MINUTE ITEM

This Calendar Item No. C1. was approved as Minute Item No. 1. by the State Lands Commission by a vote of 3 to 0 at its 10.29.79 meeting.

CALENDAR ITEM

C1.

GENERAL LEASE
RECREATIONAL USE

10/79
WP 2832
Scott
PRC 2832

APPLICANT: Madaline Scannavino
5463 Cherokee Road
Stockton, California 95205

AREA, TYPE LAND AND LOCATION:
A 24.94 acre parcel of partially filled tide and submerged land in the historic bed of the San Joaquin River around Hog Island, San Joaquin County.

LAND USE: Continued maintenance of an existing floating dock and other recreational facilities appurtenant to an existing single family residence located on upland at Hog Island.

TERMS OF ORIGINAL LEASE:
Initial period: 15 years from January 22, 1962.

Renewal options: 2 successive periods of 10 years each.

Consideration: $662 per annum.

TERMS OF PROPOSED AMENDED LEASE:
Initial period: 10 years from January 22, 1977.

Renewal options: 2 successive periods of 10 years each.

Public liability insurance: For property damage, as a combined single limit coverage of $100,000.

CONSIDERATION: $1,496 per annum.

BASIS FOR CONSIDERATION:
8% of appraised value of land.

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PREREQUISITE TERMS, FEES AND EXPENSES:
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.

OTHER PERTINENT INFORMATION:

1. During negotiations of the renewal of this lease lessee's attorney requested that the five year rent review provision of the Commission's standard lease be waived. Lessee's attorney based his request on the fact that the original lease contained no provision for rent review, and that the lease is for a relatively short period. The facilities located on State land could qualify for a Recreational Permit and the remainder of the lease area is wetlands not subject to development under provisions of the Delta Master Recreation Plan.

2. The proposed lease area is also subject to a perpetual spoils easement to the United States Army Corps of Engineers which would also affects any possible permanent development. Current uses of the filled area of the lease is as a lawn and garden area.

3. Because of the above and in support of settling long term negotiations in lieu of litigation, staff recommends to the Commission that the five-year rent review provisions contained in the Commission's Standard lease be waived.

4. 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 not evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

5. 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.

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 AMENDMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.

3. AUTHORIZE ISSUANCE TO MADALINE SCANNAVINO OF A 10-YEAR GENERAL LEASE - RECREATIONAL USE FROM JANUARY 22, 1977, WITH LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 10-YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $1496, PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS FOR PROPERTY DAMAGE, AS A COMBINED SINGLE LIMIT COVERAGE OF $100,000; WAIVER OF THE RIGHT TO FIX A DIFFERENT RENTAL ON THE FIFTH ANNIVERSARY OF THIS RENEWA PERIOD FOR THE CONTINUED MAINTENANCE OF AN EXISTING FLOATING DOCK AND OTHER RECREATIONAL FACILITIES APPURTENANT TO A SINGLE FAMILY RESIDENCE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

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Two parcels of land in the bed of the San Joaquin River, adjoining Hog Island, San Joaquin County, California, said parcels being more particularly described as follows:

PARCEL A

All of Parcel 17-C-S as shown upon U. S. Engineer's parcel map entitled "Property to be acquired from State of California for Use on the Stockton Deep Water Channel," containing 8.64 acres.

PARCEL B

That portion of Parcel 17-A-S as shown upon the aforementioned U. S. Engineer's parcel map, described as follows:

BEGINNING at a point on the left bank of the San Joaquin River which bears S 69° 21' 02" W, 1897.83 feet from U.S.E.D. Mon. No. 154 D.W.; thence along said right bank the following courses and distances:

N 89° 15' E, 282.[illegible] feet,
S 67° 19' E, [illegible] feet,
S 33° 20' E, [illegible] feet,
S 4° 41' E, [illegible] feet,
S 5° 57' W, [illegible] feet,
S 26° 03' [illegible], [illegible] feet,
S 43° 58' W, [illegible] feet, and
S 41° 13' W, 510.[illegible] feet to a point on the

northerly boundary line of the [illegible]-foot Stockton Deep Water Channel right of way strip (said point being on the arc of a circular curve concave northeasterly, the center of which curve bears N 54° 43' 08" E, 4625 feet); thence southeasterly along said right of way strip 135.06 feet; thence continuing along the following courses and distances:

N 45° 19' E, 505.[illegible] feet,
N 40° 3[illegible]' E, 61[illegible] feet,
N 21° 00' E, [illegible] feet,
N 3° 42' E, [illegible] feet,
N 40 1[illegible]' W, [illegible] feet

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N 42° 30' W, 450.00 feet,
N 73° 52' W, 390.00 feet, and
S 77° 55' W, 401.21 feet to a point on said

northerly boundary line of Parcel 17-C-S; thence along said Parcel 17-C-S, S 40° 08' E, 135.53 feet to the point of beginning.

END OF DESCRIPTION

Prepared M. L. Shafer Checked [illegible]

Reviewed W. W. Kunnicke Date 11/19/76

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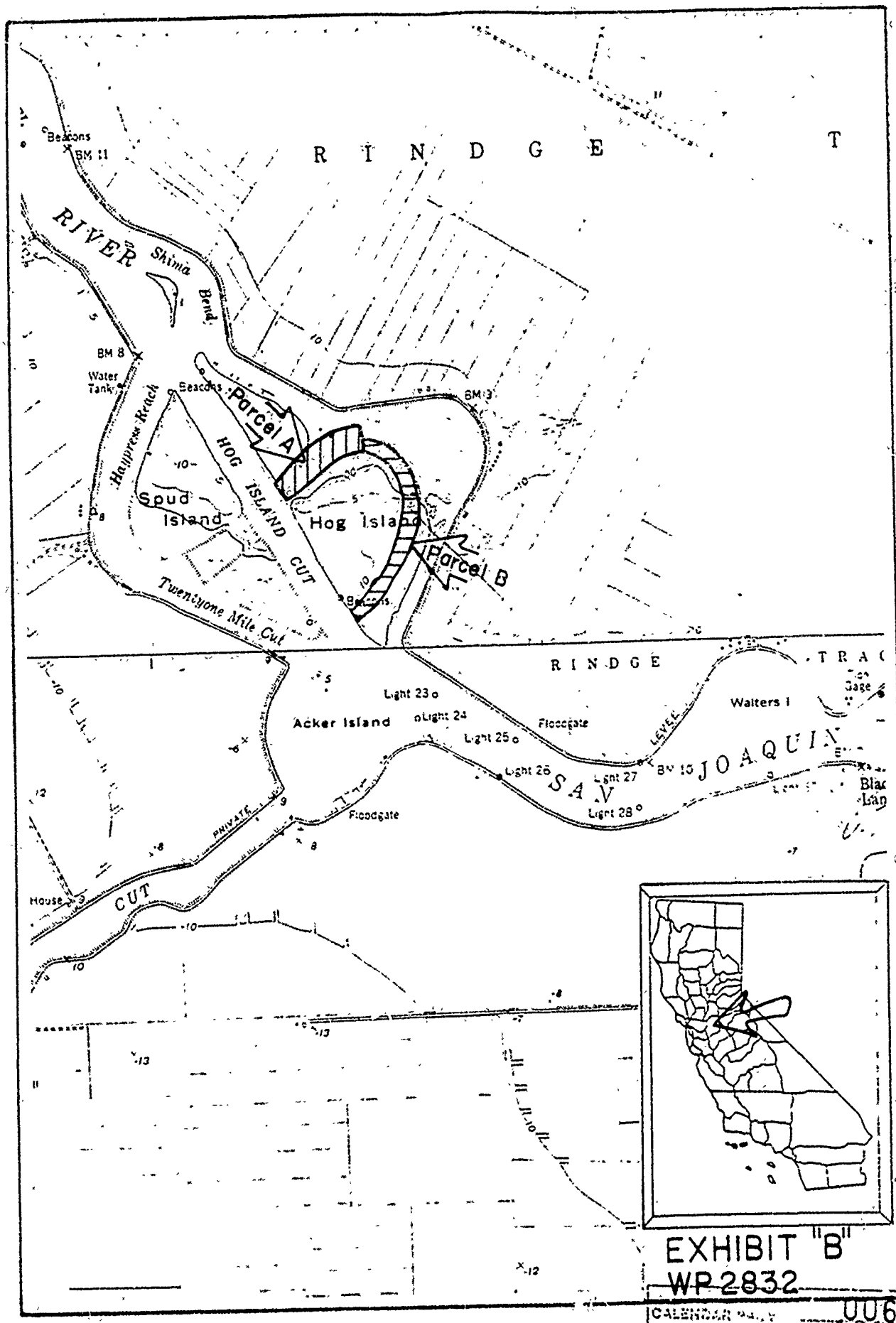

EXHIBIT "B"
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