

MINUTE ITEM

Title of Minute Item No. 18
Date of Minute Item
18 - State Lands
Value of Minute Item
at its 8/28/86
Closing.

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CALENDAR ITEM

18

08/28/86

W 23564

Gordon

AMENDMENT OF GENERAL LEASE - COMMERCIAL USE PRC 6846

PROPOSED LESSEE:

Naomie King
555 Pierce Street #1303
Albany, California 94706

AREA, TYPE LAND AND LOCATION:

Four 0.077-acre parcels totalling 0.309 acre of
tide and submerged land, located in Old River
at Bra's Island, also known as King's Island,
near Byron, San Joaquin County.

LAND USE:

Construction, placement and maintenance of
four floating boat docks utilized for multiple
use recreational purposes.

TERMS OF AUTHORIZED LEASE:

Initial period: 15 years beginning July 1,
1985.

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

Special:

1. The lease restricts any
residential use of the lease
area.

2. The lease is conditioned
on lessee's compliance with
all laws and the regulations
of all governmental agencies
having jurisdiction.

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3. The lease is conditioned on the conformance of the docks with the regulations and statutes of all governmental agencies having jurisdiction.

4. The lease consents to lessee's subletting the lease premises for berthing or mooring purposes for terms of one year or less.

CONSIDERATION: \$806.40 per annum; five-year rent review.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

TERMS OF PROPOSED AMENDMENT:

Initial period: 15 years beginning July 1, 1985.

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

Consideration: \$806.40 per annum; five-year rent review.

Special:

1. The amendment adds the provision that if lessee's interest in the uplands is invalidated, in whole or in part, then the lease shall be voidable at the discretion of the Commission.

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. At its meeting on June 26, 1985, the State Lands Commission, in Minute Item 7, approved the issuance of the subject lease to Naomie King. Prior to the issuance of the lease, staff learned that the probate of the estate of Naomie King's deceased husband, Wallace C. King, is not final and distributed, and that their son is challenging the estate. Because of these circumstances, staff has been unable to issue the lease to date. Naomie King, through her agent, advises staff a hardship has been placed on her as to the continuing operation of the upland mobilehome park accommodations because, without the lease, she is unable to provide the necessary recreational boating facilities the authorized lease provides for her tenants, lessee's and guests. She requests that the proposed lease be issued with a provision which states that if lessee's interest in the uplands is invalidated, in whole or in part, then the lease shall be voidable at the discretion of the Commission. Staff finds this reasonable. Amendment of the lease with this provision is recommended.

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 as a categorical exempt project. The project is exempt under Class 3, New Construction of Small Structures, 2 Cal. Adm. Code 2905(c)(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 activity is consistent with its use classification.

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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 AS A CATEGORICAL EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES, 2 CAL. ADM. CODE 2905(c)(2).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE THE AMENDMENT OF GENERAL LEASE - COMMERCIAL USE PRC 6846 EFFECTIVE JULY 24, 1986, TO ADD THE PROVISION LESSEE UNDERSTANDS AND AGREES THAT SHOULD IT BE ESTABLISHED IN A COURT OF COMPETENT JURISDICTION BY WAY OF FINAL JUDGMENT THAT LESSEE'S INTEREST IN THE UPLANDS IS INVALIDATED, IN WHOLE OR IN PART, THEN THE LEASE SHALL BE VOIDABLE AT THE DISCRETION OF THE COMMISSION; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$806.40, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR CONSTRUCTION, PLACEMENT AND MAINTENANCE OF FOUR FLOATING BOAT DOCKS UTILIZED FOR MULTIPLE-USE RECREATIONAL PURPOSES.

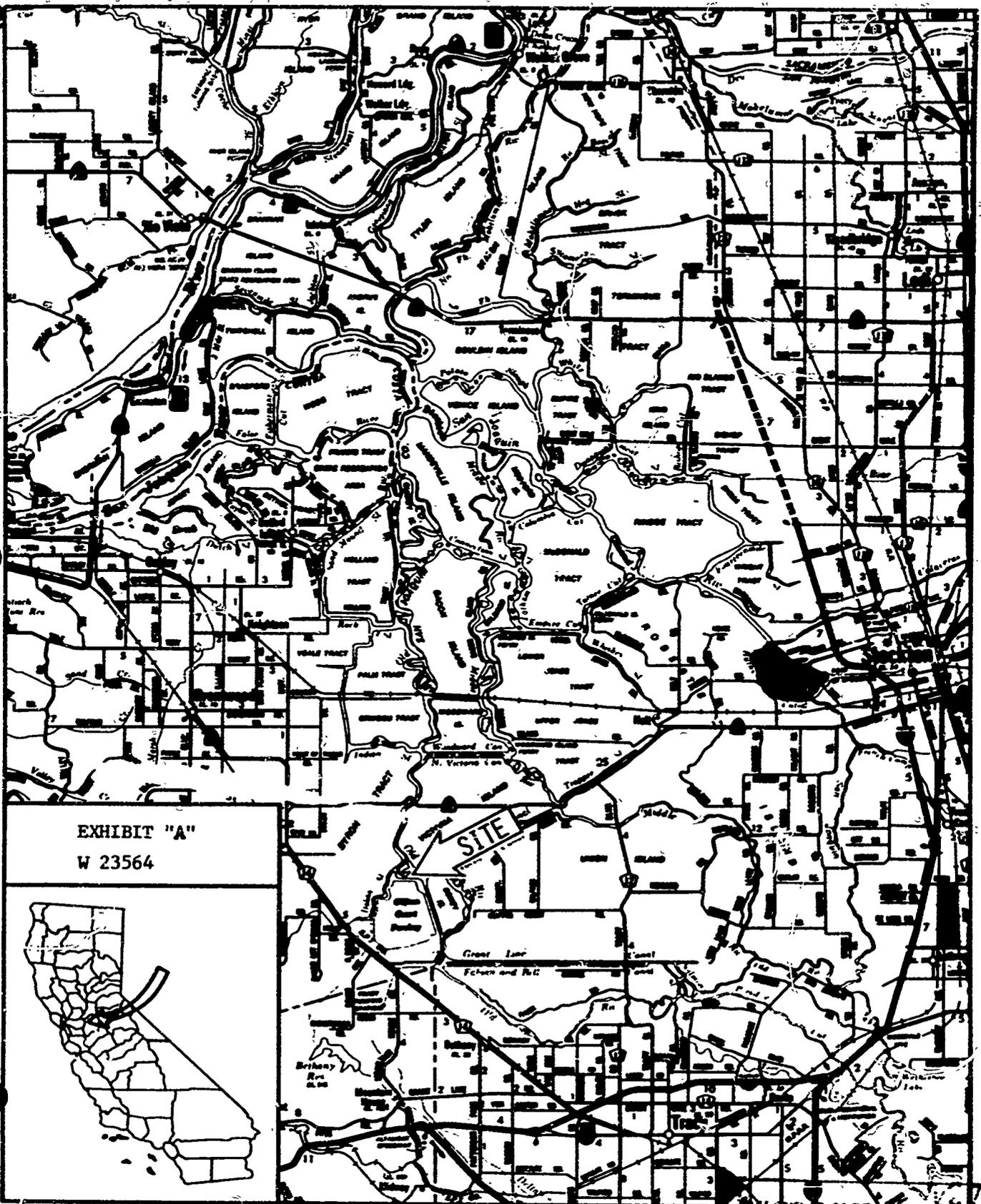


EXHIBIT "A"

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