MINUTE ITEM
This Calendar Item No. 22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 2
to 0 at its 6/26/85
meeting.

CALENDAR ITEM

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06/26/85
W 21552 PRC 6855
Grimmett
Simmons

GENERAL LEASE - COMMERCIAL USE

APPLICANT: Bruno's Island Yacht Harbor, Inc.
1200 West Brannan Island Road
Isleton, California 95641

AREA, TYPE LAND AND LOCATION:
A 3.493-acre parcel of tide and submerged land in Seven Mile Slough at Owl Island.

LAND USE: Operation of a commercial marina and a bridge approach to Owl Island.

TERMS OF PROPOSED LEASE:
Initial period: 35 years beginning May 1, 1985.

Surety bond: $5,000.

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

CONSIDERATION: $6,000 per annum per the rental schedule in the lease; 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 owner of upland.

PREREQUISITE CONDITIONS, 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: 11/30/85.

OTHER PERTINENT INFORMATION.

1. Bruno's Island Yacht Harbor, Inc. (Mr. David Snodderly, is successor-in-interest to the original applicants, Bruno and Stella Giovannoni. In order to respond to the initial application to retain an existing bridge from Andrus Island to Owl Island, staff determined that a survey and boundary line agreement around Owl Island would be necessary (BLA 114).

   In the meantime, the Giovannoni's constructed marina docks and facilities pursuant to their United States Corps of Engineers permit and their later application to the Commission.

   Soon after Mr. Snodderly acquired the marina from the Giovannoni's, there was disagreement over the terms of the sale. This disagreement resulted in Sacramento Superior Court Case No. 286773. After this suit was resolved Mr. Snodderly contacted Commission staff to begin lease negotiations.

   As negotiated, and due to the settlement requirements of the suit, special provisions in the lease provide:

   (1) for $12,000 in back rent for the period of occupancy prior to May 1, 1985. This $12,000 is to be paid in 90 monthly installments, beginning May 1, 1989, with interest at nine percent from May 1, 1985;

(2) that a portion of the annual rent is to be deferred for the first three years of the lease. The total deferred rental is $12,000 with nine percent interest to be paid on the outstanding balance;

(3) that, beginning May 1, 1988, the annual rental will be paid in full;

(4) that, the rental of any expanded lease area will be computed using the then unit rate per acre of the existing lease area;

(5) that, in the event of sale of the marina, all deferred rent monies are due;

(6) that subleases issued to tenants shall not exceed the term of this lease;

(7) for dredging up to 32,000 cubic yards of material from Seven Mile Slough to improve navigation upon 30 days notice and at the normal royalty charge of 25 cents per cubic yard. A dredging plan must be submitted and dredging records are subject to inspection.

The text of the full lease is on file with the Commission.

2. 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.

3. 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)(2), and Class 4, Minor Alteration, 2 Cal. Adm. Code 2905(d)(4) (Dredging).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

APPROVALS OBTAINED:
United States Corps of Engineers, Permit No. 6315, County of Sacramento.

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(a)(2), AND CLASS 4, MINOR ALTERATION TO LAND, 2 CAL. ADM. CODE 2905(d)(4).

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

3. APPROVE AND ACCEPT $12,000 AS THE AMOUNT OF BACK RENT DUE FOR ALL OCCUPANCY PRIOR TO MAY 1, 1985, INCLUDING PENALTY AND INTEREST, IF ANY.

4. APPROVE THE TERMS AND SPECIAL PROVISIONS OF THIS LEASE WHICH IS ON FILE WITH THE COMMISSION.

5. AUTHORIZE ISSUANCE TO BRUNO'S ISLAND YACHT HARBOR, INC. OF A 35-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING MAY 1, 1985; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $6,000 PAID PER THE PAYMENT SCHEDULE IN THE LEASE, 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 FOR COMBINED SINGLE LIMIT COVERAGE OF $1,000,000; FOR THE OPERATION AND MAINTENANCE OF A COMMERCIAL MARINA AND A BRIDGE APPROACH FROM ANDRUS ISLAND TO OWL ISLAND ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 21552

Two parcels of tide and submerged land in the State-owned bed of Seven Mile Slough, Sacramento County, California, adjoining Owl Island in projected fractional sections 10 and 11, T3N, R3E, MDM, said parcels described as follows:

PARCEL 1

Beginning at a point bearing S 03° 22' 24" E, 631.19 feet from a concrete monument with a California State Lands Commission brass cap stamped "BRUNO 1969" having coordinates of X = 2,111,067.87 and Y = 163,381.98, said monument is shown on that map entitled "Record of Survey of Owl Island", October 6, 1969, filed in Book 27 of Surveys at page 9, Official Records of Sacramento County. Said Point of Beginning is designated MHW 1 on said map, being on the line described in Boundary Line Agreement 114 (BLA 114), recorded October 14, 1969, in Book 69-10-14 at page 132, Official Records of Sacramento County. Thence along said BLA 114 the following four courses:

1. N 54° 57' 39" W, 192.50 feet to MHW 3;
2. N 46° 51' 10" W, 225.28 feet to MHW 5;
3. N 39° 53' 00" W, 495.71 feet to MHW 10;
4. N 58° 32' 19" W, 682.45; thence leaving said BLA 114 and running into Seven Mile Slough the following 28 courses:

5. S 30° 37' 48" W 12.04 feet;
6. S 59° 21' 23" E 243.36 feet;
7. S 55° 26' 36" E 179.46 feet;
8. S 51° 15' 14" E 206.03 feet;
9. S 51° 56' 04" E 99.70 feet;
10. S 39° 22' 46" E 216.89 feet;
11. S 37° 33' 09" E 221.09 feet;
12. S 45° 21' 05" E 121.89 feet;
13. S 51° 20' 25" E 112.28 feet;
14. S 52° 28' 51" E 162.55 feet;
15. S 60° 36' 48" E 40.17 feet;
16. S 16° 01' 13" E 105.08 feet;
17. N 76° 39' 05" E 60.64 feet;
18. N 15° 52' 16" W 106.04 feet;
19. N 83° 03' 40" E 20.69 feet;
20. N 11° 49' 17" E 101.29 feet;
21. N 2° 26' 12" W 111.35 feet;
22. N 18° 26' 06" W 97.93 feet;
23. S 63° 02' 42" W 10.11 feet;
24. N 35° 28' 31" W 229.41 feet;
25. N 51° 01' 12" W 207.44 feet;
26. N 60° 10' 36" W 184.73 feet;
27. N 58° 50' 06" W 194.28 feet;
28. N 58° 19' 46" W 415.86 feet;
29. N 5.° 13' 14" W 174.92 feet;
30. N 51° 47' 44" W 12.71 feet;

31. N 58° 32' 36" W 56.65 feet;
32. S 30° 00' 05" W 55.02 feet to said BLA 114; thence along said BLA 114 the following 7 courses:

33. S 58° 32' 19" E 853.62 feet to MHW 42;
34. S 60° 17' 58" E 180.86 feet to MHW 44;
35. S 51° 38' 18" E 200.44 feet to MHW 46;
36. S 35° 35' 24" E 217.58 feet to MHW 49;
37. S 19° 28' 14" E 81.18 feet to MHW 50;
38. S 01° 44' 14" W 85.76 feet to MHW 51;
39. S 13° 44' 40" W 92.34 feet to MHW 1, the point of beginning.

PARCEL TWO

Beginning at a point bearing N 58° 32' 19" W, 853.62 feet from that point designated as MHW 42 on the map entitled "Record of Survey of Owl Island, October 6, 1969, filed in Book 27 of Surveys at Page 9, Official Records of Sacramento County; thence along said bearing N 58° 32' 29" W, 30 feet; thence N 30° 00' 06" W, 180 feet; thence S 58° 32' 29" E, 30 feet; thence S 30° 00' 06" W, 180 feet; to the point of beginning.

END OF DESCRIPTION

PREPARED DECEMBER 21, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

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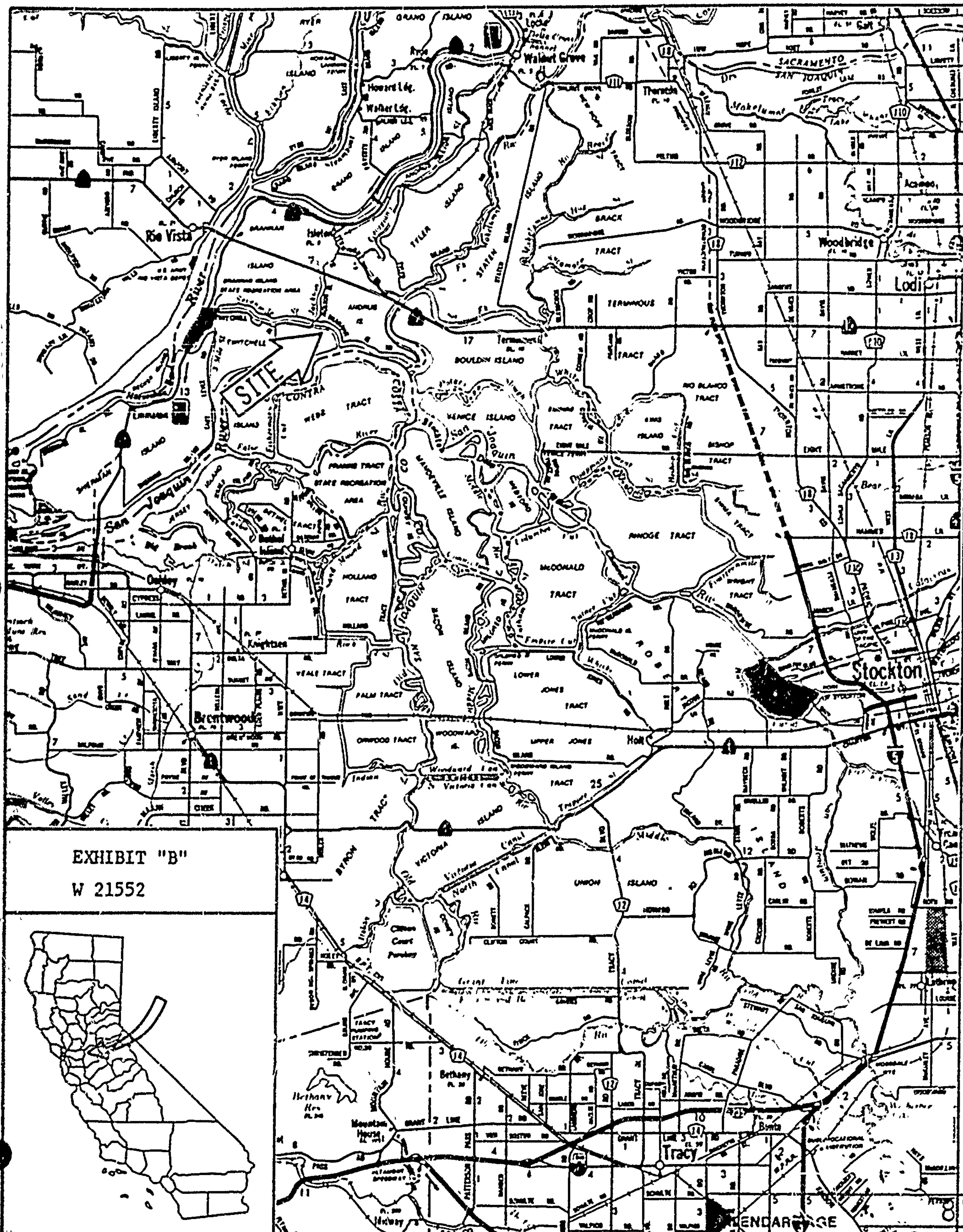

EXHIBIT "B"

W 21552

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