MINUTE ITEM
This calendar item No. C2
was approved as Minute Item
No. 2 by the State Lands
Commission by a vote of 2
to 0 at its 8/28/86
meeting.

CALENDAR ITEM
C02 1

08/28/86
WP 3885 PRC 3885
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ACCEPTANCE OF QUITCLAIM DEED AND AUTHORIZATION FOR
NEW GENERAL LEASE - COMMERCIAL USE

APPLICANT: Thomas W. Fleming
P. O. Box 368
Walnut Grove, California 95690

PRESENT LESSEE AND QUITCLAIMING PARTY:
Mabel L. Edwards, as Trustee of
Robert M. Edwards Family
Revocable Trust
6336 Jarvis Avenue
Newark, California 94560

AREA, TYPE LAND AND LOCATION:
A 0.35-acre parcel of tide and submerged land, located in Steamboat Slough Sacramento County.

LAND USE: Commercial marina facilities.

TERMS OF EXISTING LEASE:
Initial period: 12 years beginning June 1, 1976.

Surety bond: $5,000.

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

Consideration: $1,428.60 per annum; five-year rent review.

TERMS OF PROPOSED LEASE:
Initial period: 20 years beginning February 3, 1986.

(NON-SUBSTANTIVE REVISION 09/05/86)

Surety bond: $20,000.

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

CONSIDERATION: $803.25 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.

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: 10/11/86.

OTHER PERTINENT INFORMATION:

1. As to the acceptance of the Lease Quitclaim from Mabel Edwards, 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.

2. As to the issuance of a General Lease to Thomas Fleming, 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 Structure, 2 Cal. Adm. Code 2905(a)(2).

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

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.

4. The present lessee is no longer operating the lease premises, and has conveyed the upland to the applicant. The present lessee will also submit an executed Quitclaim Deed for Commission acceptance.

5. The present lease covers an aggregate of 2.078 acres, including an unimproved parcel. The proposed lease, a 0.35-acre parcel covers only the existing improvements, together with an accompanying ten-foot use strip.

APPROVALS OBTAINED:
United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:
None.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE ACCEPTANCE OF THE LEASE QUITCLAIM FROM MABEL EDWARDS, 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. AS TO THE ISSUANCE OF A GENERAL LEASE TO THOMAS FLEMING, 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 STRUCTURE, 2 CAL. ADM. CODE 2905(a)(2).

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

4. ACCEPT A QUITCLAIM DEED FROM THE PRESENT LESSEE, MABEL L. EDWARDS, AS TRUSTEE OF THE ROBERT M. EDWARDS REVOCABLE TRUST.

5. AUTHORIZE ISSUANCE TO THOMAS W. FLEMING OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING FEBRUARY 3, 1986; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $803.25, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A $20,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $1,000,000; FOR THE OPERATION OF A COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
LAND DESCRIPTION

WP 3885

A parcel of tide and submerged land adjacent to the left bank of Steamboat Slough, Grand Island, Sacramento County, California, said parcel lying immediately beneath a dock and ramp TOGETHER WITH a necessary use area extending 10 feet from the extremities of said dock and ramp, said dock, ramp, and use area lying within the following described parcel:

BEGINNING at the southern termination of the course designated N 26° 36' E, 115.79 feet, in the boundary line agreement between the State of California and Robert M. Edwards, recorded in Book 69-06-05, Page 173, Sacramento County Records; thence from said point of beginning along said boundary line S 18° 11' W, 79.00 feet; thence leaving said boundary line N 72° 30' W, 56.44 feet; thence N 17° 30' E, 145.99 feet; thence N 40°00' E, 234.35 feet; thence N 12°00' W, 34.58 feet; thence N 78°00' E, 87.59 feet; thence S 42°00' E, 40.23 feet to said boundary line; thence along said boundary line S 52° 26' W, 72.90 feet; thence S 39° 40' 30" W, 175.18 feet; thence S 26° 36' W, 115.79 feet to the point of beginning.

END OF DESCRIPTION

REVISED JULY 9, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR

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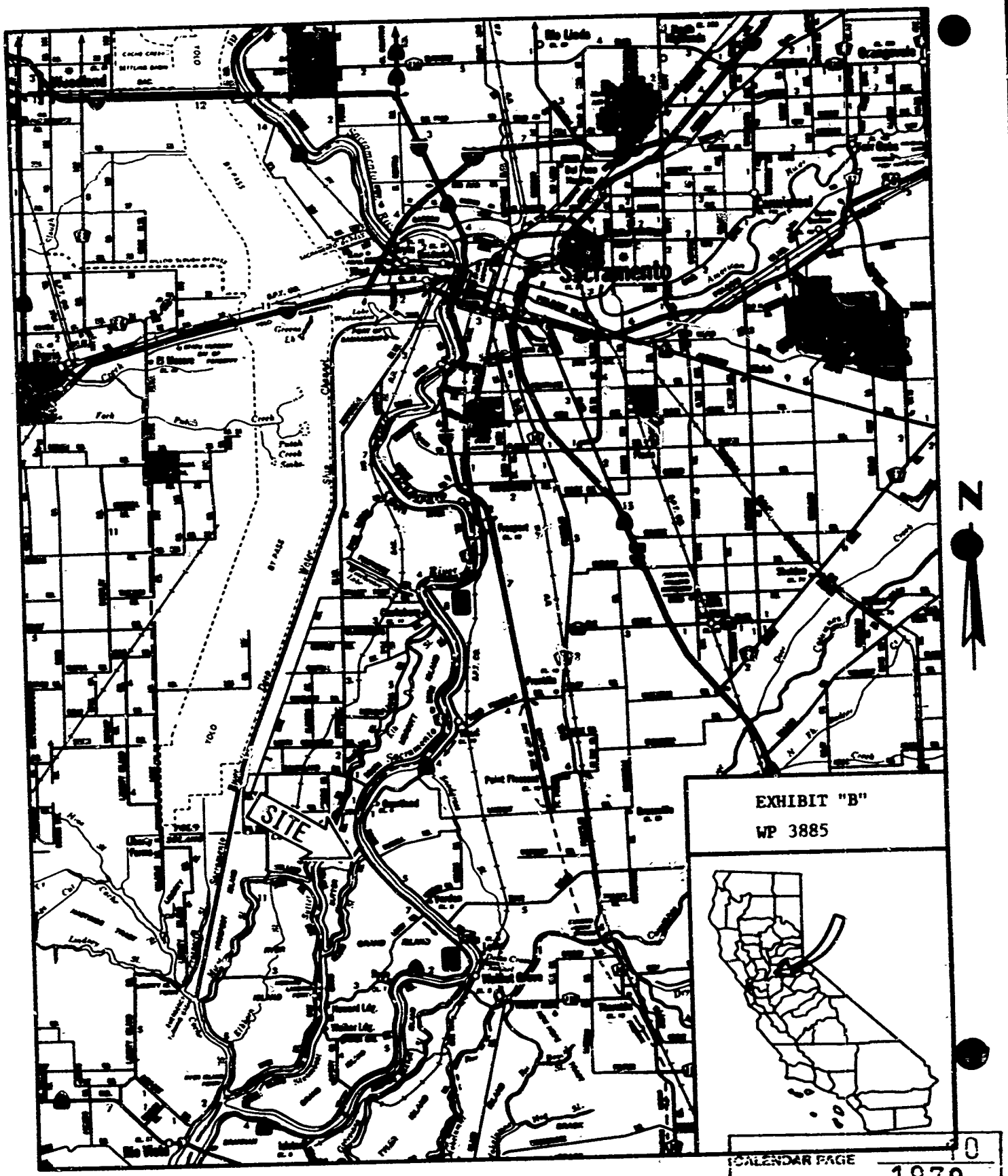
Sacramento
SITE
N
EXHIBIT "B"
WP 3885