

MINUTE ITEM

This Calendar Item No. 12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 2
to 0 at its 6/23/83
meeting.

MINUTE ITEM
12

6/23/83
W 20770
PRC 6445
Scott/
Townsend

GENERAL LEASE - COMMERCIAL USE

Calendar Item C12 was moved to the regular calendar. During consideration of Calendar Item 12 attached, the following people appeared:

Mr. James Gualco
Attorney representing Sadie and Mary Ashley

Mr. James W. Lewis
Attorney representing Donald and
Olive Frances

Mr. Harold Skelton
Representing Harry Weber

Mr. Herman Harry Weber
Property owner

Lance Kiley, Chief of Land Management submitted for the record letters and petitions from the applicant supporting the proposed lease.

Mr. Kiley clarified that the parcel proposed for lease was in no way a part of property currently in litigation.

Mr. Skelton and Mr. Weber appeared in opposition to the proposed lease and asked that no action be taken until a resolution of the pending litigation.

Mr. Blake Stevenson, Staff Counsel, noted for the record that a comment made in a police report submitted by Mr. Weber citing an altercation at the lease site was not done in an official capacity on behalf of the Sheriff's department.

The resolution in Calendar Item 12 was approved as presented by a vote of 2-0, with the understanding that the lease was conditional upon enforcement of all the necessary permit requirements.

Attachment: Calendar Item 12.

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CALENDAR ITEM

M.C. 12 4

6/23/83
W 20700
Scott/
Townsend
PRC 6445

GENERAL LEASE - COMMERCIAL USE

APPLICANT: Sadie Ashley and Mary Ashley,
dba The Spot Resort and
Star Route, Box 70-A
Rio Vista, California 94571

AREA, TYPE LAND AND LOCATION: A 1.17-acre parcel of sovereign tide and submerged land, located adjacent to, and in, the Sacramento River, Mile 11.5, at Brannan Island, Sacramento County.

LAND USE: Commercial marina, recreational vehicle storage and other commercial activities.

TERMS OF PROPOSED LEASE:
Initial period: 20 years from January 1, 1980.
Surety bond: \$5,000.
Public liability insurance: Combined single limit coverage of \$500,000.

CONSIDERATION: Annual rental in the amount of \$2,796.80 beginning January 1, 1980 through December 31, 1981, and \$3,146.40 per annum beginning January 1, 1982, 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.

A 4
S 4

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CALENDAR ITEM NO. 12 (CONTD)

PREREQUISITE TERMS, FEES AND EXPENSES:
Filing fee has 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: N/A.

OTHER PERTINENT INFORMATION:

1. The Spot Resort, operated by Sadie Ashley and Mary Ashley, is an existing commercial operation located in part on sovereign tide and submerged land, located adjacent to, and in, the Sacramento River, Mile 11.5, on Brannan Island. The improvements include commercial docks, recreational vehicle storage, and existing residential use. The residential use consists of a mobile home on the fill and is occupied by Ms. Ashley.

The area of the proposed lease had been previously claimed as privately-owned by adjacent landowners. Until the State settled the boundary in 1980 (BLA 198) it was uncertain whose land the facility was located on. BLA 198 established a line separating private uplands from State sovereign land. The private party to that agreement was Mr. Weber. The improvements operated by Sadie Ashley and Mary Ashley, extend on both sides of that line and Mr. Weber has brought litigation to eject Ms. Ashley from occupying any of the property settled by him in BLA 198. Owing to the uncertainty of the State's ownership until BLA 198, back rental has not been assessed for the period of use prior to settlement of property rights.

2. This project is exempt from CEQA because it involves an existing facility pursuant to 2 Cal. Adm. Code, Div. 3, Section 2905, Class 1.

CALENDAR ITEM NO. C 12 (CONTD)

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 project as proposed will not have a significant effect upon the identified environmental values.

APPROVALS OBTAINED:

United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

None.

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 2905, AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.
2. WAIVE ANY BACK RENTAL WHICH MAY HAVE ACCRUED PRIOR TO JANUARY 1, 1980.
3. AUTHORIZE ISSUANCE TO SADIE ASHLEY AND MARY ASHLEY, dba THE SPOT RESORT OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE, FROM JANUARY 1, 1980; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$2,796.80 BEGINNING JANUARY 1, 1980 THROUGH DECEMBER 31, 1981, AND \$3,146.40 BEGINNING JANUARY 1, 1982, 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 IN THE AMOUNT OF \$500,000 FOR COMBINED SINGLE LIMIT COVERAGE; FOR AN EXISTING COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

A parcel of tide and submerged land lying in the bed of the Sacramento River, Sacramento County, State of California, more particularly described as follows:

COMMENCING at a northwesterly corner of the exception to the Grant Deed from Herman H. Weber and Ida P. Weber, his wife, to Everett Wilcox, recorded January 15, 1971, in Book 71-01-15, Page 528, in the Office of the Recorder of Sacramento County; thence along the southwesterly line of said exception S 33° 13' 30" E 40.68 feet (N 33° 08' W per Book 71-01-15 Page 538), to the Project Channel Line of the Sacramento River Flood Control Project, said Project Channel Line being the easterly line of that parcel described in the exception to the Joint Tenancy Grant Deed from David N. Patch to Herman H. Weber and Ida Weber, his wife, recorded August 16, 1967 in Book 67-08-16, Page 199, in the Office of the Recorder of Sacramento County; thence along said Project Channel Line, S 15° 02' W 654.68 feet to the POINT OF BEGINNING: thence continuing along said line, also being a portion of the agreed line in Boundary Settlement Agreement B.L.A. No. 198 between Herman H. Weber, et al., and the State of California, recorded Jan. 12, 1981 in Book 810112P1030 Official Records, Sacramento County S 15° 02' W 108.00 feet; thence S 37° 24' E 242.97 feet; thence leaving said agreed line the following fourteen (14) courses:

S 25° 53' W	237.00 feet;
N 30° 30' W	164.06 feet;
N 03° 00' W	70.00 feet;
N 01° 00' E	130.00 feet;
N 10° 00' E	88.00 feet;
N 71° 30' W	62.00 feet;
S 18° 30' W	42.00 feet;
N 71° 30' W	16.00 feet;
N 18° 30' E	100.00 feet;
S 71° 30' E	16.00 feet;
S 18° 30' W	42.00 feet;
S 71° 30' E	60.00 feet;
N 10° 00' E	70.00 feet;
S 86° 39' 25" E	38.00 feet to the point of beginning.

END OF DESCRIPTION

PREPARED

R. C. ...

CHECKED

[Signature]

REVIEWED

DATE

9-30-82

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INSTR. PAGE	<u>1132</u>

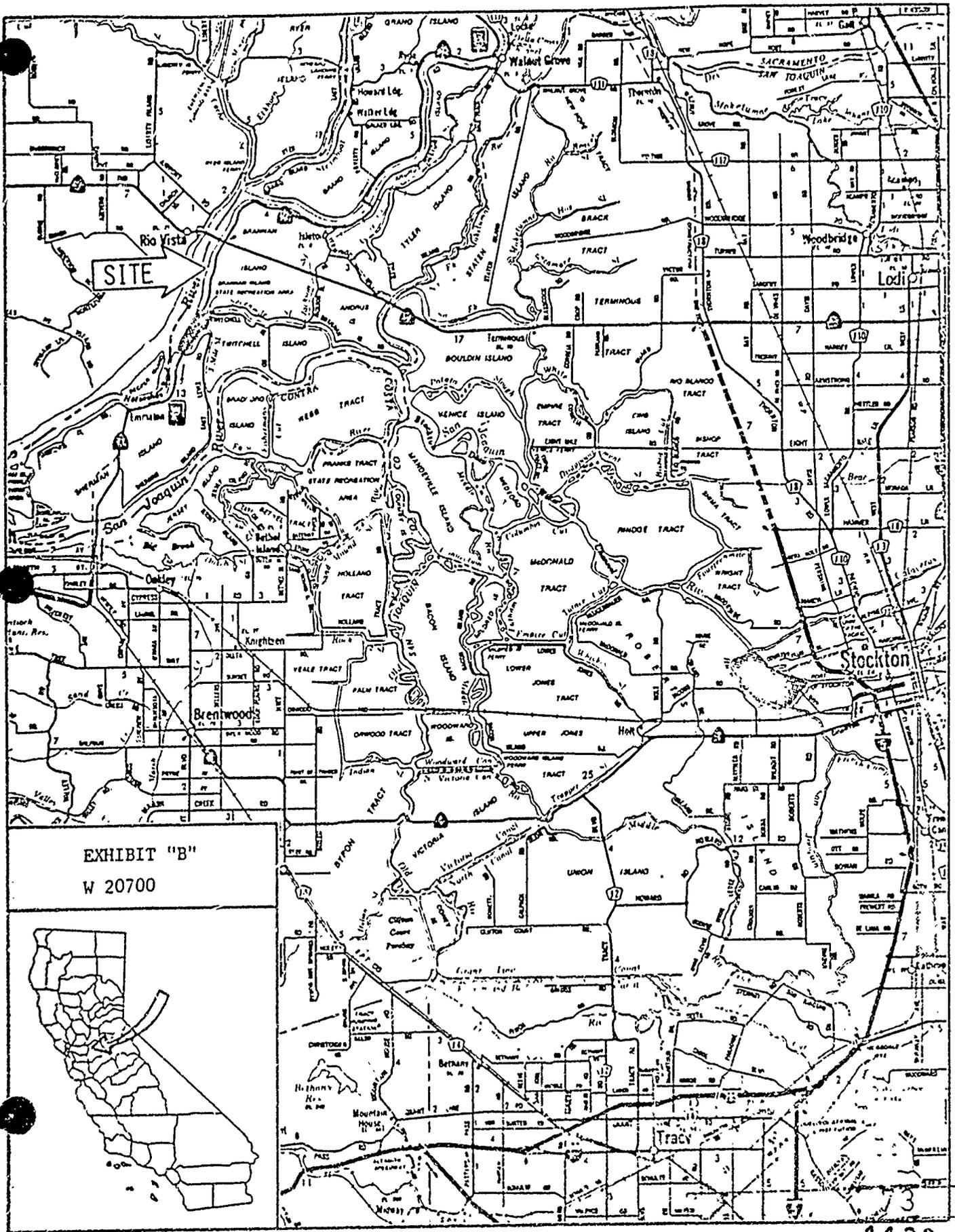


EXHIBIT "B"
W 20700

