meeting.

CALENDAR ITEM

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7/21/83
WP 1809
Reese

ASSIGNMENT OF LEASE PRC 1809.1

ASSIGNOR: Mildred H. McLeod, Hardy H. and Rosemarie O. Golston
dba Rodgers Point Marina
111 Fulton Shipyard Road
Antioch, California 94509

ASSIGNEE: Eugene M. Lerner
1430 Arroyo Way, Suite H
Walnut Creek, California 94596

ASSIGNOR: Eugene M. Lerner
1430 Arroyo Way, Suite H
Walnut Creek, California 94596

ASSIGNEE: Cannery Cove Marina, Inc.
1430 Arroyo Way, Suite H
Walnut Creek, California 94596

AREA, TYPE LAND AND LOCATION:
A 3.518-acre parcel of tide and submerged land in the San Joaquin River, at Antioch, Contra Costa County.

LAND USE: Commercial marina.

TERMS OF CURRENT LEASE:
Initial period: 30 years from October 1, 1981.

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Surety bond: $10,000.

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

Consideration: For the period of October 1, 1981 through September 30, 1982:

Three percent of the gross income derived from the rental of boat docks and moorings with a minimum of $1,000 paid in advance on October 1, 1981;

For the period of October 1, 1982 through September 30, 1983:

Four percent of the gross income derived from the rental of boat docks and moorings with a minimum of $1,500 paid in advance on October 1, 1982;

For the period of October 1, 1983 through the remainder of the term of the lease, notwithstanding Paragraph 2(b) of Section 4:

Five percent of the gross income derived from the rental of boat docks and moorings with a minimum of $2,000 paid in advance on October 1, 1983 and on October 1 of every year thereafter for the remainder of the term of the lease, notwithstanding Paragraph 2(b) of Section 4;

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MINUTE PAGE 1498

One cent per gallon of fuel sold during the reporting period to a maximum of 100,000 gallons and 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 2003.

PREREQUISITE TERMS, FEES AND EXPENSES:
Assignees are owners of upland.

Processing costs 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: N/A.

OTHER PERTINENT INFORMATION:
1. Mr. Eugene Lerner acquired the adjacent upland parcel on December 17, 1982, and subsequently sold the property to Cannery Cove Marina, Inc., a California Corporation. Mr. Lerner is President of the Corporation.

   This transaction is exempt from CEQA because it is an existing facility.

   Authority: 2 Cal. Adm. Code 2905, Class 1.

2. This transaction 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. This transaction will not have a significant effect upon the identified environmental values.

EXHIBITS:
A. Land Description.
B. Location Map.

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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 THIS TRANSACTION IS CONSISTENT WITH ITS USE CLASSIFICATION.

2. AUTHORIZE APPROVAL OF THE ASSIGNMENT FROM MILDRED H. McLEOD, HARDY H. AND ROSEMARIE O. GOLSTON, dba RODGERS POINT MARINA, TO EUGENE M. LERNER AND SUBSEQUENTLY THE ASSIGNMENT FROM EUGENE M. LERNER TO CANNERY COVE MARINA, INC., OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE, FROM OCTOBER 1, 1981; IN CONSIDERATION OF THE FOLLOWING:

   FOR THE PERIOD OF OCTOBER 1, 1981 THROUGH SEPTEMBER 30, 1982:

   THREE PERCENT OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORINGS WITH A MINIMUM OF $1,000 PAID IN ADVANCE ON OCTOBER 1, 1981;

   FOR THE PERIOD OF OCTOBER 1, 1982 THROUGH SEPTEMBER 30, 1983:

   FOUR PERCENT OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORINGS WITH A MINIMUM OF $1,500 PAID IN ADVANCE ON OCTOBER 1, 1982;

   FOR THE PERIOD OF OCTOBER 1, 1983 THROUGH THE REMAINDER OF THE TERM OF THE LEASE, NOTWITHSTANDING PARAGRAPH 2(b) OF SECTION 4:

   FIVE PERCENT OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORINGS WITH A MINIMUM OF $2,000 PAID IN ADVANCE ON OCTOBER 1, 1983 AND ON OCTOBER 1 OF EVERY YEAR THEREAFTER FOR THE REMAINDER OF THE TERM OF THE LEASE, NOTWITHSTANDING PARAGRAPH 2(b) OF SECTION 4;

   ONE CENT PER GALLON OF FUEL SOLD DURING THE REPORTING PERIOD TO A MAXIMUM OF 100,000 GALLONS AND 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; PROVISION OF A $10,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $500,000; FOR

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AN EXISTING COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

WP 1809

A parcel of tide and submerged land in the bed of the San Joaquin River, Contra Costa County, State of California, more particularly described as follows:

BEGINNING at the northwest corner of that certain parcel of land described in that deed recorded October 29, 1925, in Volume 8, Page 185, of Official Records, in the Office of the County Recorder of Contra Costa County; thence along the northerly boundary of said parcel the following two courses:

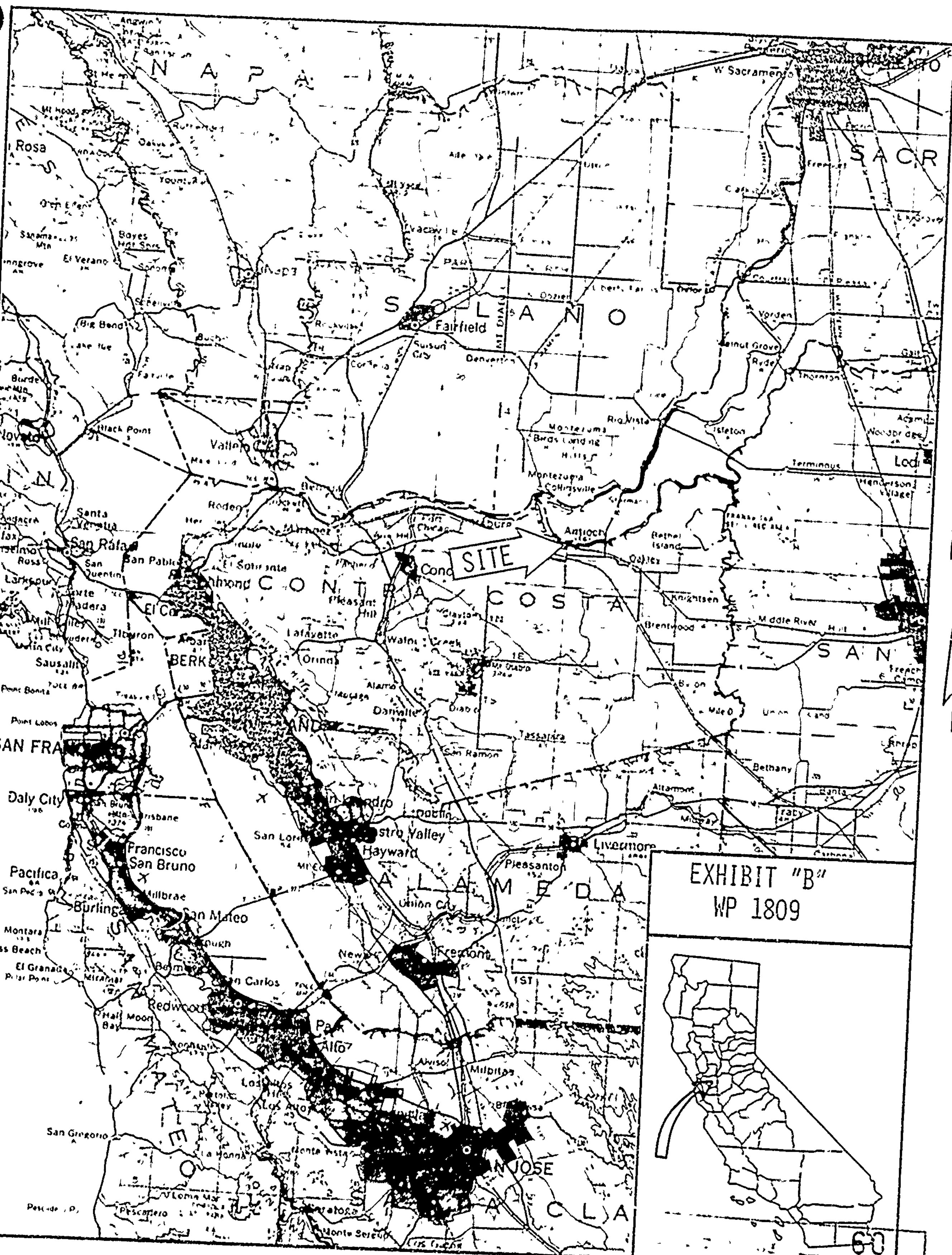
1. N 72° 45' E 223.59 feet;
2. S 82° 15' E 354.98 feet; thence the following six courses:

3. North 106.42 feet;
4. N 90° W 109.99 feet;
5. North 260.00 feet;
6. S 86° W 238.33 feet;
7. S 71° W 230.06 feet;
8. South 293.33 feet to the point of beginning.

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

END OF DESCRIPTION

REVISED SEPTEMBER 3, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.


NAPA
SOLANO
Fairfield
Vallejo
Novato
San Rafael
CONTRA COSTA
SITE
Antioch
Concord
Pleasant Hill
Walnut Creek
Lafayette
Orinda
Danville
San Ramon
Livermore
Pleasanton
Hayward
Castro Valley
San Leandro
ALAMEDA
Fremont
Union City
Newark
Milpitas
SAN FRANCISCO
Daly City
Pacifica
San Bruno
Millbrae
San Mateo
San Carlos
Redwood City
Palo Alto
Half Moon Bay
San Gregorio
SAN JOSE
Saratoga
Los Altos
Los Gatos
Sacramento
Lodi
Rio Vista
Brentwood
Oakley
Knightsen
Byron
Tracy
Sausalito
Tiburon
Richmond
El Cerrito
Berkeley
EXHIBIT "B"
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