MINUTE ITEM
This Calendar Item No. 27
was approved as Minute Item
No. 27 by the State Lands
Commission by a vote of 3-0 at its 12-10-80
meeting.

CALENDAR ITEM

27

12/80
WP 4157
Reese
PRC 4157

GENERAL LEASE - COMMERCIAL USE

APPLICANT: Freeport Marina, Inc.
8250 Freeport Boulevard
Sacramento, California 95823

AREA, TYPE LAND AND LOCATION:
2.39-acre parcel of tide and submerged land in the bed of the Sacramento River at Freeport, Sacramento County.

LAND USE: Covered floating boat berthing, fuel dock, watchmen floating residence, piling, walkways, open docks and a debris diversion structure.

TERMS OF ORIGINAL LEASE:

Initial period: Beginning June 21, 1966, and ending November 14, 1975.

Surety bond: $5,000.

Public liability insurance: $200,000/$600,000 per occurrence for bodily injury and $25,000 for property damage.

Consideration: $861.24 per annum.

TERMS OF PROPOSED LEASE:

Initial period: 10 years from November 15, 1980.

Surety bond: $2,000.

Public liability insurance: combined single limit coverage of $500,000.

Special: Lessee shall have the option to extend the initial term of this lease for one (1) successive period of ten (10) years.

CONSIDERATION: $2500 per annum.

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Lessee agrees that the annual rental under this lease shall increase to $3,000 per annum on November 15, 1985.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2005.

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

Filing fee has been received.

First years rental (November 15, 1980 - November 14, 1981) has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

OTHER PERTINENT INFORMATION:
1. Lessee agreed that rental for its use of the Lease Premises from November 15, 1975 through November 14, 1980 shall be $10,000, which amount shall be reduced by 2,583.72 previously paid by Lessee for a sum of $7,416.28 due and payable. This amount was paid to the State Lands Commission on November 24, 1980. Staff recommends that the $10,000 be accepted as back rental in the interest of securing an acceptable current lease.

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.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 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. ACCEPT AS RENTAL FOR OCCUPATION OF THE PREMISES FOR THE PERIOD NOVEMBER 15, 1975 THROUGH NOVEMBER 1980, THE SUM OF $10,000.

4. AUTHORIZE ISSUANCE TO FREEPORT MARINA, INC. OF A 10-YEAR GENERAL LEASE - COMMERCIAL USE FROM NOVEMBER 15, 1980, WITH LESSEE'S OPTION TO RENEW FOR ONE SUCCESSIVE PERIOD OF 10 YEARS; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $2500, PROVISION OF A $2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $500,000; ANNUAL RENTAL DUE UNDER THIS LEASE SHALL INCREASE TO $3,000 PER ANNUM ON NOVEMBER 15, 1985; FOR A COVERED FLOATING BOAT BERTHING FUEL DOCK, WATCHMAN FLOATING RESIDENCE, PILING, WALKWAYS, OPEN DOCKS AND A DEBRIS DIVERSION STRUCTURE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

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A parcel of tide and submerged land in the State owned bed of the Sacramento River, immediately north of the Freeport Bridge at Freeport, Sacramento County, California, more particularly described as follows:

COMMENCING at a point on the westerly right of way line of the Southern Pacific Railroad, Walnut Grove Branch, where said line intersects the prolongation of the Freeport Bridge centerline, said point being described as the "point of beginning" of Parcel No. 1 in a deed from Anna J. Hack to County of Sacramento and recorded May 2, 1928 in Book 181, Page 322 of the Official Records of Sacramento County, from which U.S.C.&G.S. triangulation station "CONTENT" bears S 1° 58' 30" E 4109.11 feet more or less; thence along the centerline of the Freeport Bridge S 77° 55' 30" W 35 feet; thence N 12° 04' 30" W 65 feet to the TRUE POINT OF BEGINNING; thence continuing N 12° 04' 30" W 1330 feet; thence S 77° 55' 30" W 193.99 feet; thence S 16° 04' 30" E 487.21 feet; thence S 12° 04' 30" E 843.98 feet; thence N 77° 55' 30" E 160 feet to the true point of beginning.

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

END OF DESCRIPTION

Prepared John K. Heiny Checked Gary A. Waldon

Reviewed H. W. Kunnecke Date 12/31/75

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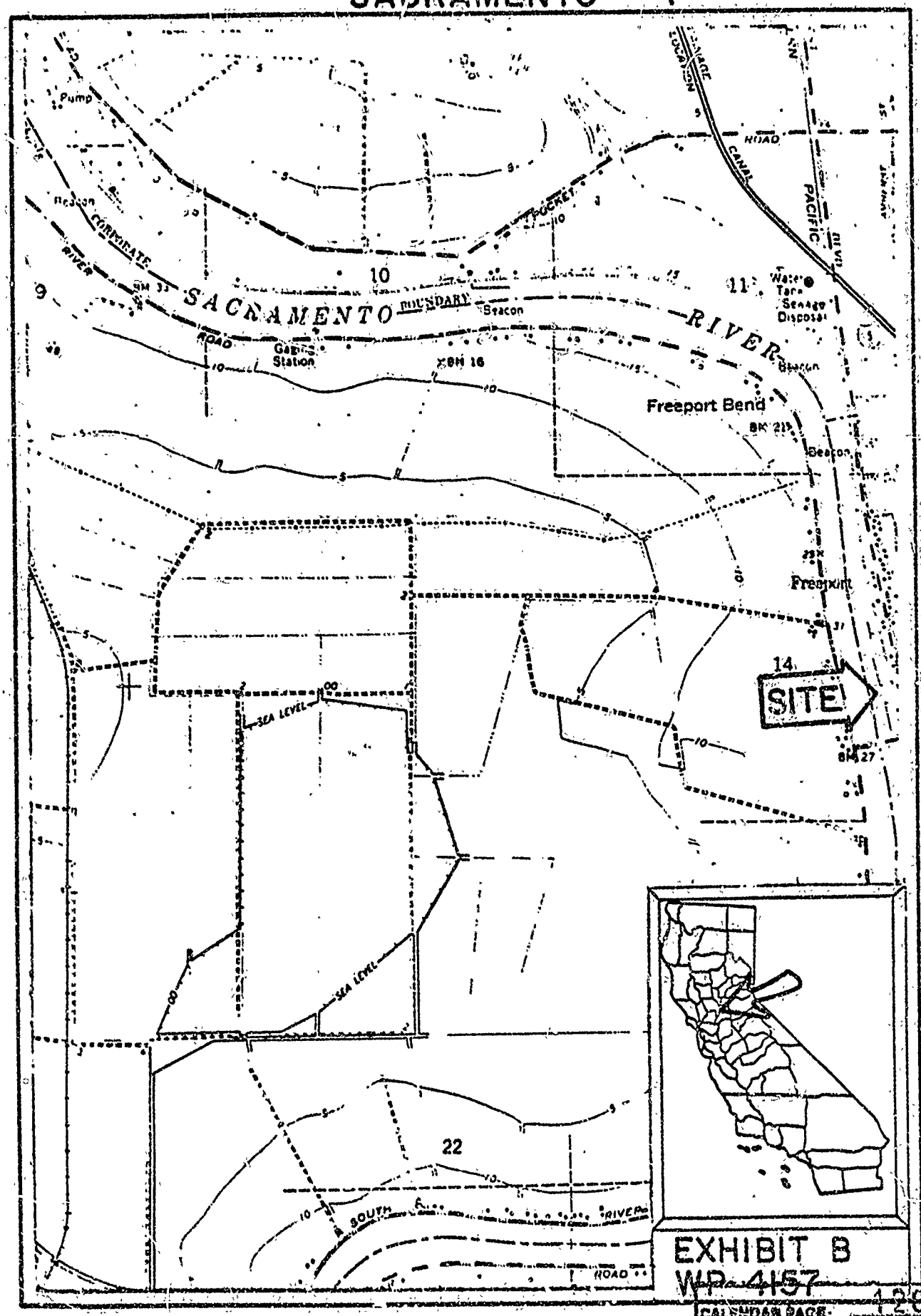

EXHIBIT B
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