MINUTE ITEM
This Calendar Item No. C20.
was approved as Minute Item
No. 20 by the State Lands
Commission by a vote of 3
to 0 at its 7-17-79
meeting.

CALENDAR ITEM

C20.

GENERAL LEASE
COMMERCIAL USE

7/79
WP 623
Scott
PRC 623

APPLICANTS: Harry C. Shilling and
Harry W. Shilling
Route 1 Box 67f
Isleton, California 95641

AREA, TYPE LAND AND LOCATION:
A 1.76 acre parcel of tide and submerged land in the bed of the Sacramento River within the City of Sacramento, Sacramento County.

LAND USE: Continued maintenance of an existing marina complex known as Captains Table.

TERMS OF PROPOSED LEASE:

Initial period: 15 years from January 28, 1975.

Renewal options: 3 successive periods of 10 years each.

Surety bond: $3,000.

Public liability insurance: $750,000 per occurrence for bodily injury and $50,000 for property damage, or combined single limit coverage of $750,000.

CONSIDERATION: $736.85 for the first year and $1,619.20 per annum thereafter, 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.

PREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

Filing fee has been received.

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S 4

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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. Normal Staff policy is to collect back rent in advance before submitting leases to the Commission for approval. Submission of this lease to Commission was delayed in order to allow staff time to attempt to collect back rent. Staff has been unable to collect full payment of the back rent and now feels that it would be in the best interest of the State to approve this lease and send a fully executed copy to lessee with a final demand for the back rent due. If the back rent is not paid or the provisions for bond and insurance are not met within a reasonable period of time after execution then staff can begin legal proceeding against our lessee.

2. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), 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 P.R.C 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

   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.

4. The existing marina facilities have been at this location for many years. These facilities are a combination of 2 marinas which in past years had occupied adjoining areas and were originally under different ownership.

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.

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 HARRY C. SHILLING AND HARRY W. SHILLING OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 28, 1975, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10-YEARS EACH IN CONSIDERATION OF RENT IN THE AMOUNT OF $736.85 FOR THE FIRST YEAR AND $1,619.20 PER ANNUM THEREAFTER WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A $3,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF $750,000 PER OCCURRENCE FOR BODILY INJURY AND $50,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE LIMIT COVERAGE OF $750,000 FOR THE CONTINUED MAINTENANCE OF AN EXISTING MARINA COMPLEX KNOWN AS CAPTAINS TABLE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

WP 623

A parcel of tide and submerged land in the State owned bed of the Sacramento River, Sacramento County, California, in Section 23, T8N, R4E, M.D.M., more particularly described as follows:

COMMENCING at a 1 inch iron pipe tagged RCE 9903, designated PP #317, which bears N 51° 21' W, 137.12 feet from a 1 inch iron pipe tagged RCE 9903, designated PP #318 as both pipes are shown on Drawing No. A-6170.16 prepared by the California Department of Transportation, District 03, said 1 inch iron pipe designated PP #318 bears N 51° 21' E, 531.43 feet from the most easterly corner of "Rio Acres" as said "Rio Acres" is shown on the official plat recorded in Book 16 of Maps, Map No. 31, Sacramento County Recorder's Office, said most easterly corner also being the southeast corner of that certain tract of land shown on the official "Plat of Estate of Thomas Edwards located near Sutterville", recorded in Book 3 of Maps, Map No. 36, Sacramento County Recorder's Office; thence from said point of commencement N 51° 21' W, 46.93 feet along the most northerly line of said "Rio Acres" to the most southeasterly point of the lands recorded in the Grant Deed conveyed by John H. Shaw and Marie M. Shaw, his wife, to Charles M. Lovett and Dorothy Lovett, as tenants in common, on June 20, 1956, and recorded in Book 3104, Page 457, Official Records of Sacramento County; thence N 51° 21' W along the most northerly line of said "Rio Acres", and the southerly line of the above mentioned lands of Lovett, 109 feet more or less to the left bank of the Sacramento River and the TRUE POINT OF BEGINNING; thence upstream along the left bank of the Sacramento River, 810 feet more or less to the southwesterly boundary of that certain parcel of tide and submerged land previously under lease to Messrs. Steve and Gus Loris as PRC 1916.1; thence along said southwesterly boundary N 52° 55' W,

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97 feet more or less to a point in the Sacramento River; thence downstream S 39° 51' W, 800 feet; thence S 51° 21' E, 61 feet more or less to the true point of beginning.

EXCEPTING THEREFROM any lands above the ordinary high water mark.

END OF DESCRIPTION

Prepared Garry A. Weldon Checked W. H. Kunnecke

Reviewed Donald Brittenden Date 12/17/75

LICENSED LAND SURVEYOR DONALD BRITTENDEN NO. LS 3517 STATE OF CALIFORNIA

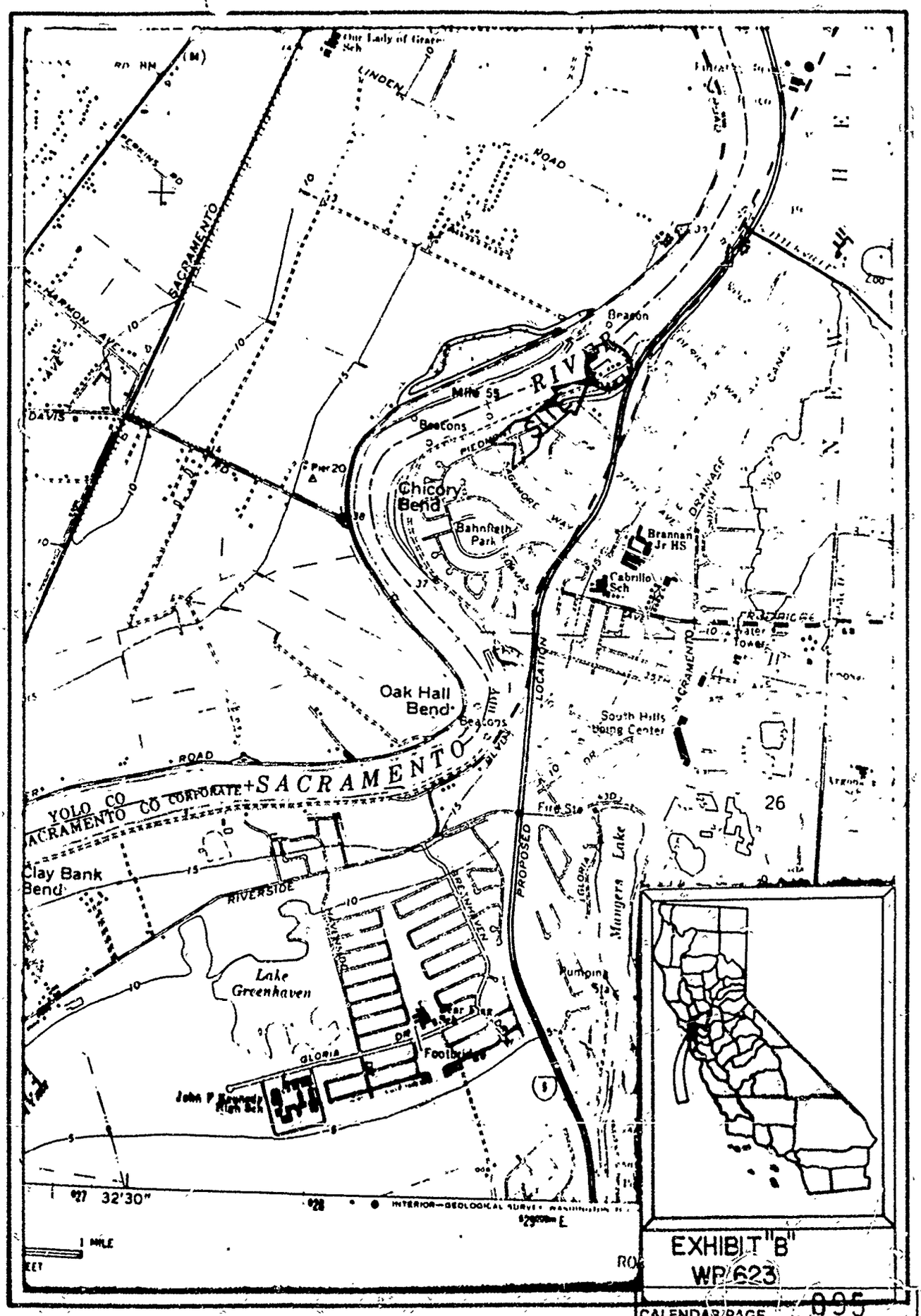

EXHIBIT "B"
WP 623

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