MINUTE ITEM

This Calendar Item No. [illegible] was approved as Minute Item No. [illegible] by the State Lands Commission by a vote of [illegible] to [illegible] at its [illegible] meeting.

CALENDAR ITEM

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7/22/82
WP 4812 PRC 4812
Reese

TERMINATION OF ORIGINAL LEASE PRC 4812.1 AND ISSUANCE OF A REPLACEMENT LEASE

LESSEE: James O. and Lilac Muncil,
dba Metro Marina
5871 Garden Highway
Sacramento, California 95837

AREA, TYPE LAND AND LOCATION:
A 0.953-acre parcel of tide and submerged land in the Sacramento River, Sacramento County.

LAND USE: Commercial marina.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from September 1, 1972.

Surety Bond: $2,000.

Public liability insurance: $100,000/$300,000 per occurrence for bodily injury and $50,000 for property damage.

Consideration: $744 per annum; five-year rent review.

TERMS OF REPLACEMENT LEASE:

Initial period: 30 years from September 1, 1982.

Surety bond: $2,000.

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

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CONSIDERATION: Minimum annual rental of $1,200 against six percent of gross income derived from the rental of boat docks and mooring; 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 gross income from sources exclusive of those previously mentioned 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 2003.

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.

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

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. During the review of rental alternatives for this lease, it was determined by staff that a percentage of gross consideration would be the fairest and most equitable rental in this case. Staff and lessee discussed the rental and agreed to replace the existing lease in order to reflect the current Commission-approved lease format, percentage of gross consideration and new term.

2. This activity is exempt from CEQA because it is not a project pursuant to P.R.C. 21065, 14 Cal. Adm. Code 15037 and 15060.

3. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1 and is classified in a use category "B" which authorizes Limited Use. The activity

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. 21065, 14 CAL. ADM. CODE 15037 AND 15060; AND THAT THE ACTIVITY IS CONSISTENT WITH THE LAND'S USE CLASSIFICATION.

2. AUTHORIZE TERMINATION OF LEASE PRC 4812.1, EFFECTIVE AUGUST 31, 1982 AND ISSUANCE TO JAMES O. AND LILAC MUNCIL, dba METRO MARINA, OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE, FROM SEPTEMBER 1, 1982; IN CONSIDERATION OF MINIMUM ANNUAL RENT IN THE AMOUNT OF $1,200 AGAINST SIX PERCENT OF THE GROSS INCOME DERIVED FROM THE RENTAL OF THE BOAT DOCKS AND MOORINGS; 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 SOURCES EXCLUSIVE OF THOSE PREVIOUSLY MENTIONED, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A $2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $500,000; FOR AN EXISTING MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION WP 4812

A parcel of tide and submerged land in the State-owned bed of the Sacramento River adjacent to the east bank in Sacramento County, State of California, described as follows:

COMMENCING at a concrete monument marking the intersection of the boundary line between Swamp and Overflowed Survey 898, Sacramento County, and Lot 23 of Natomas Elkhorn Subdivision with the easterly boundary line of the river levee right of way of Reclamation District No. 1000, said concrete monument being shown on the official "Map of Natomas Elkhorn Subdivision" recorded in the office of the County Recorder of Sacramento County, February 26, 1918, in Book 15 of Maps, Map No. 42; thence the following four courses:

1. S 52° 30' 30" W 314.20 feet;
2. N 45° 57' 30" W 545.00 feet;
3. N 39° 30' 00" W 300.50 feet;
4. N 35° 38' 00" W 46.70 feet, to the POINT OF BEGINNING; thence the following nine courses:

5. S 55° 26' 05" W 5.00 feet;
6. S 76° 00' 00" W 40.00 feet;
7. S 53° 32' 00" W 16.00 feet;
8. N 65° 30' 00" W 187.50 feet;
9. N 40° 32' 00" W 173.40 feet;
10. N 49° 28' 00" E 115.00 feet;
11. N 65° 35' 19" E 67.62 feet;
12. S 30° 23' 30" E 159.20 feet;
13. S 35° 38' 00" E 188.10 feet to the point of beginning.

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

END OF DESCRIPTION

REVIEWED MAY 19, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

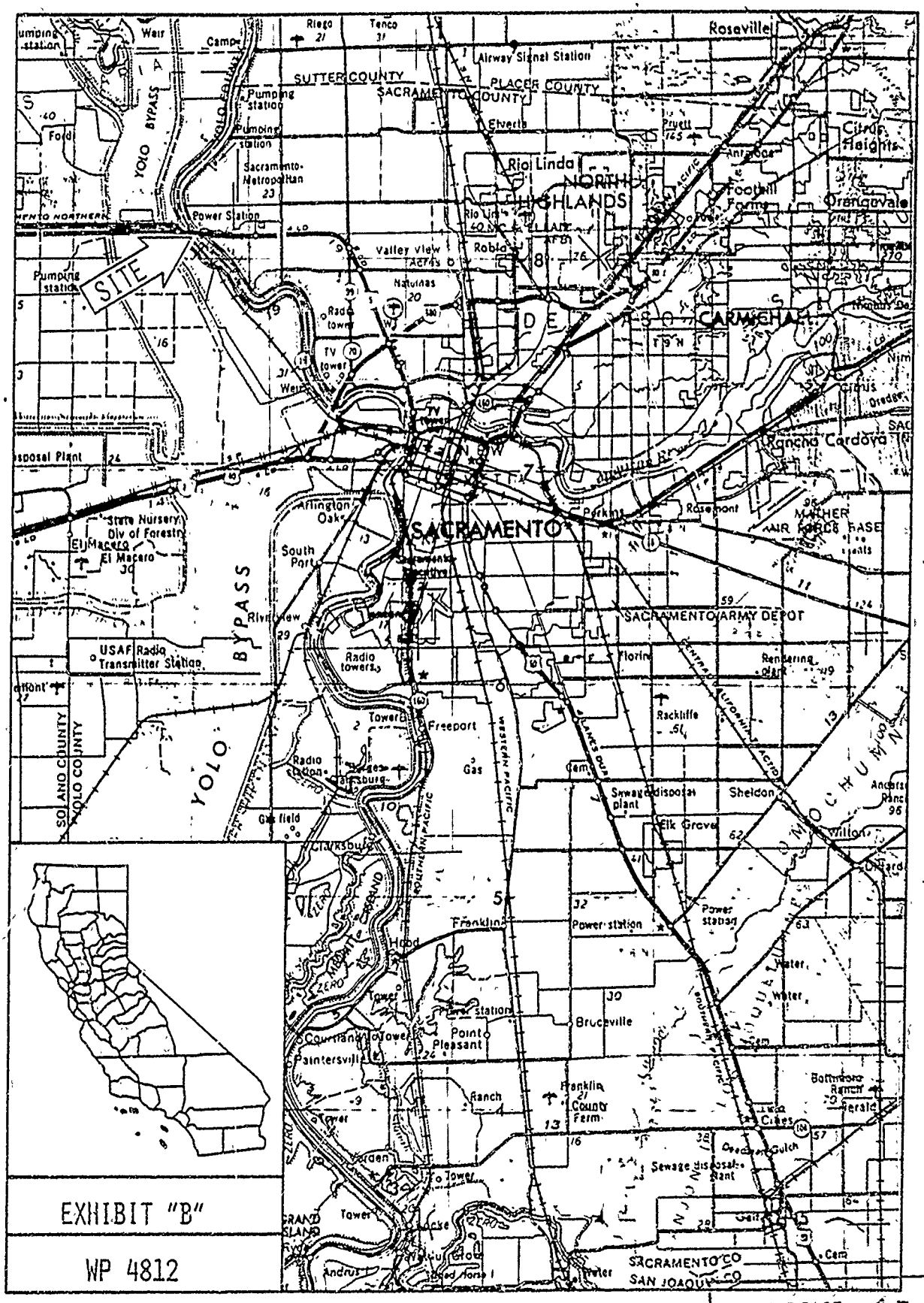

EXHIBIT "B"

WP 4812

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