

MINUTE ITEM

7/79  
De la Cruz

3. DENIAL OF APPLICATION FOR A GENERAL LEASE - COMMERCIAL USE

Calendar Item 3. attached was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 3. (4 Pages)

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1207

CALENDAR ITEM

3.

7/79  
W 20980  
De La Cruz

DENIAL OF APPLICATION FOR A  
GENERAL LEASE - COMMERCIAL USE

APPLICANT: William R. Baldner  
80 Second Street  
Yuba City, California 95991

AREA, TYPE LAND AND LOCATION:  
A 0.652 acre parcel of submerged land in  
the bed of the Feather River at Yuba City,  
Sutter County.

LAND USE: Operation and maintenance of an existing  
commercial marina.

TERMS OF ASKED-FOR LEASE:

Initial period: 49 years from January 1,  
1978.

Surety bond: \$2,000.

Public liability insurance: Combined single  
limit for bodily injury  
and property damage of  
\$300,000.

Consideration: \$543.75 as rental for the period August 1,  
1975 to December 31, 1977; beginning January 1,  
1978, 5% of gross revenue for berthing  
and boat rentals on State land, against  
a \$225 annual minimum rental paid in advance  
on January 1, of each year of the lease;  
with the State reserving the right to fix  
a different annual rental and/or minimum  
annual rental on each fifth anniversary  
of the lease.

BASIS FOR CONSIDERATION:

Percentage of gross revenue pursuant to  
2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is lessee of upland.

Filing fee has been received.

A 3  
S 1

CALENDAR ITEM NO. 3. (CONTD)

STATUTORY AND OTHER REFERENCES:

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

OTHER PERTINENT INFORMATION:

1. The structures, floating dock and walkway have occupied State land since August 1, 1975. Staff has settled with the applicant in regards to the payment of back rental for the use of the State lands occupied by the structures for the period August 1, 1975 to December 1, 1977.
2. The applicant has requested that the lease be issued for a term 49 years pursuant to 2 Cal. Adm. Code 2003. Staff feels that the 49 year term, as requested by the applicant is unacceptable because the term will exceed the economic and functional life of the applicant's existing marina operation. The applicant has not given staff sufficient justification for the 49 year lease term.
3. Assembly Bill-884 has directed certain processing time limits on State agencies involved in the permit process. The Commission must act on Mr. Baldner's application for lease by July 28, 1979 or it may be deemed approved. Staff is recommending denial at this time. Any denial should be made without prejudice to reapplication for the applicant.

EXHIBITS:

- A. Land Description
- B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION DENY, WITHOUT PREJUDICE, MR. WILLIAM R. BALDNER'S APPLICATION FOR A 49-YEAR GENERAL LEASE - COMMERCIAL USE FOR OPERATION AND MAINTENANCE OF AN EXISTING MARINA ON THE FEATHER RIVER AT YUBA CITY, SUTTER COUNTY.

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EXHIBIT "A"

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A 364 foot by 96 foot rectangular parcel of land in the Feather River, Sutter County, California, said parcel being along the right bank at river mile 27.75<sup>±</sup> as shown on the Yuba City Quadrangle map dated 1952, photorevised 1973, and 1000 feet more or less north of the convergence of the Feather and Yuba Rivers; the easterly boundary of said parcel being 10 feet east of the easterly edge of an existing float, and parallel thereto.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Feather River.

END OF DESCRIPTION

Prepared M. J. Shan Checked N. H. H.  
Reviewed A. J. Runnicks Date 10/27/76

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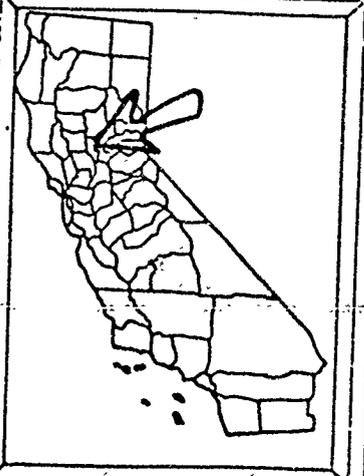
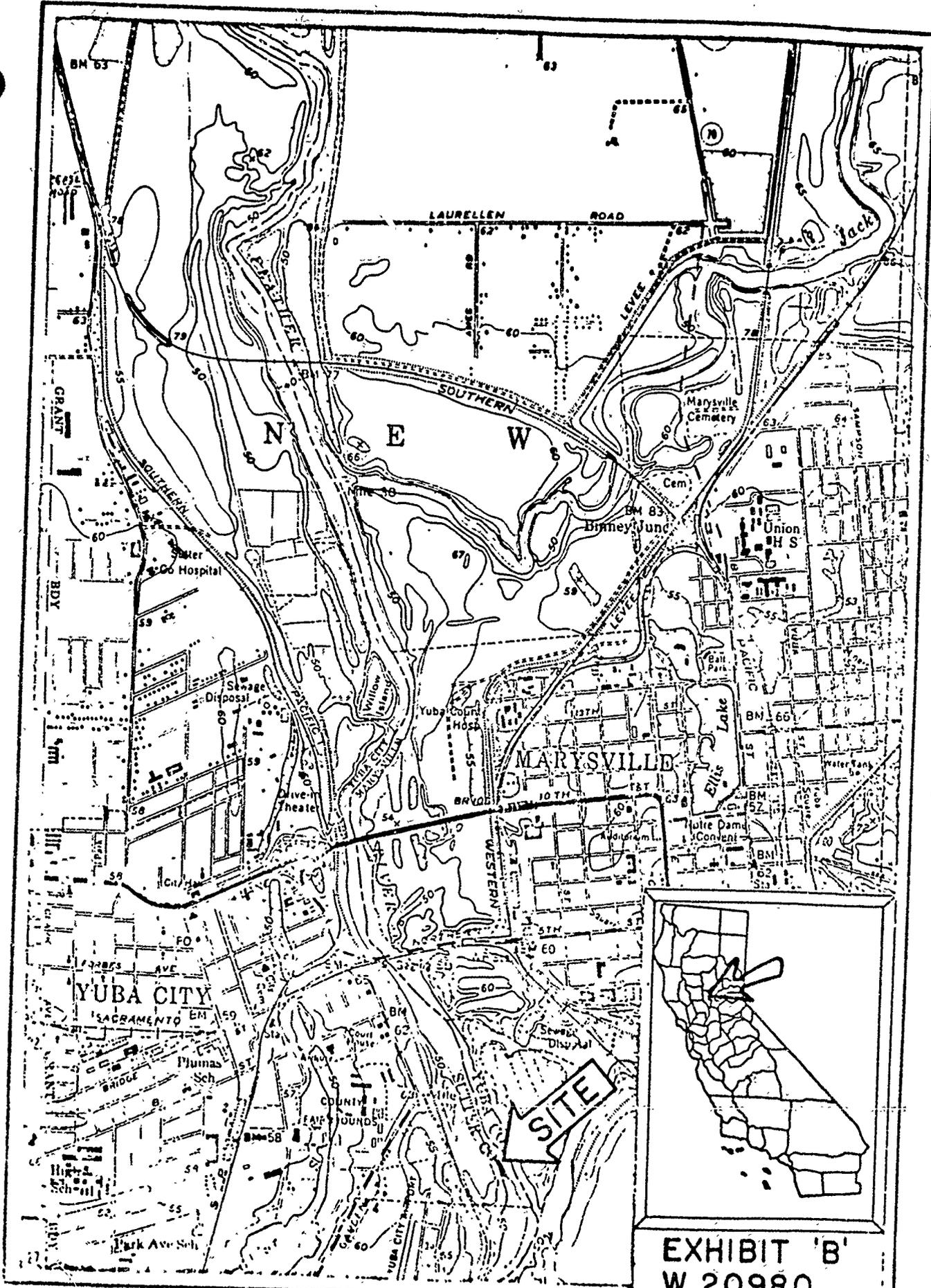


EXHIBIT 'B'  
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