

MINUTE ITEM

C9

10/23/86
PRC 4157
Maricle

FREEPORT PROPERTIES - ASSIGNMENT OF
A GENERAL LEASE

Calendar Item C9, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item C9.

CALENDAR PAGE

MINUTE PAGE

2496

CALENDAR ITEM
C 09

A 10
S 5

10/23/86
PRC 4157
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ASSIGNMENT OF COMMERCIAL MARINA LEASE

APPLICANT: Stanley F. Rodrigues
Route 1, Box 85
Clarksburg, California 95812

ASSIGNEE: Freeport Properties, a California
limited partnership
8250 Freeport Boulevard
Sacramento, California 95832

AREA, TYPE LAND AND LOCATION:
A 2.39-acre parcel of tide and submerged land,
located in the Sacramento River, at Freeport,
Sacramento County.

LAND USE: Commercial marina.

TERMS OF ORIGINAL LEASE:

Initial period: Ten years beginning
November 15, 1980.

Renewal options: One successive period of
ten years.

Surety bond: \$2,000.

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

Consideration: \$2,500 per annum, from
November 15, 1980 through
November 14, 1985, and
\$3,000 per annum thereafter.

(ADDED 10/20/86)

-1-

CALENDAR ITEM NO. C 0 9 (CONT'D)

APPLICANT STATUS:

Applicant is owner of upland, Assessor's Parcel No. 119-050-020 and 030, and is presently negotiating with the County of Sacramento for the use of Assessor's Parcel No. 119-190-070, an adjacent upland parcel.

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 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. 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.

3. Lease History (Chronology):

- a) Original Lease Issuance, to Freeport Marina, Inc., authorized under Minute Item 27, December 16, 1980.
- b) Assignment of Lease, from Freeport Marina, Inc., to George I. Benny and, simultaneously, thence from George Benny to Mary Ann Benny, as authorized under Minute Item 9, October 30, 1981.

(ADDED 10/20/86)

-2-

CALENDAR PAGE	32.1
MINUTE PAGE	2498

CALENDAR ITEM NO. C09 (CONT'D)

- c) Transfer of Leasehold, effective August 16, 1985, pursuant to Bankruptcy Court Order No. 3-82-00973-12X, Motion No. RS-85-430, (United States Bankruptcy Court, San Francisco) from George I. Benny et al., Debtors, to Mr. Stanley F. Rodrigues.
- d) Acknowledgement by Frank La Bella, Trustee of the Mary Ann Benny Bankruptcy, dated November 14, 1985, that Stanley F. Rodrigues has obtained leasehold title in the premises known as Freeport Marina.
4. Mary Ann Benny Bankruptcy proceedings have included the following cases:
- Harbor Capitol, #28400468-D-11
Mary Ann Benny, #284-01618-D-11
Scenic Development, #2830435-D-11
Statium, #28305064-D-11
(United States Bankruptcy Court, Eastern District of California (Sacramento))
- Trustee: Frank La Bella
Attorney: Linda Selig
- The staff will contact the trustee to collect all rentals owed to the Commission by Mary Ann Benny.
5. As indicated, the leasehold interest in Lease PRC 4157, is now vested in Stanley F. Rodrigues. In the opinion of Counsel, the Bankruptcy Court's transfer of the leasehold interest to Mr. Rodrigues through bankruptcy proceedings, does not require Commission approval.
6. The present lessee now requests approval of his assignment of Lease PRC 4157, to Freeport Properties, a California limited partnership, effective December 27, 1985, and staff has no objection to such assignment.

(ADDED 10/20/86)

-3-

CALENDAR PAGE	32.2
MINUTE PAGE	2499

CALENDAR ITEM NO. C09 (CONT'D)

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS: 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. 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 ASSIGNMENT OF LEASE PRC 4157, EFFECTIVE DECEMBER 27, 1985, FROM STANLEY F. RODRIGUES TO FREEPORT PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP.

(ADDED 10/20/86)

-4-

CALENDAR PAGE	32.3
MINUTE PAGE	3500

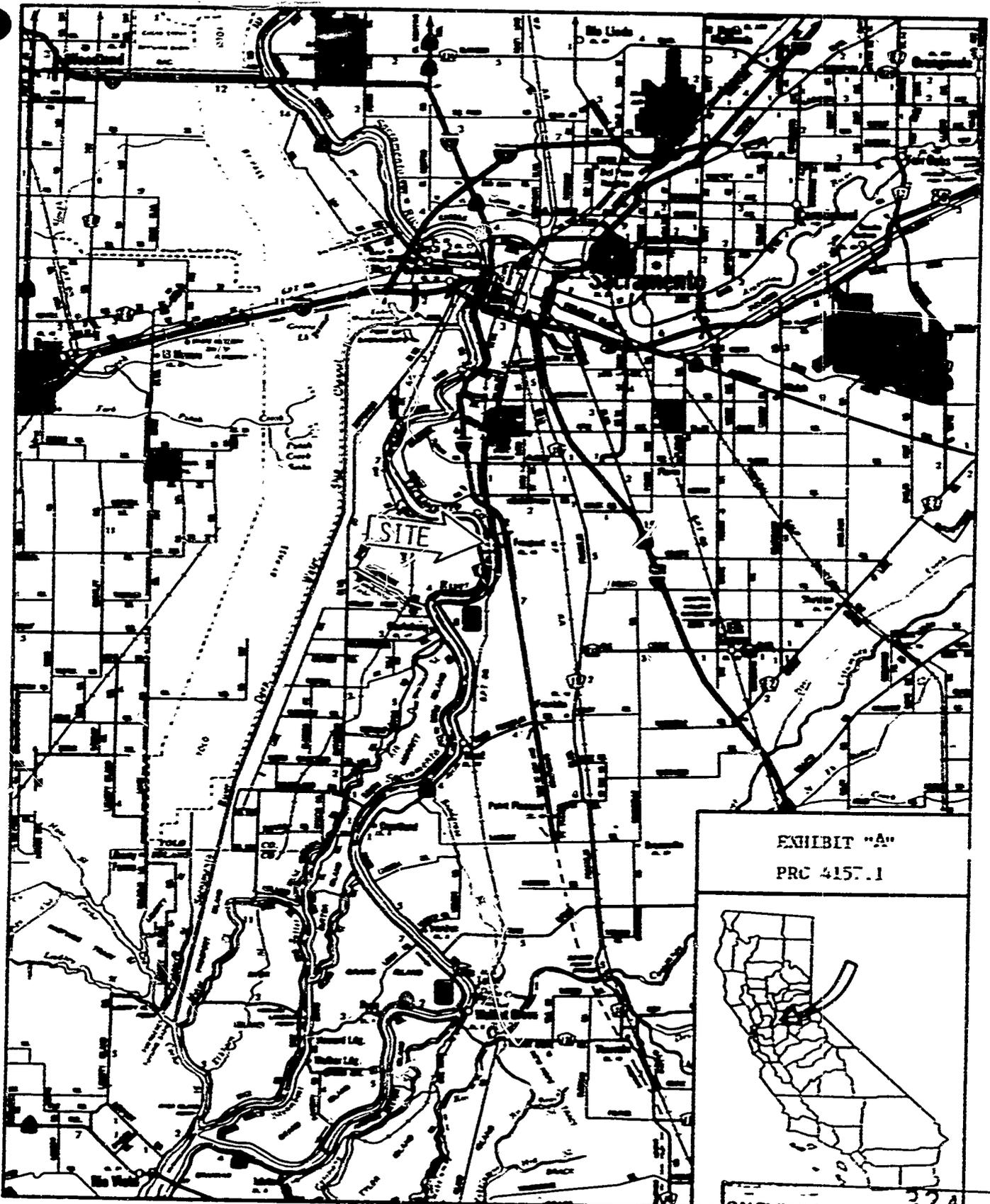


EXHIBIT "A"
PRC 4157.1



(ADDED 10/20/86)

CALENDAR PAGE 224
MINUTE PAGE 3501