payable
in advance against annual rental of 5%
of the gross income derived from the dockage
and 1% of the gross income derived from
the bar.

Lessee shall be allowed to reduce the rental
owed under the percentage of gross income
calculations by the \$225 minimum paid in
advance.

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PREREQUISITE TERM:

Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 & 2.
- B. Cal. Adm. Code: Title 2, Div. 3.
Art. 1, 2 & 11.

OTHER PERTINENT INFORMATION:

1. This is an existing facility which is maintained in an acceptable manner and which has not caused any adverse effects to the environment.
2. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a significant use category, Class B.

Staff review indicates that there will be no significant effect upon identified environmental values. This is an existing facility for which no adverse comments have been received.

3. An EIR 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 EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100, ET SEQ., AND 2 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.

CALENDAR ITEM NO. 51. (CONTD)

2. FIND THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, ET SEQ. OF THE P.R.C.
3. AUTHORIZE ISSUANCE TO MILTON C. LANE OF A 25-YEAR COMMERCIAL LEASE FROM NOVEMBER 1, 1978 IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225 PER YEAR FOR THE FIRST 2 YEARS OF THE LEASE. FOR EACH YEAR THEREAFTER LESSEE SHALL PAY A MINIMUM OF \$225 PER YEAR PAYABLE IN ADVANCE AGAINST ANNUAL RENTAL OF 5% OF THE GROSS INCOME DERIVED FROM THE DOCKAGE AND 1% OF THE GROSS INCOME DERIVED FROM THE BAR. LESSEE SHALL BE ALLOWED TO REDUCE THE RENTAL OWED UNDER THE PERCENTAGE OF GROSS INCOME CALCULATIONS BY THE \$225 MINIMUM PAID IN ADVANCE, 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 AMOUNT OF \$1,000,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE; FOR THE CONTINUED OPERATION AND MAINTENANCE OF A COMMERCIAL MARINA ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEROF.
4. AUTHORIZE THE FILING OF A DISMISSAL IN THE MATTER OF STATE OF CALIFORNIA V. MILTON C. LANE, YOLO COUNTY SUPERIOR COURT NO. 34280.

EXHIBIT "A"

LAND DESCRIPTION

W 503.828

That portion of the State-owned bed of the Sacramento River, Yolo County, State of California, within the following described parcel:

COMMENCING at a found iron pin at the northwesterly corner of Parcel 2 shown on that certain Record of Survey Map titled, "Broderick Material Site", recorded September 12, 1968, in Book 10 of Maps and Surveys at page 30, Yolo County Recorder's Office; thence S 82° 00' E, along the northerly line of said Parcel 2, and its easterly prolongation, a distance of 1249.91 feet to the TRUE POINT OF BEGINNING; thence N 76° 30' E 300 feet; thence S 13° 30' E 480 feet; thence S 86° 30' W 219 feet; thence N 24° 18' W 450 feet to the point of beginning.

EXCEPTING THEREFROM any portion of the foregoing described land lying within Tract No. 7, Parcel 2 as described in United States of America v. 31.308 Acres of Land, recorded in Book 602, at page 271, Official Records of Yolo County.

END OF DESCRIPTION

Prepared Frank J. Long Checked Edward B. Zimmermann
Reviewed RW Date 11/21/78

Inserted 11/27/78

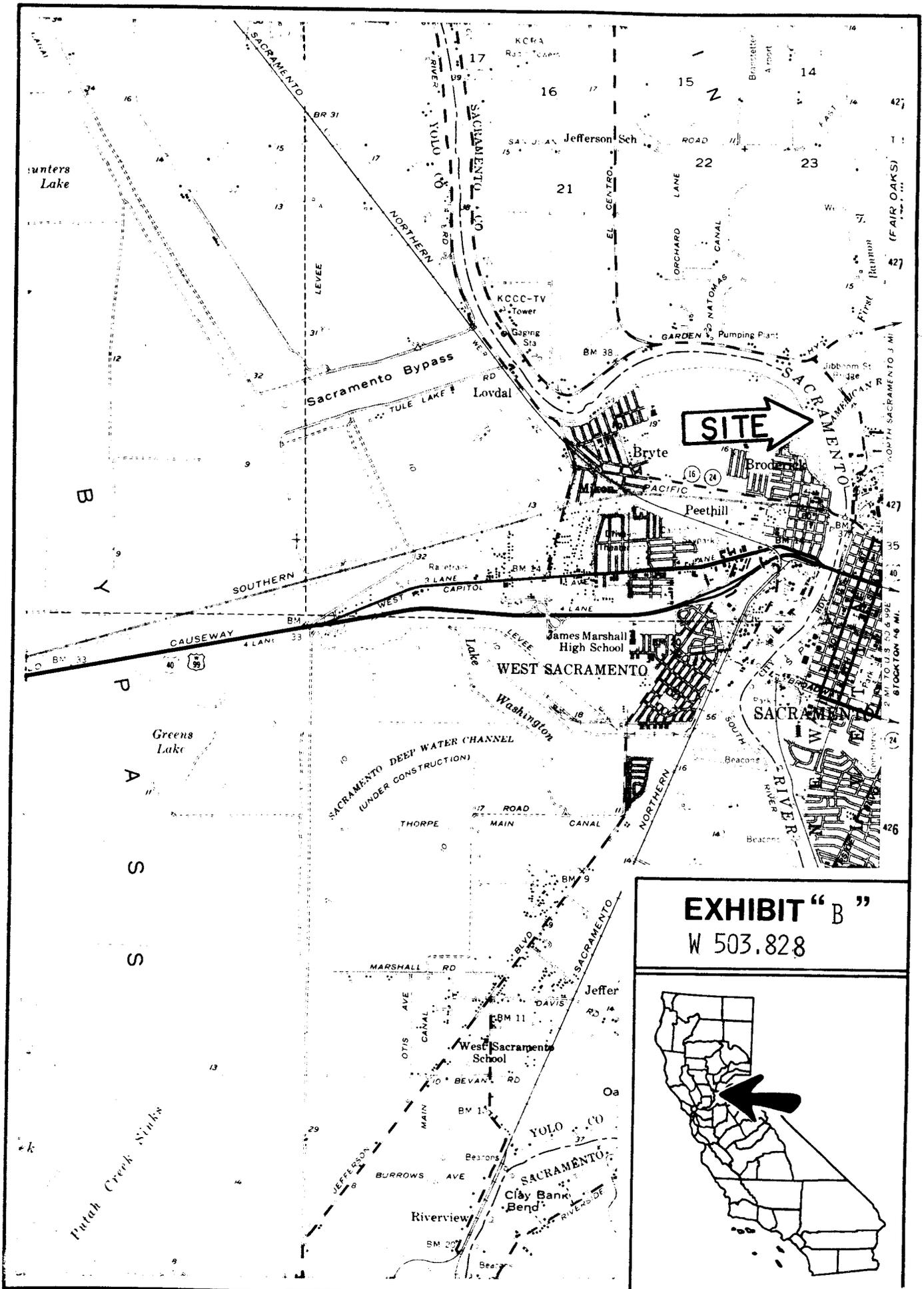


EXHIBIT "B"
 W 503.828



Inserted 11/27/78