

C5

5
TO 0 12/19/85
meeting.

CALENDAR ITEM

A 10
S 5

005

12/19/85
WP 3885
Grimmett
Durrett

ASSIGNMENT, ACCEPTANCE OF PAST DUE RENT AND AMENDMENT

ASSIGNOR: Mabel L. Edwards, a widow

ASSIGNEE: Mabel L. Edwards, as Trustee of Robert M. Edwards Family Revocable Trust, 2200 Lake Road, Apt. 210 Belmont, California 94002

AREA, TYPE LAND AND LOCATION: A 2.078-acre parcel of tide and submerged land in Steamboat Slough, Sacramento County.

LAND USE: Commercial marina facilities.

TERMS OF ORIGINAL LEASE:

Initial period: Ten years beginning January 1, 1968.

Renewal options: Three successive periods of ten years each.

Surety bond: \$5,000.

Public liability insurance: \$200,000/\$600,000 per occurrence for bodily injury and \$50,000 for property damage.

Consideration: \$150 per annum; Five-year rent review.

TERMS OF RENEWED AND PREVIOUSLY AMENDED LEASE:

Initial period: 12 years beginning June 1, 1976.

Surety bond: \$5,000.

22
3471

CALENDAR ITEM NO. 005 (CONT'D)

Public liability insurance: \$200,000/\$600,000
per occurrence for bodily
injury and \$50,000 for
property damage.

PROPOSED LEASE AMENDMENT:

Consent to subletting of all
or any portion of the leased
premises for berthing or
mooring purposes in
conjunction with normal
commercial marina subleasing
practices for terms of one
year or less.

CONSIDERATION: \$1,428.60 per annum; 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.

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.

BACKGROUND:

A commercial marina lease was originally issued to Robert M. Edwards (now deceased) and Mabel L. Edwards, operators of Steamboaters, beginning June 1, 1958. This lease was amended twice (Minute Items No. C13 on August 26, 1976 and No. 38 on December 15, 1976) to enlarge the area to 2.078 acres and increase the rent to \$1,428.60.

About May 1978, the Edwards sold Steamboaters to Ponderosa Construction Company. A lease assignment was commenced, but not completed, due to an apparent default on the underlying trust deed

CALENDAR ITEM NO. C 0 5 (CONT'D)

A new application was received from Lewis H. Aytes, as successor-in-interest to Ponderosa on February 16, 1982. Like Ponderosa, Aytes was unable to perform and was in foreclosure proceedings when he subsequently filed for Chapter 7 bankruptcy on December 18, 1984.

CURRENT STATUS:

On September 6, 1985, Mrs. Edwards advised staff that the bankruptcy court had returned the Steamboaters property to her as trustee for Robert M. Edwards Family Revocable Trust and requested settlement of the back rent problem.

After a review of the file, and considering the legal implications, staff has negotiated a settlement for \$9,500 as the total sum due for the period from June 1, 1979 through May 31, 1986.

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.
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 because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

EXHIBIT: A. 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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.

CALENDAR ITEM NO. C 0 5 (CONT'D)

2. 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.
3. APPROVE THE ASSIGNMENT OF THIS LEASE FROM MABEL L. EDWARDS, A WIDOW, TO MABEL L. EDWARDS, AS TRUSTEE OF THE ROBERT M. EDWARDS FAMILY REVOCABLE TRUST.
4. APPROVE AND AUTHORIZE ACCEPTANCE OF \$9,500 FROM THE ROBERT M. EDWARDS FAMILY REVOCABLE TRUST AS THE TOTAL SUM DUE FOR RENT, PENALTY AND INTEREST, IF ANY, FROM JUNE 1, 1979 THROUGH MAY 31, 1986, ON LEASE PRC 3885.
5. APPROVE THE AMENDMENT OF THE EXISTING LEASE, PRC 3885, TO ALLOW SUBLETTING OF ALL OR ANY PORTION OF THE LEASED PREMISES FOR BERTHING OR MOORING PURPOSES IN CONJUNCTION WITH NORMAL COMMERCIAL MARINA SUBLEASING PRACTICES FOR TERMS OF ONE YEAR OR LESS.

