MINUTE ITEM

This Calendar Item No. C19 was approved as Minute Item No. 19 by the State Lands Commission by a vote of 3 to 0 at its 5/22/86 meeting.

minute item 10, meeting of 11/29/82

minute item 19, meeting of 5/22/86

CALENDAR ITEM

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RESCISSION OF PREVIOUSLY AUTHORIZED LEASE,
ACCEPTANCE OF EARNED RENTALS,
AND RETURN OF UNEARNED RENTALS

APPLICANT: R. Jane Law, dba R. J. Systems
P. O. Box 1109
Bethel Island, California 94511

AREA, TYPE LAND AND LOCATION:
An 0.154-acre parcel of tide and submerged land, located in Alviso Slough, San Jose, Santa Clara County.

LAND USE: Barge and dock facilities.

TERMS OF ORIGINAL AUTHORIZATION:

Initial period: Five years beginning December 1, 1981.

Surety bond: $1,000.

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

Consideration: $370 per annum; or five percent of gross income, whichever greater; five-year rent review.

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. On November 29, 1982, the State Lands Commission authorized the issuance of a lease to the applying party, R. J. Systems; for a variety of reasons, the lease was never signed by the State. In addition, under correspondence dated November 12, 1985 and December 13, 1985, the Applicant notified the staff that the application was being cancelled as of December 1, 1985. The United States Fish and Wildlife Service has verified the Applicant's departure from the site.

   The Applicant's use of State property was paid for by the submittal of rent in the amount of $370 per year, for a three-year period summed up as follows:

PERIOD	AGREED RENT	PAYMENT RECEIVED
12/01/82 - 11/30/83	$370	$370
12/01/83 - 11/30/84	$370	$370
12/01/84 - 11/30/85	$370	$370

   Although a lease number was assigned (PRC 6348) the lease document was itself never fully executed nor delivered to the Applicant. The Applicant's short use of the State property was under an expectancy only, under the assumption that a binding lease would eventually be executed. But with the lack of such execution the anticipated leasehold interest never materialized. That fact, coupled with the Applicant's departure from the site - on or about December 1, 1985 - makes it clear that R. J. Systems has no future interest in the subject lands.

2. The barge and dock facilities that were formerly owned by R. J. Systems - and now owned by the federal government (acting through the United States Department of the Interior) - will be removed from the underlying sovereign lands by the United States Fish and Wildlife Service. That agency purchased the barge and docks from the Applicant in 1985, subsequent to federal acquisition of the upland property.

3. Prior to the Applicant's decision to vacate the subject premises, an additional rental payment of $370 had been earlier submitted to the Commission in anticipation of another year's occupancy beginning December 1, 1985. A change in circumstances caused the Applicant instead to retire from the property as of that date, and a refund of the $370 has accordingly been requested. Staff has no objection to that request.

4. 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.

APPROVALS OBTAINED:
None.

FURTHER APPROVALS REQUIRED:
None.

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.

2. RESCIND MINUTE ITEM NO. 6, OF NOVEMBER 29, 1982, IN ITS ENTIRETY.

3. ACCEPT EARNED RENTAL FOR APPLICANT'S USE OF SOVEREIGN LANDS AT ALVISO SLOUGH IN THE ANNUAL AMOUNT $370, FOR THE THREE-YEAR PERIOD BEGINNING DECEMBER 1, 1982 AND ENDING NOVEMBER 30, 1985.

4. AUTHORIZE A REFUND OF $370 TO THE APPLICANT FOR NON-OCCUPANCY OF SOVEREIGN LANDS AT ALVISO SLOUGH FOR PERIOD FOLLOWING NOVEMBER 30, 1985.

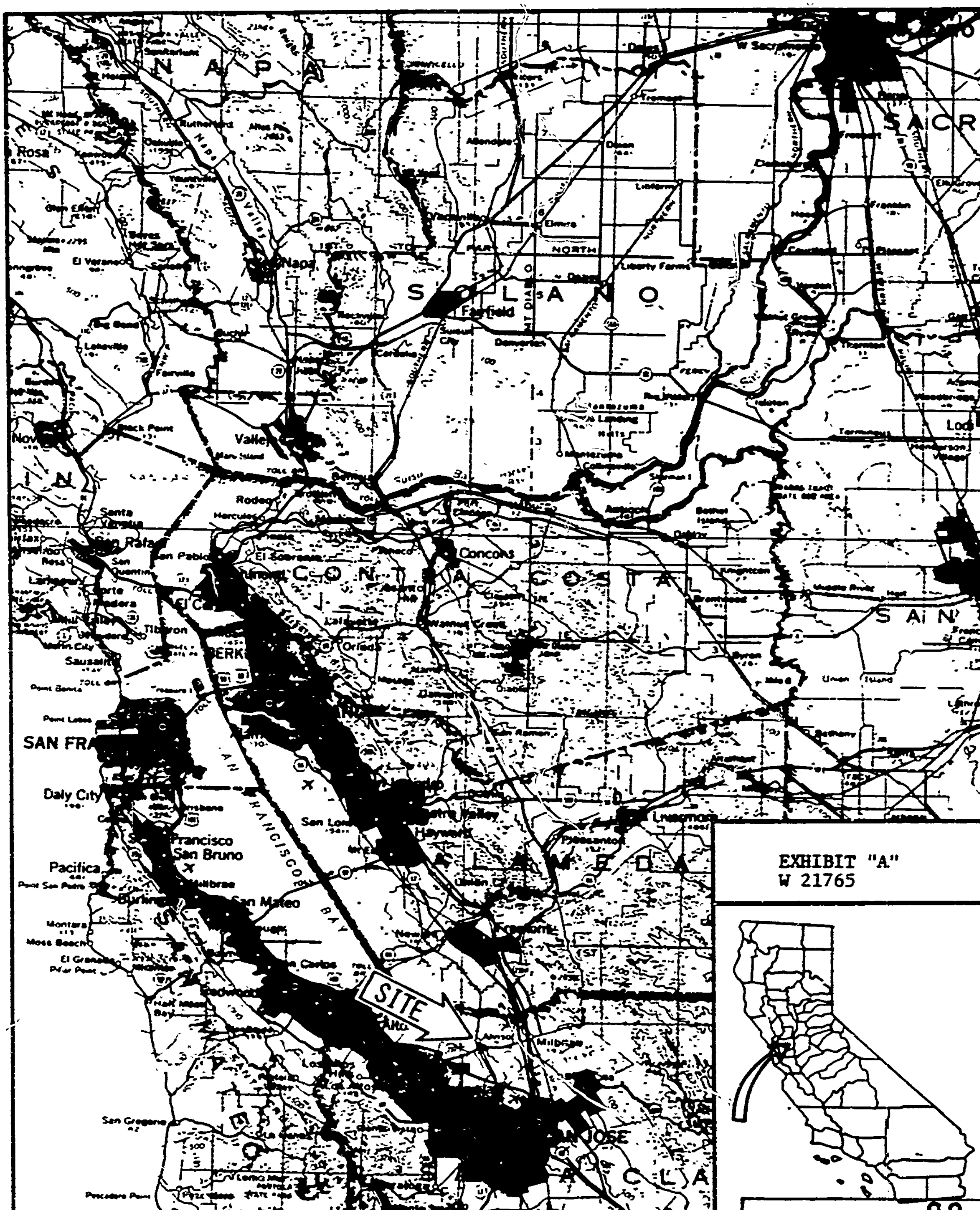
EXHIBIT "A"
W 21765
SITE
NAPA
SOLANO
CONTRA COSTA
SAN FRA
Daly City
Pacifica
San Bruno
San Mateo
San Carlos
Redwood
Half Moon Bay
San Gregorio
SAN JOSE
Vallejo
Fairfield
Napa
Concord
Lodi
Hayward
Pleasanton
Livermore
Tiburon
Sausalito
San Rafael
Novato
Santa Rosa
Sonoma
Glen Ellen
El Verano
Rodeo
Hercules
San Pablo
Point Bonita
Point Lobos
Montara
Moss Beach
El Granada
Pillar Point
Pescadero Point
Dixon
Davis
Elmira
Suisun City
Benicia
Martinez
Antioch
Pittsburg
Rio Vista
Lafayette
Orinda
Walnut Creek
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