MINUTE ITEM

This Calendar Item No. C.6 was approved as Minute Item No. 6 by the State Lands Commission by a vote of 3 to 0 at its 5/23/85 meeting.

CALENDAR ITEM

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05/23/85
WP 3264 PRC 3264
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GENERAL LEASE - COMMERCIAL USE

APPLICANT: Alvin Stults dba Cliff's Marina
8651 River Road
Sacramento, California 95832

AREA, TYPE LAND AND LOCATION:
A 5.134-acre parcel of tide and submerged land, located in the Sacramento River, South of Freeport, Sacramento County.

LAND USE: Commercial marina.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years beginning January 1, 1980.

Land Area: 2.41 Acres.

Renewal options: One successive period of ten years each.

Surety bond: $4,000.

Public liability insurance: $100,000/$500,000 per occurrence for bodily injury and $100,000 for property damage, or combined single limit coverage of $500,000.

Consideration: $2,506.40 per annum; five-year rent review.

TERMS OF PROPOSED LEASE:

Initial period: 20 years beginning January 1, 1985.

Surety bond: $10,000.

Public liability insurance: Combined single limit coverage of $1,000,000.

CONSIDERATION: (a) ANNUAL RENTAL:

(1) Six percent of the Gross Income derived from the rental of boat docks and moorings.

(2) 25 percent of the Gross Income derived from the operation of coin operated vending and electronic game machines.

(3) 1.5 cents per gallon of fuel sold during reporting period to a maximum of 100,000 gallons and 2 cents per gallon thereafter.

(4) A minimum annual rental of $5,000 for the period January 1, 1985 through December 31, 1985 and a minimum annual rental of $7,000 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.

APPLICANT STATUS:
Applicant is lessee of upland, for a 50-year term.

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: 09/06/85.

OTHER PERTINENT INFORMATION:

1. In this marina modification there will be a reduction of berths, from 110 to 107, and staff believes Commission approval will not be inconsistent with the Sacramento River Moratorium. The increase in acreage arises from the realignment of berthing to accommodate larger vessels and to improve interior navigational passage. The

Moratorium, as interpreted by staff, is primarily concerned with the number of vessels on the river, and this action will lessen them. The physical enlargement of the leased area will not apparently have a significant effect on navigation, since other permitting jurisdictions have approved the project.

2. The proposed lease will supercede the existing lease agreement between the parties. Staff believes the proposed agreement is in the State's interest because it reflects current policy.

3. A Negative Declaration was prepared and adopted for this project by the County of Sacramento. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.

4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:
United States Corps of Engineers, Reclamation Board, Sacramento County (Zoning and Environmental).

FURTHER APPROVALS REQUIRED:
None.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF SACRAMENTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.

4. AUTHORIZE THE REPLACEMENT OF EXISTING LEASE PRC 3264 WITH A NEW 20-YEAR GENERAL LEASE - COMMERCIAL USE, IN FAVOR OF ALVIN STULTS, DBA CLIFF'S MARINA BEGINNING JANUARY 1, 1985; IN CONSIDERATION OF ANNUAL RENTAL THAT INCLUDES

(1) SIX PERCENT OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORINGS.

(2) 25 PERCENT OF THE GROSS INCOME DERIVED FROM THE OPERATION OF COIN OPERATED VENDING AND ELECTRONIC GAME MACHINES.

(3) 1.5 CENTS PER GALLON OF FUEL SOLD DURING REPORTING PERIOD TO A MAXIMUM OF 100,000 GALLONS AND 2 CENTS PER GALLON THEREAFTER.

(4) A MINIMUM ANNUAL RENTAL OF $5,000 FOR THE PERIOD JANUARY 1, 1985 AND A MINIMUM ANNUAL RENTAL OF $7,000 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 $1,000,000; FOR A COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION WP 3264

A parcel of tide and submerged land situated in the bed of the Sacramento River, in Sections 23, 24, and 25, T7N, R4E, MDM, Sacramento County, California, and lying westerly of Swamp and Overflowed Lands Survey Numbers 152 and 168, and more particularly described as follows:

BEGINNING at the southwest corner of S & O Survey 168; thence along the westerly boundary of said survey N 0° 45' E 843.00 feet (this course shown as N 0° 13' 24" W on that record of survey map recorded in Book 26 of Surveys, page 15, on May 10, 1968, in the Office of the County Recorder of said county); thence leaving said boundary the following eight courses:

2) N 88° 02' 31" W 79.00 feet;
3) S 46° 57' 29" W 130.00 feet;
4) S 10° 17' 18" E 55.14 feet;
5) S 1° 57' 29" W 701.00 feet;
6) S 60° 08' 55" W 92.96 feet;
7) S 1° 49' 15" W 97.06 feet;
8) S 16° 01' 12" W 536.00 feet;
9) S 73° 58' 48" E 232.63 feet to a point on the westerly boundary of S & O Survey 152; thence along said boundary the following two courses:

10) N 21° 45' 00" E 270.30 feet;
11) N 10° 15' 00" E 477.18 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

REVISED AUGUST 30, 1984 BY BOUNDARY AND TITLE UNIT.

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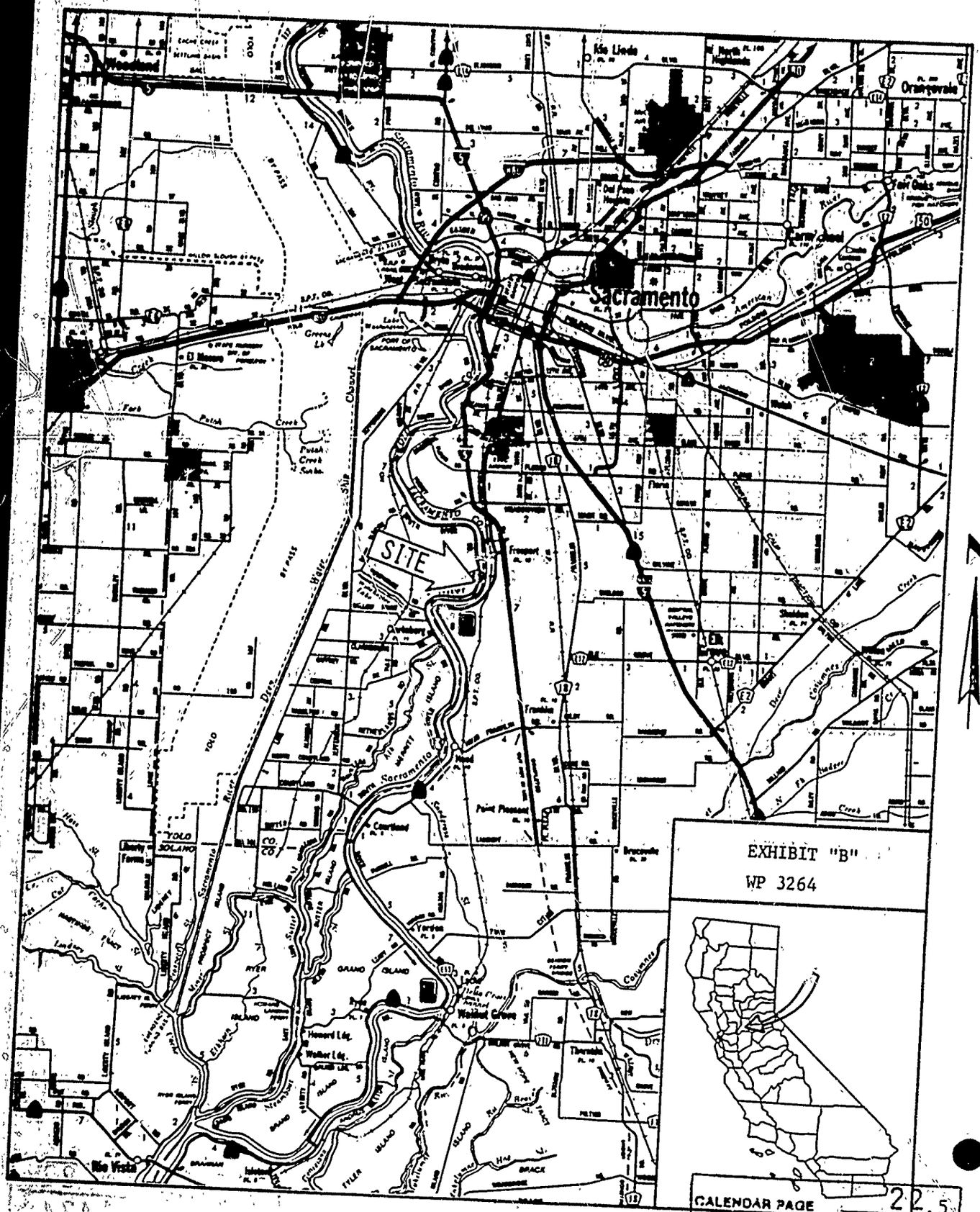

EXHIBIT "B"

WP 3264

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Control No. 84-PAS-719 WP 3264

NEGATIVE DECLARATION

84091008

Pursuant to Division 6, Title 14, Chapter 3, Article 6, Sections 15070 and 15071 of the California Administrative Code and pursuant to the Procedures for Preparation and Processing of Environmental Impact Reports adopted by the County of Sacramento pursuant to Sacramento County Ordinance No. SCC-116, the Environmental Coordinator of Sacramento County, State of California, does prepare, make, declare, publish, and cause to be filed with the County Clerk of Sacramento County, State of California, this Negative Declaration re: The Project described as follows:

1. Title and Short Description of Project:
ALVIN STULTS PLAN APPROVAL
The proposed project consists of an application for approval of development plans to allow the upgrading of a portion of an existing marina in the DW zone.

2. Location of Project and Assessor's Parcel Number:
The project is located on the east side (left bank) of the Sacramento River, about 1/2 mile south of the Freeport Bridge, in the community of Freeport.

APN: 119-020-30

3. Project Proponent: Alvin Stults

4. Said project will not have a significant effect on the environment for the following reasons:

a) It will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

b) It will not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals.

c) It will not have impacts which are individually limited, but cumulatively considerable.

d) It will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

5. As a result thereof, the preparation of an environmental impact report pursuant to the Environmental Quality Act (Division 13 of the Public Resources Code of the State of California) is not required.

6. The attached Initial Study has been performed by the Sacramento County Environmental Impact Section in support of this Negative Declaration. Further information may be obtained by contacting the Section at 827 Seventh Street, Room 101, Sacramento, California, 95814, or phone (916) 440-7914.

Environmental Coordinator of
Sacramento County, State of
California

ENDORSED:

SEP. 7 1984

JOYCE RUSSELL SMITH, CLERK
AF/11/12/5/83 Bob ANDREWS, Deputy

By Lowell W. [signature]
for Alcides Freitas
Environmental Coordinator

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EXHIBIT "C"