MINUTE ITEM

This Calendar Item No. C7 was approved as Minute Item No. 7 by the State Lands Commission by a vote of 3 to 0 at its 9/25/86 meeting.

CALENDAR ITEM

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09/25/86
WP 494 PRC 494
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REPLACEMENT,
GENERAL LEASE - COMMERCIAL USE

APPLICANT: Gene Celli
905 West Magnolia Street
Stockton, California 95203

AREA, TYPE LAND AND LOCATION:
A 1.05-acre parcel of tide and submerged land, located on the Sacramento River, at Sherman Island, Sacramento County.

LAND USE: Commercial Marina.

TERMS OF PRIOR LEASE:

Initial period: Ten years beginning February 10, 1975.

Surety bond: $1,000.

Public liability insurance: $100,000/$300,000 per occurrence for bodily injury and $100,000 for property damage.

Consideration: $756 per annum; five-year rent review; rent adjusted in 1981 to $1,240 per annum.

TERMS OF PROPOSED LEASE:

Initial period: 30 years beginning February 10, 1985.

Surety bond: $10,000.

Public liability insurance: Combined single limit coverage of $500,000.

CONSIDERATION: $1,755 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.

OTHER PERTINENT INFORMATION:

1. 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 2, Replacement or Reconstruction, 2 Cal. Adm. Code 2905(b).

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

2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Adm. Code 2954 is not applicable.

3. The improvements occupying State property are in need of extensive repairs and the proposed agreement requires that such repairs must be completed by December 31, 1987; the proposed lessee has agreed that the lease shall terminate if the improvements are not repaired by that date, and that all structures shall be removed from the premises. The agreement further provides that the Executive Officer shall determine whether the Lessee has completely repaired the structures and put them in good operating condition.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

None.

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 2, REPLACEMENT OR RECONSTRUCTION, 2 CAL. ADM. CODE 2905(b).

2. AUTHORIZE ISSUANCE TO GENE CELLI OF A 30-YEAR REPLACEMENT, GENERAL LEASE - COMMERCIAL USE, BEGINNING FEBRUARY 10, 1985 SUBJECT TO THE FOLLOWING: IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $1,755, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A $10,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $500,000; LEASE TERMINATION AND SITE CLEARANCE IF THE DOCK IMPROVEMENTS ARE NOT SATISFACTORILY REPAIRED BY DECEMBER 31, 1987, AS DETERMINED BY THE EXECUTIVE OFFICER; FOR A MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION WP 494

A parcel of tide and submerged land in the bed of the Sacramento River in Sacramento County, California, more particularly described as follows:

COMMENCING at the U.S. Geological Pier No. 4, as described in Volume 367 of Deeds Page 440, recorded in the Office of the County Recorder of Sacramento County; thence S 16° 11' 15" E 3861.00 feet and N 55° 07' 30" E 2600.60 feet to the southwesterly bank of Horseshoe Bend, being the TRUE POINT OF BEGINNING; thence N 55° 07' 30" E 75.45 feet; thence S 53° 50' 50" E 658.76 feet; thence S 00° 17' 00" W 88.05 feet; thence N 53° 50' 50" W 734.88 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION

REVIEWED OCTOBER 16, 1984 BY BOUNDARY UNIT

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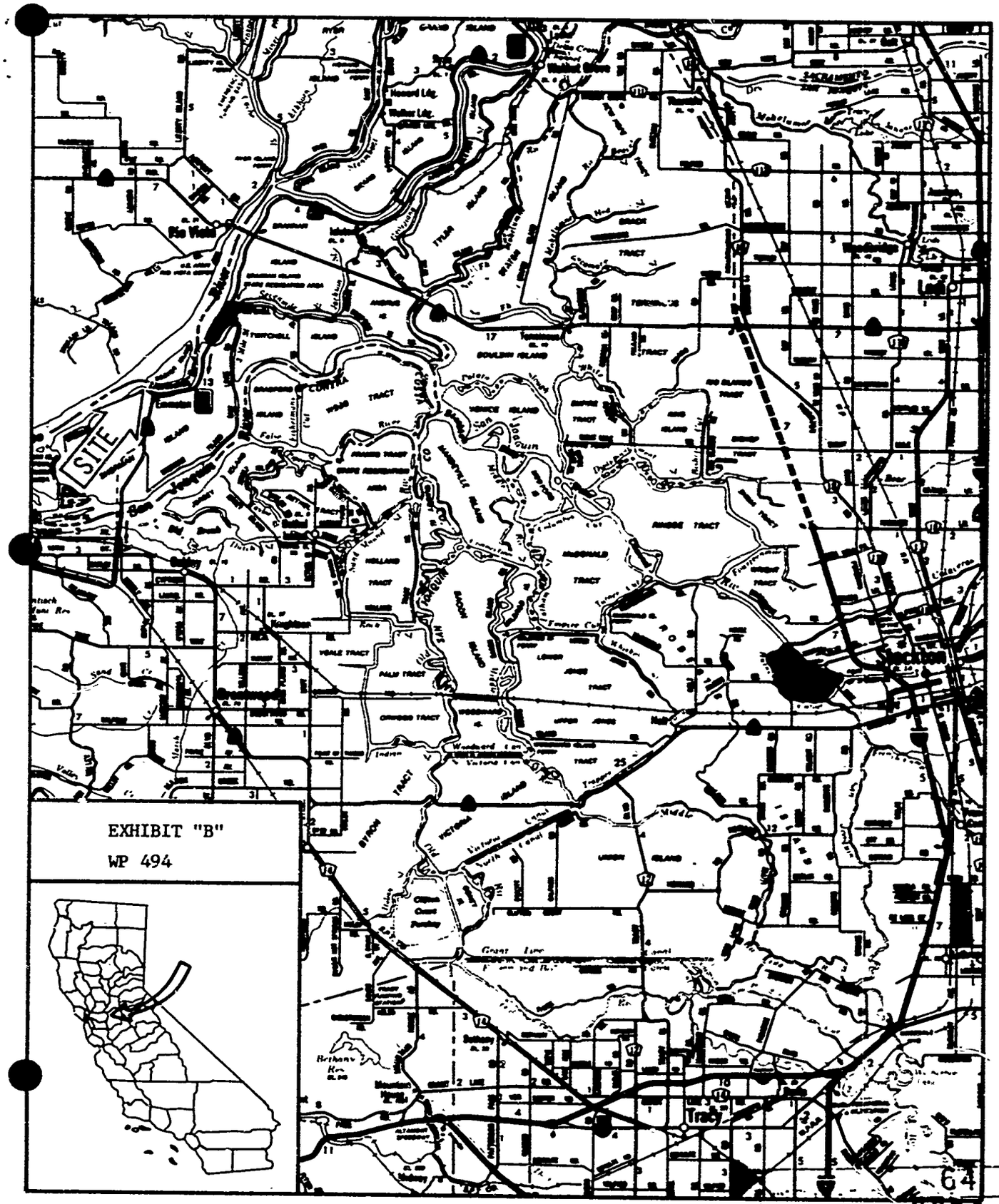
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EXHIBIT "B"
WP 494