

MINUTE ITEM

This Calendar Item No. C5
was approved as Minute Item
No. 5 by the State Lands
Commission by a vote of 3
to 0 at its 12/17/81
meeting.

CALENDAR ITEM

C05

12/17/81
WP 1584
Lane

RENEWAL AND AMENDMENT OF
GENERAL LEASE - COMMERCIAL USE

APPLICANT: Gerrid C. and Gisela A. Joy
Route 2, Box 1285
Smith River, California 95567

AREA, TYPE LAND AND LOCATION: Approximately 0.32-acre parcel of tide
and submerged land at the mouth of the
Smith River, Del Norte County.

LAND USE: Operation and maintenance of a boat docking
facility.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from November 30,
1955.

Renewal options: Two successive periods
of ten years each.

Surety bond: \$5,000.

Public liability insurance: \$50,000/\$100,000
for bodily injury and
\$10,000 for property
damage.

Consideration: \$100 per annum; five-year
review.

Special: On July 28, 1960, the
Commission authorized
bond reduction to \$1,000.

First Renewal Option:

Term: Ten years from November 30,
1970.

Surety bond: \$1,000.

Public liability insurance: \$50,000/\$100,000
for personal injury and
\$10,000 for property
damage.

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Consideration: \$300 per annum; five
year rent review.

TERMS OF PROPOSED LEASE (Second Renewal):

Initial period: 25 years from January 1,
1981.

Surety bond: \$1,000.

Public liability insurance: Combined single
limit coverage of \$100,000.

CONSIDERATION: Five percent of gross income against a
minimum \$300 minimum per annum paid in
advance. Together with fuel sales at one
cent per gallon up to and including 100,000
gallons, one and one-half cents per gallon
thereafter with the State reserving the
right to fix a different rental on each
fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; ~~Div. 13;~~
Div. 20.

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

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. By Calendar Item 7 on January 1972
the Commission authorized a ten-year
renewal as provided by option to expire
on November 29, 1980.

The proposed lease renewal will exercise
the second option as written in the
original lease and provide another
15-years and other reasonable conditions
included in the standard lease form.

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Provisions for rental payment during interim of ending date of PRC 1584.1 and beginning date of proposed lease has been provided for in the lease amendment.

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 us category, Class A, which authorizes Restricted Use.
4. 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. DETERMINE THAT THE PROJECT IS CONSISTENT WITH THE PROVISIONS OF ARTICLE 6.5, OF TITLE 2, OF THE CAL. ADM. CODE.
3. 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.

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4. AUTHORIZE ISSUANCE TO GERRID C. AND GISELA A. JOY OF A 25-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 1, 1981; IN CONSIDERATION OF A BASE ANNUAL RENT IN THE AMOUNT OF \$300 OR FIVE PERCENT OF GROSS INCOME PER ANNUM, WHICHEVER IS GREATER, EXCEPTING FUEL SALES, ONE CENT PER GALLON UP TO AND INCLUDING 100,000 GALLONS, ONE AND ONE-HALF CENT PER GALLON THEREAFTER, 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 OF COMBINED SINGLE LIMIT COVERAGE OF \$100,000; FOR OPERATION AND MAINTENANCE OF A BOAT DOCKING FACILITY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

A parcel of tide and submerged land at the mouth of the Smith River, Del Norte County, more particularly described as follows:

Beginning at a point on the east property line which is S. 3693.88 ft. and E. 1820.62 ft. from the North one-quarter corner of Section 17, T. 18N., R. 1W., H.M.; thence, N. $81^{\circ} 56' 30''$ W., 85.00 ft. to the true point of beginning on the mean high tide line of Smith River; thence, from the true point of beginning, S. $15^{\circ} 45'$ W., 115.00 ft.; thence, N. $74^{\circ} 15'$ W., 140.00 ft.; thence, N. $15^{\circ} 45'$ E., 105.00 ft. to a point on the mean high tide line; thence, easterly along the said mean high tide line to the point of beginning, consisting of approximately one-third of an acre.

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