

MINUTE ITEM

This Calendar Item No. C04
was approved as Minute Item
No. 4 by the State Lands
Commission by a vote of 3
0 at its 5/7/84
meeting.

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S 6

CALENDAR ITEM

C04

05/07/84
WP 2218
Suetta
PRC 2218

GENERAL LEASE - COMMERCIAL USE

APPLICANT: Aivars Helmut and Maija Helmut
1772 Twin Sisters Road
Suisun City, California 94585

AREA, TYPE LAND AND LOCATION:
A 1.147 acre parcel of tide and submerged land
in the Sacramento River, Sacramento County.

LAND USE: Continued operation and maintenance of
commercial marina facilities.

TERMS OF ORIGINAL LEASE:

Initial period: 5 years from August 7, 1978.

Renewal options: 1 successive period of 5
years

Surety bond: \$2,000.

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

Consideration: \$706.55 per annum; five-year
rent review.

TERMS OF PROPOSED LEASE:

Initial period: Five years from January 1,
1984.

Surety bond: \$2,000.

Public liability insurance: Combined single
limit coverage of \$300,000.

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CONSIDERATION: \$1,965 per annum or 5 percent of gross income per annum, whichever is greater.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:

Applicant is former lessee of upland and is now on a month-to-month tenancy.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

\$1,965 minimum annual rental payment for 1984 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. By Minute Item No. 5 at its June 22, 1978 meeting, the Commission authorized issuance to James R. Martin and Jean Martin a five-year General Lease - Commercial Use with one successive five-year renewal option. Shortly thereafter the lease was assigned to Aivars Helmutis and Maija Helmutis. The lease expired August 6, 1983. The Helmutis have signed a Percentage of Gross Income Lease with an effective date of January 1, 1984. Staff has received \$780 as the prorated rental payment for the period from August 7, 1983 through December 31, 1983. The Helmutis lease with the upland owner, Mr. Tony Dutra, expired in September, 1983 and since then they have been on a month-to-month tenancy. Mr. Dutra does not wish to renew the upland lease with the Helmutis. However, the details of the takeover of the marina operations have not been finalized. Staff recommends that the Commission authorize issuance of the lease to the Helmutis. As soon as the

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details of the marina operations takeover are finalized, an appropriate assignment can then be made.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, existing facilities 2 Cal. Adm. Code 2905(a).
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. ACCEPT THE RENTAL PAYMENT OF \$780 AS FULL CONSIDERATION, INCLUDING INTEREST AND PENALTIES, IF ANY, FOR THE PERIOD FROM AUGUST 7, 1983 THROUGH DECEMBER 31, 1983.
4. AUTHORIZE ISSUANCE TO AIVARS HELMUTS AND MAIJA HELMUTS OF A FIVE-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 1, 1984; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,965 OR FIVE PERCENT OF GROSS INCOME PER ANNUM, WHICHEVER IS GREATER, PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT

CALENDAR ITEM No. 1002 (CONT'D)

COVERAGE OF \$300,000; FOR CONTINUED OPERATION AND MAINTENANCE OF COMMERCIAL MARINA FACILITIES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

WP 2218

A rectangular parcel of tide and submerged land, 714 feet long and 110 feet wide, in the Sacramento River, Sacramento County, California described as follows:

The southerly line of said parcel being parallel with and 10 feet southerly of the most southerly edge of an existing floating dock, the easterly line of said parcel being 10 feet easterly of the most easterly edge of said dock, said dock being adjacent to that land described in that deed recorded February 9, 1951, in Volume 1990 at page 111, Official Records of Sacramento County.

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

END OF DESCRIPTION

Prepared Frank T. Lane Checked Law
Reviewed A. A. Kunnick Date 11/22/77

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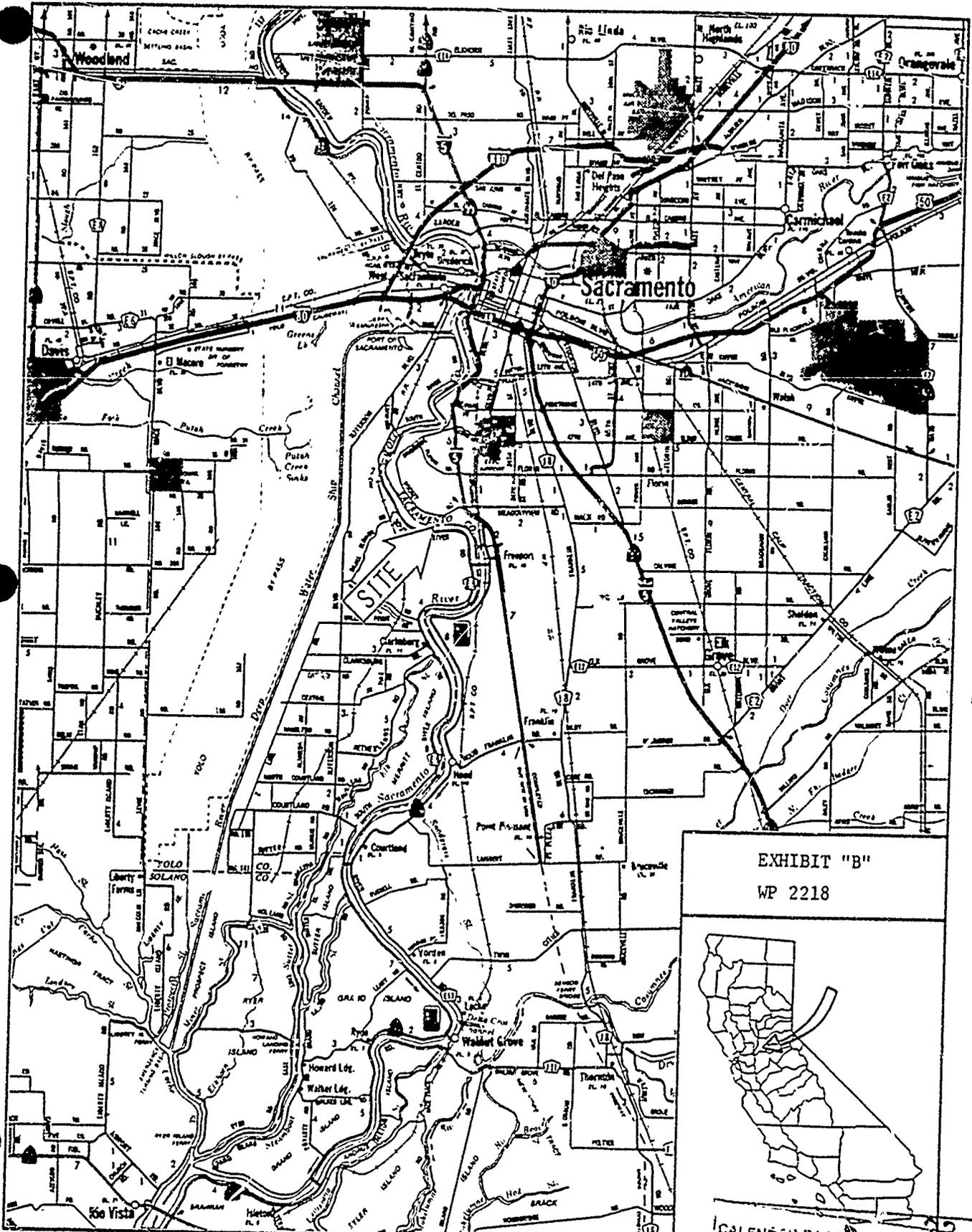


EXHIBIT "B"
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