MINUTE ITEM
This Calendar Item No. C13
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 3
to 0 at its 3-2-88
meeting.

CALENDAR ITEM

A 23

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C 13

03/02/88
WP 3979
Maricle

PRC 3979

OPTION TO RENEW LEASE

APPLICANT: The South Bay Yacht Club
Attn: Mr. John H. Claney
P. O. Box 102
1355 Hope Street
Alviso, California 95002

AREA, TYPE LAND AND LOCATION:
3.4 acres, tide and submerged land, Guadalupe River, Santa Clara County.

LAND USE: Existing moorage and docking facilities.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years beginning June 19, 1968.

Renewal options: Three successive periods of ten years each.

Surety bond: $3,000.

Consideration: $720.25 per annum.

TERMS OF PROPOSED OPTION TO RENEW:

Initial period: Ten years beginning June 19, 1983.

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

All other terms to remain in full force and effect.

CONSIDERATION: $720.25 per annum.

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: 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 1, Existing Facilities, 2 Cal Adm. Code 2905(a)(2).

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

2. A disputed title situation persists at the location of the Lessee's facilities, arising from a re-channeling project in the mid 1960s by Santa Clara Flood Control and Water Conservation District. The work affected sovereign lands and private lands in and adjacent to the realigned Guadalupe River The Lessee was granted a lease by the Commission, recognizing the uncertainty in land ownership at the subject site. In connection with that fact, the lease agreement provides that, if it is ever established by a final decision of a court of competent jurisdiction that the State is

not the owner of a portion of the lands described in the leasehold area, the State shall refund a portion of the rent which has been paid to the State by Lessee which was applicable to the portion of the lease area found not to be State owned, and the consideration for the lease thereafter shall be modified and reduced to the amount of the original consideration applicable to the lands remaining in State ownership.

3. A title and boundary study is in progress. When it is completed, the staff will work with Lessee in making appropriate modifications to the lease agreement.

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 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905.

2. AUTHORIZE ISSUANCE TO THE SOUTH BAY YACHT CLUB OF A TEN-YEAR RENEWAL OF LEASE PRC 3979 BEGINNING JUNE 19, 1983; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $720.25, PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $500,000; PROVISION THAT ALL OTHER TERMS OF LEASE PRC 3979 SHALL REMAIN IN FULL FORCE AND EFFECT; FOR THE CONTINUED USE OF DOCKAGE AND MOORAGE FACILITIES BY THE SAID SOUTH BAY YACHT CLUB AT THE LOCATION DESCRIBED IN SAID LEASE PRC 3979.

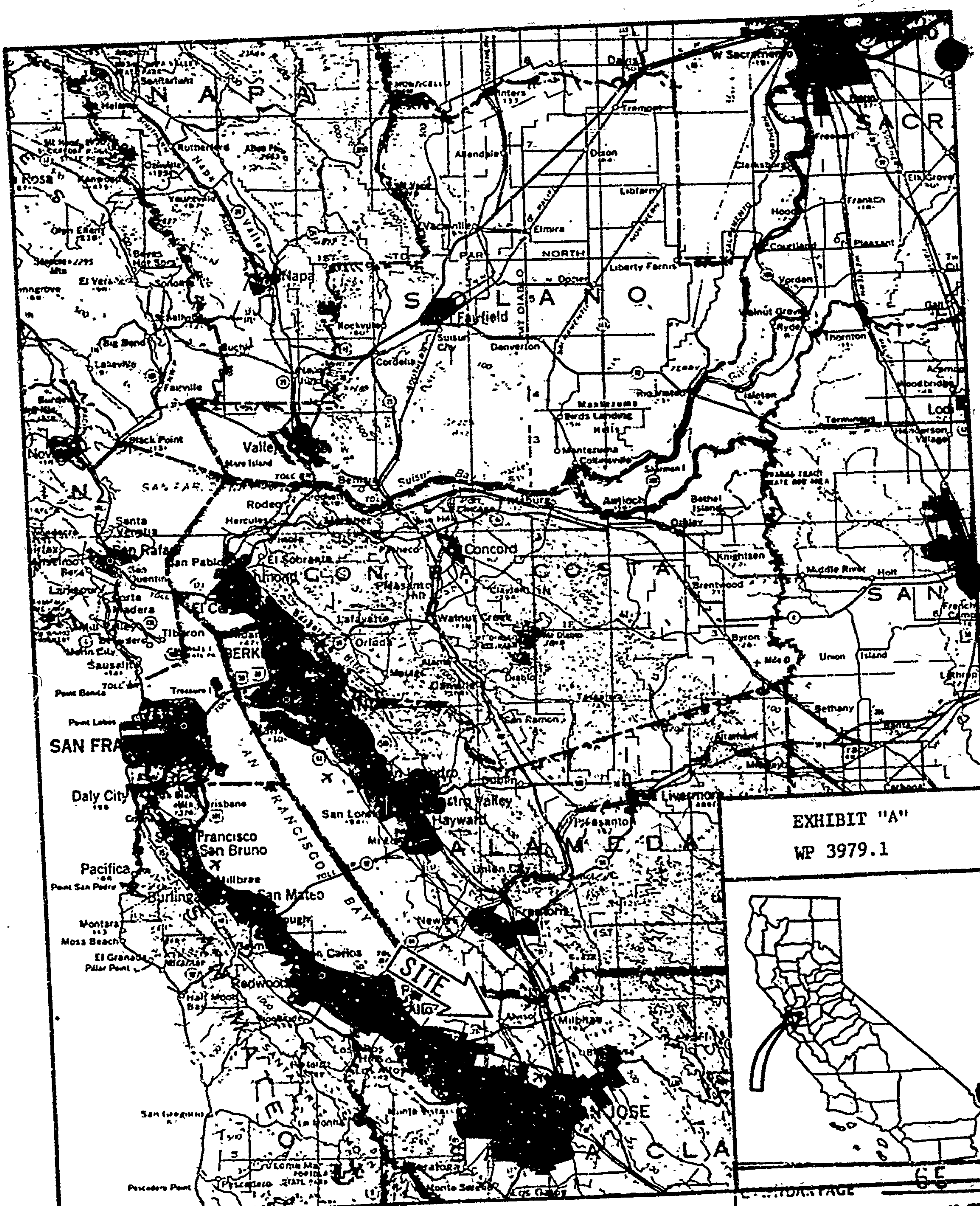

EXHIBIT "A"

WP 3979.1

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