

MINUTE ITEM

This Calendar Item No. 11
was approved as Minute Item
No. 11 by the State Lands
Commission by a vote of 3
to 0 at its 4/27/82
meeting.

MINUTE ITEM
11

4/27/82
W 320.190
PRC 5110
Reese

RENTAL SETTLEMENT AGREEMENT
AND ISSUANCE OF A
GENERAL LEASE - COMMERCIAL USE

During consideration of Calendar Item 11 attached, Chairman Cory requested staff reiterate to the new lessee the environmental requirements of the lease as applied to the operation of the marina. James F. Trout, Assistant Executive Officer, assured the Commission that staff would again inform the lessee of these requirements.

Upon motion duly made and carried, the resolutions in Calendar 11 were approved as presented by a vote of 3-0.

Attachment: Calendar Item 11.

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CALENDAR ITEM

11

4/22/82
W 320.190
Reese
PRC 5110

RENTAL SETTLEMENT AGREEMENT AND
ISSUANCE OF A
GENERAL LEASE - COMMERCIAL USE

APPLICANT: Hugh and Carol A. Turner
4703 North Grantland
Fresno, California 93711

AREA, TYPE LAND AND LOCATION:
A 1.604-acre parcel of tide and submerged
lands in the Sacramento River, Sacramento
County.

LAND USE: Commercial marina.

TERMS OF PROPOSED LEASE:

Initial period: 30 years from January 1,
1982.

Surety bond: \$5,000.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

CONSIDERATION: A base annual rental in the amount of \$1,800
or six percent of the gross income derived
from the rental of the boat docks and moorings,
three percent of the gross income derived
from the operation of the bar and restaurant,
1.5 cents per gallon of fuel sold during
the reporting period to a maximum of 100,000
gallons and two cents per gallon thereafter,
ten percent of the gross income derived
from the operation of pay telephones, 25 percent
of the gross income derived from the operation
of coin operated game and vending machines,
ten percent of the gross income derived
from sources exclusive of those previously
mentioned, whichever is greater, with the
State reserving the right to fix a different
rental on each fifth anniversary of the
lease.

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BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee, minimum annual rental and the rental settlement of \$400 have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

12/7/82.

OTHER PERTINENT INFORMATION:

1. Staff and proposed lessee have agreed that as settlement for the occupation of State-owned tide and submerged lands, for the period of October 7, 1981 through December 31, 1981, lessee is to pay the sum of \$400.
2. This project is exempt from CEQA, 14 Cal. Adm. Code, Section 15101, Class 1 (existing facilities).
3. The project is situated on lands identified as possessing significant environmental values, pursuant to P.R.C. 6370.1, and is classified in use category "B" which authorizes Limited Use. The project as proposed will not have a significant effect upon the identified environmental values.

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.

CALENDAR ITEM NO. 11 (CONTD)

ADM. CODE 15100 ET SEQ., AND \angle CAL. ADM. CODE 2905,
AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE
CLASSIFICATION.

2. ACCEPT AS RENTAL FOR THE PRIOR UNAUTHORIZED OCCUPATION OF THE PREMISES, DESCRIBED IN EXHIBIT "A", THE SUM OF \$400.00.
3. AUTHORIZE ISSUANCE TO HUGH AND CAROL A. TURNER OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 1, 1982; IN CONSIDERATION OF A BASE ANNUAL RENT IN THE AMOUNT OF \$1,800 OR A PERCENTAGE OF GROSS INCOME (AS DESCRIBED WITHIN THE BODY OF THIS CALENDAR ITEM) PER ANNUM, WHICHEVER IS GREATER, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR AN EXISTING COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 320.190

A parcel of tide and submerged lands situated in Section 35, T10N, R3E, NDM, Sacramento County, California, more particularly described as follows:

COMMENCING at the most easterly corner of that certain parcel of land as described in that certain deed to Herold R. Beem recorded in Volume 8009, at Page 154, of Sacramento County Records; thence N 40° 50' W 400 feet along the northeasterly line of said parcel to the most northerly corner thereof; thence S 63° 40' W 220 feet to the POINT OF BEGINNING; thence continuing S 63° 40' W 155 feet; thence S 37° 30' 06" E 424.08 feet to a point on the southwesterly extension of the northwesterly line of that certain parcel of land as described in that certain lease No. PRC 4812.1 on file in the Office of the California State Lands Commission, Sacramento; thence N 49° 28' E 127.41 feet along said southwesterly extension and northwesterly line of said lease parcel; thence continuing N 65° 35' 19" E 67.62 feet along the northwesterly line of said lease parcel to a point on the southwesterly extension of the southeasterly line of above described Beem parcel; thence N 43° 18' 33" W 405.52 feet to the point of beginning.

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

END OF DESCRIPTION

PREPARED AUGUST 21, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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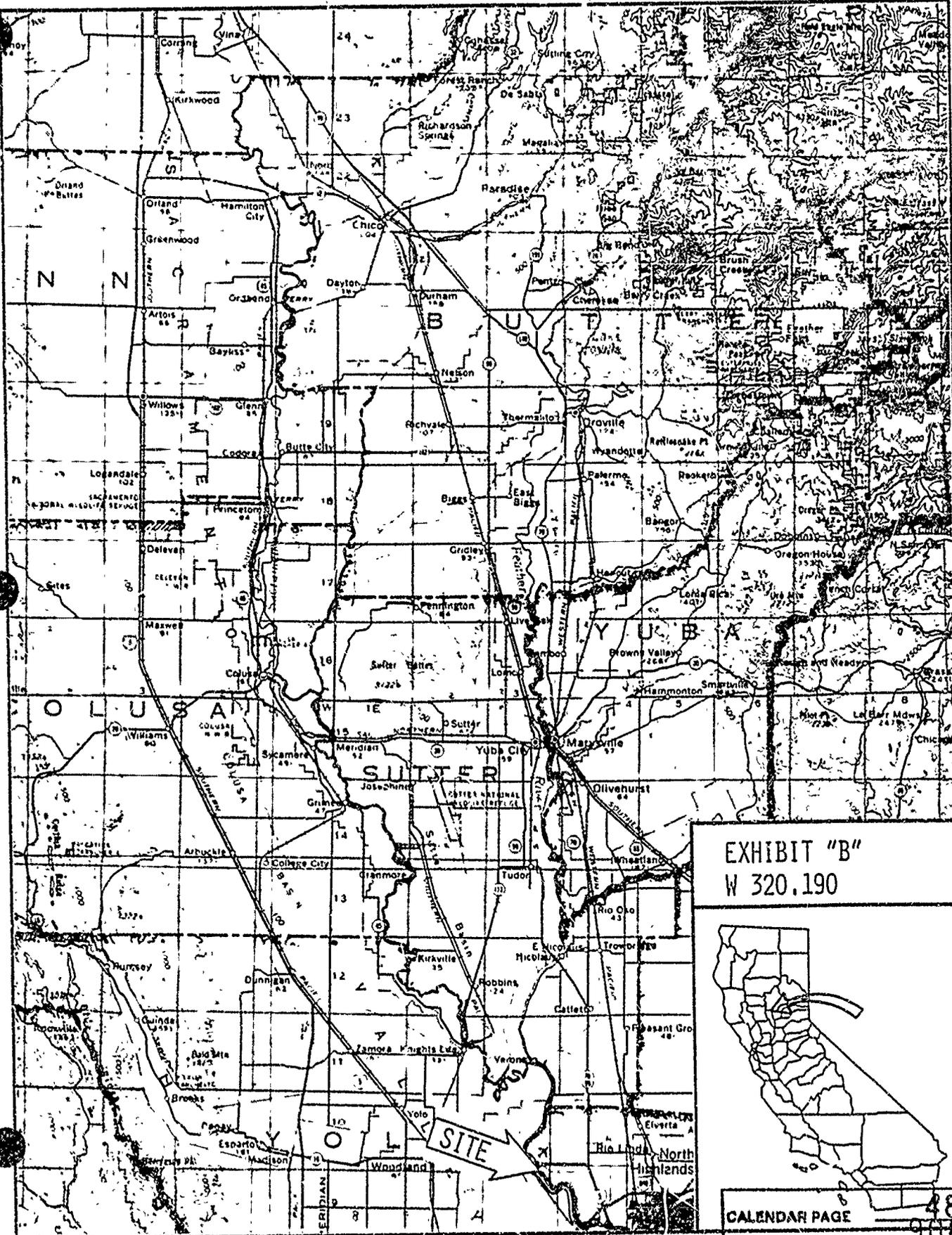


EXHIBIT "B"
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