

MINUTE ITEM

This Calendar Item No. C6  
was presented at the Public Hearing  
No. 6 held on the 2  
Calendar Item No. 2  
to 4/26/79 at C6.  
meeting.

4/79  
W 21962  
Recse  
PRC 5650

GENERAL LEASE  
RIGHT-OF-WAY USE

APPLICANT: Shellmaker, Inc.  
250 Sears Point Road  
Petaluma, California 94952

AREA, TYPE LAND AND LOCATION:  
A 0.2385 acre parcel of tide and submerged  
land in the Petaluma River, 2+ miles east  
of the City of Novato, Marin and Sonoma  
Counties.

LAND USE: Construction and maintenance of a private  
2 1/2" waterline to supply potable water from  
the North Marin County Water District to  
the Port Sonoma Marina.

TERMS OF PROPOSED LEASE:  
Initial period: 49 years from April 1,  
1979.  
Surety bond: \$1,000.  
Public liability insurance: Combined single  
limit coverage of \$300,000.

CONSIDERATION: \$100 per annum, with the State reserving  
the right to fix a different rental on  
each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:  
\$100 minimum rental for this type of lease.  
(Rental based upon a charge per linear  
foot of pipe was considered, but deemed  
inapplicable in this situation.)

PREREQUISITE TERMS, FEES AND EXPENSES:  
Applicant is owner of upland.  
Filing fee has been received.

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STATUTORY AND OTHER REFERENCES:

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

OTHER PERTINENT INFORMATION:

1. This project is exempt from CEQA because this transaction is within the purview of Cal. Adm. Code, Title 14, Div. 6, Section 15103 (d), Class 3, "Water Main Extension".
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 use category, Class B, which authorizes Limited Use.

Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

APPROVALS OBTAINED:

California Regional Water Quality Control Board, California Department of Fish and Game.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers, San Francisco Bay Conservation and Development Commission.

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 2907.

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2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE ISSUANCE TO SHELLMAKER, INC. OF A 49-YEAR GENERAL LEASE - RIGHT-OF-WAY USE FROM APRIL 1, 1979; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$100, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$1,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN COMBINED SINGLE LIMIT COVERAGE OF \$300,000; FOR PLACEMENT AND MAINTENANCE OF A 2½" WATER MAIN ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

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A strip of tide and submerged land 10 feet wide in the Petaluma River, located in Marin and Sonoma Counties, California, said strip lying 5 feet on each side of the following described centerline:

BEGINNING at a point on the southwesterly boundary of the lands of Shellmaker, Inc., as shown on Parcel Map No. 4704, recorded in Book 233 of Maps, page 16, Sonoma County Records, bearing S 23° 18' 40" E 11.90 feet from the intersection of said boundary with the southeasterly line of State Highway 37; thence S 46° 16' 10" W 1,039.18 feet to a point on the easterly side of the lands described as Parcel 3 in Deed to County of Marin, recorded in Book 1344 of Official Records, page 189, Marin County Records, and shown on Sheet 3 of Record of Survey Map recorded in Book 13 of Surveys, page 13, Marin County Records, said point bearing S 7° 03' 30" W 35.04 feet from the intersection of said line with said southeasterly line of State Highway 37, said point being the end of the above-described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water marks of the Petaluma River.

END OF DESCRIPTION

Prepared K. P. [Signature] Checked [Signature]  
Reviewed [Signature] Date January 12, 1979



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