MINUTE ITEM
This Calendar Item No. 46
was approved as Minute Item
No. 46 by the State Lands
Commission by a vote of 3
to 0 at its 10/28/82
meeting.

CALENDAR ITEM

46

10/28/82
WP 2216
Lane
PRC 2216

LITIGATION SETTLEMENT AND
AMENDMENT TO LEASE PRC 2216.1
GENERAL LEASE - COMMERCIAL USE

APPLICANT: Anne L. Salmen aka Houk
6985 Garden Highway
Nicolaus, California 95659

AREA, TYPE LAND AND LOCATION:
A 1.04-acre parcel of tide and submerged land, located in the Sacramento River near Verona, Sutter County.

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

TERMS OF ORIGINAL LEASE:

Initial period:	15 years from August 8, 1958.
Area:	0.902-acre parcel.
Renewal options:	Two successive periods of ten years each.
Surety bond:	$1,000.
Consideration:	$100 per annum; five-year rent review.

A 3
S 1

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1st Renewal Period: Ten years from August 1973.

Renewal option: One remaining period of ten years.

Surety bond: $2,000.

Public liability insurance: $300,000 per occurrence for bodily injury and $25,000 for property damage.

Consideration: $880 per annum; five-year rent review.

TERMS OF PROPOSED AMENDED LEASE:

Initial period: 30 years from January 1, 1979.

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

CONSIDERATION: $225 per annum paid in advance against five percent of gross income with the State reserving the right to fix a different rental on each fifth anniversary of the lease. Fuel sales at one cent per gallon up to and including 100,000 gallons. One and one-half cents per gallon thereafter.

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. Original lease is being amended to reflect:

a. Revised description to increase Lease area.

b. Change of basis of rental charge from percentage of appraised land value to percentage of gross income.

c. Extension of term for 30 years.

d. Generally to update the lease to the current lease format.

2. The proposed amendment has been in negotiations since 1978 at which time the State Lands Commission received a United States Army Corps of Engineers public notice of a proposed 700 foot expansion of the existing dock. Since that time several meetings were held with the lessee to discuss boundaries of the lease area and the rental rate.

A complaint for recovery of rent and possession of real property was subsequently filed in the Sutter County Superior Court on May 27, 1982 upon approval of the Commission per Calendar Item 40, at the March 23, 1982 meeting.

3. As negotiated, the lessee has agreed to construct the additional docks within the limiting dates as set forth in the lease. A payment in the amount of $880 submitted by the lessee on May 26, 1978 covers the rental period from May 26, 1978 through December 31, 1980. The lessee has paid current the minimum through December 31, 1982 with yearly income reports to follow within 30 days for the lease years 1979 through 1981.

Because the lessee is cooperating with State Lands Commission, staff recommends the pending litigation be dismissed.

4. A negative declaration was prepared and certified by Sutter County, pursuant to CEQA and the State CEQA Guidelines. Sutter County found that the project will not have a significant effect on the environment.

5. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 2170.1, and is classified in a use category "B" which authorizes Limited Use. The project as proposed will not have a significant effect on the identified environmental values.

APPROVALS OBTAINED:

United States Army Corps of Engineers and Sutter County.

EXHIBITS:

A. Land Description.
B. Location Map.
C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A NEGATIVE DECLARATION HAS BEEN PREPARED FOR THIS PROJECT BY SUTTER COUNTY.

2. CERTIFY THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE NEGATIVE DECLARATION.

3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.

4. AUTHORIZE STAFF TO DISCUSS PENDING LITIGATION.

5. APPROVE THE AMENDMENT OF PRC 2216.1, TO AMEND THE CONSIDERATION TO PERCENTAGE OF GROSS INCOME BASIS, REVISE THE LEASE AREA AND EXTEND THE TERM TO A 30-YEAR GENERAL LEASE - COMMERCIAL USE, FROM JANUARY 1, 1979; IN CONSIDERATION OF A BASE ANNUAL RENT IN THE AMOUNT OF $225 OR FIVE PERCENT OF GROSS INCOME 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 PUBLIC LIABILITY INSURANCE IN THE

AMOUNT OF $500,000 FOR COMBINED SINGLE LIMIT COVERAGE; FOR OPERATION AND MAINTENANCE OF A COMMERCIAL BOAT DOCKING FACILITY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION WP 2216

Two parcels of submerged land in the bed of the Sacramento River, Sutter County, California, adjacent to the SE-1/4 of Section 23 and the NE-1/4 of Section 26, T11N, R3E, MDM, being more particularly described as follows:

PARCEL A

COMMENCING at the most southerly corner of Lot 1 as shown on the map entitled "Map of Natomas Bennett Subdivision", recorded March 25, 1921, in Book 3 of Surveys, page 83, and from which the northeast corner of said Section 26 bears N 42°56'E 468.00 feet; thence along the southwesterly line of said Lot 1, on a curve tangent to a line bearing N 32°07'W, said curve being concave to the northeast having a radius of 1860.1 feet, through a central angle of 02°28'13" an arc distance of 80.2 feet; thence N 29°39'W 109.6 feet; thence leaving said southeasterly line of Lot 1 along the northwesterly boundary line described in the exception for Parcel 1 in that deed from H.I.D.E., Inc., to Richard J. and Anne L. Houk, recorded August 15, 1975, in Volume 852, page 554, Official Records of Sutter County, S 60°21'W 148.55 feet to the TRUE POINT OF BEGINNING; thence the following ten courses:

1. S 57°32'49"W 40.00 feet;
2. N 32°21'33"W 346.31 feet;
3. N 46°18'55"W 138.33 feet;
4. N 28°35'51"W 88.87 feet;
5. N 40°44'54"W 103.72 feet, hereinafter referred to as Point "A";
6. N 46°38'49"E 39.67 feet, hereinafter referred to as Point "B";
7. S 40°45'00"E 104.88 feet;
8. S 28°43'56"E 89.84 feet;
9. S 46°15'20"E 139.87 feet; and
10. S 32°27'11"E 350.14 feet to the point of beginning.

PARCEL B

BEGINNING at Point "A", thence the following nine courses:

1. N 52°48'28"W 115.68 feet;
2. N 37°12'17"W 98.76 feet;

PARCEL B (Cont.)

3. N 49°26'08"W 235.11 feet;
4. N 40°33'52"E 40.00 feet;
5. S 49°26'08"E 75.00 feet from which the most westerly corner of Parcel 2 as described in that certain deed from H.I.D.E., Inc., to Richard J. and Anne L. Houk recorded August 15, 1975, in Volume 852, page 554, Official Records of Sutter County, bears N 58°07'E 237.00 feet;
6. S 49°20'29"E 161.88 feet;
7. S 37°14'44"E 99.86 feet;
8. S 52°40'37"E 116.94 feet to Point "B"; and
9. S 46°38'49"W 39.67 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 MAY 29, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

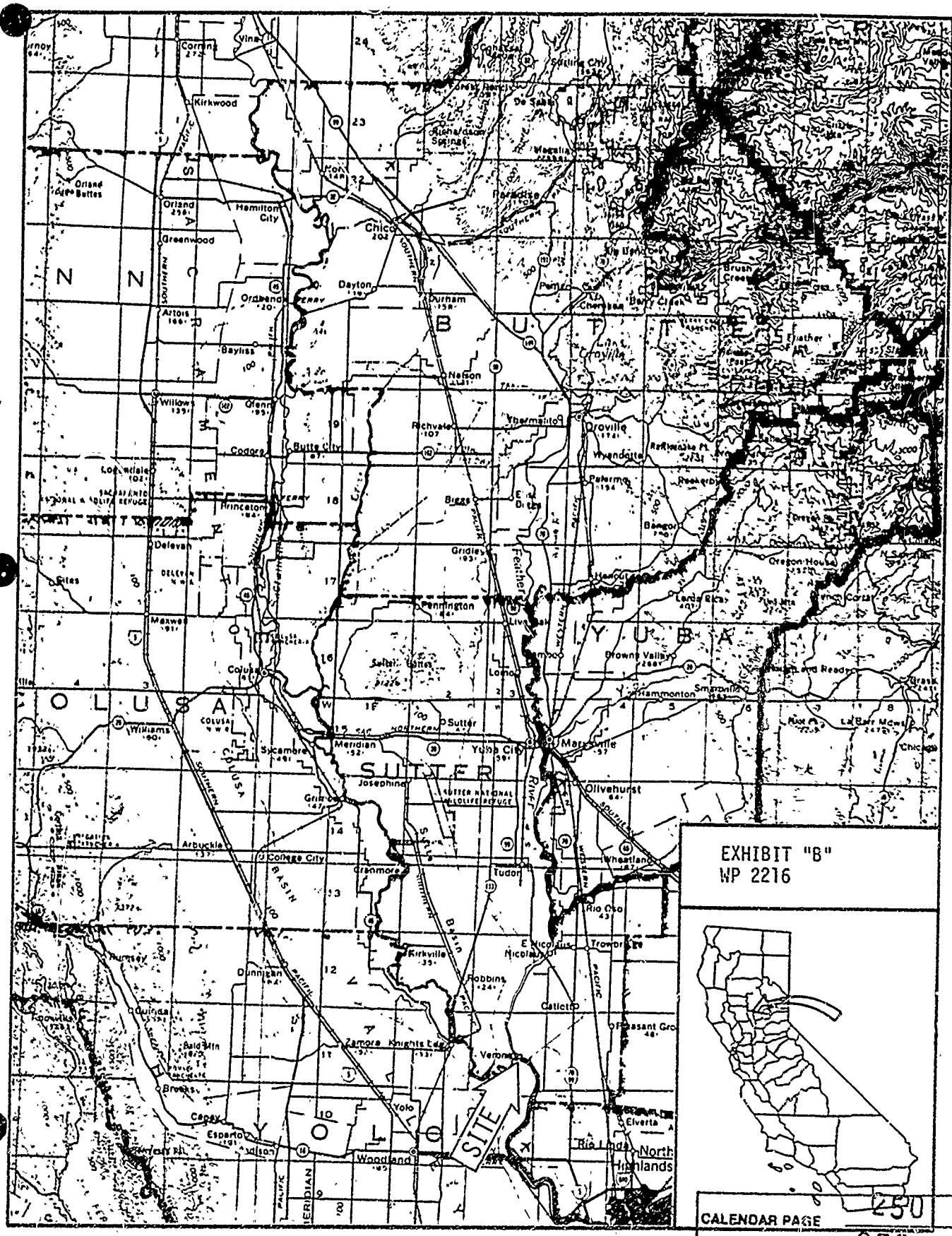

EXHIBIT "B"
WP 2216

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EXHIBIT "C"
WP 2216

COUNTY OF SUTTER
NEGATIVE DECLARATION

PROJECT NO.

PROJECT TITLE: Two Rivers Camp

PROJECT SPONSOR: Richard & Anne Houk

PROJECT LOCATION: 6985 Garden Highway, Verona, California

ASSESSOR'S PARCEL NO. 35-010-22

DESCRIPTION OF PROJECT: Expansion of existing facilities--the expansion includes an additional 24 spaces to the recreational vehicle park, approximately 680 feet of additional dockage, construction of a deck area adjacent to the cafe and bar &two story addition to an existing dwelling.

An Initial Study has been conducted by the Planning Director of the County of Sutter. The Planning Director finds that this project will not have a significant effect on the environment. The Initial Study is available for public review at the Sutter County Planning Office, 204 "C" Street, Yuba City, California.

STATEMENT OF REASONS TO SUPPORT FINDING
OF NEGATIVE DECLARATION

The following determination was made by the Sutter County Planning Commission on October 4, 1977:

The proposed improvements were additions to a pre-existing facility and would add no new significant impacts.

Planning Director and
Environmental Control Officer

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