MINUTE ITEM
This Calendar Item No. C32
was approved as Minute Item
No. 32 by the State Lands
Commission by a vote of 3
to 0 at its 12/13/88
meeting.

CALENDAR ITEM

A 4

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C 32

12/13/88
PRC 3200
Maricle

ASSIGNMENT OF COMMERCIAL LEASE

APPLICANT: Kenneth P. Gilmore (Deceased)
Denise L. McManus, Executrix
c/o Diepenbrock, Wulff, Plant
and Hannegan
Attn: Mr. Michael McManus
300 Capitol Mall, Suite 1700
Sacramento, California 95814-3034

ASSIGNEE: J. E. Pendleton and Elsie Pendleton
Four Seasons Marina
Route 1, Box 1050
West Sacramento, California 95691

AREA, TYPE LAND AND LOCATION:
An 8.65-acre parcel, tide and submerged land, Sacramento River, at River-Mile 53.65, Yolo County.

LAND USE: Restaurant, pilings, berths, docks and related marina facilities.

TERMS OF EXISTING LEASE:
Initial period: 30 years beginning July 1, 1980.

Surety bond: $5,000.

Public liability insurance: Combined single limit coverage of $750,000.

(ADDED 12/12/88 - pgs. 148-148.3)

Consideration: $2,500 per annum or five-percent (5%) of the Gross Income derived from the rental of boat docks and mooring; one-percent (1%) of the Gross Income derived from sources exclusive of dock rentals, mooring and fuel sales; one (1) cent per gallon of fuel sold during the reporting period to a maximum of 100,000 gallons, and 1.5 cents per gallon thereafter, whichever is greater.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:
Applicant is pending purchaser of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:
1. Mr. Kenneth P. Gilmore, Lessee of record, passed away on July 29, 1987. His daughter, Denise L. McManus, as Executrix of Mr. Gilmore's estate, has arranged a sale of the leasehold interest to Jerry E. Pendleton and Elsie Pendleton, under an action filed with the Probate Division of the Sacramento Superior Court, Case No. 3664. No person has protested the sale of the leasehold interest to Mr. and Mrs. Pendleton, nor does the staff interpose a protest or objection to such action. Because no one has objected, according to counsel for the Executrix, no court order will be entered.

2. The pending Assignee is in the process of purchasing the adjacent uplands. The Lease Assignment will be effective upon the close of escrow in the uplands purchase, which shall be no later than December 30, 1988.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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. Code Regs. 15378.

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. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

2. AUTHORIZE THE ASSIGNMENT OF LEASE PRC 3200, FROM KENNETH P. GILMORE, DECEASED, TO J. E. PENDLETON AND ELSIE PENDLETON, EFFECTIVE NO LATER THAN DECEMBER 30, 1988, AS TO THE LEASEHOLD INTEREST COVERED BY SAID LEASE PRC 3200.

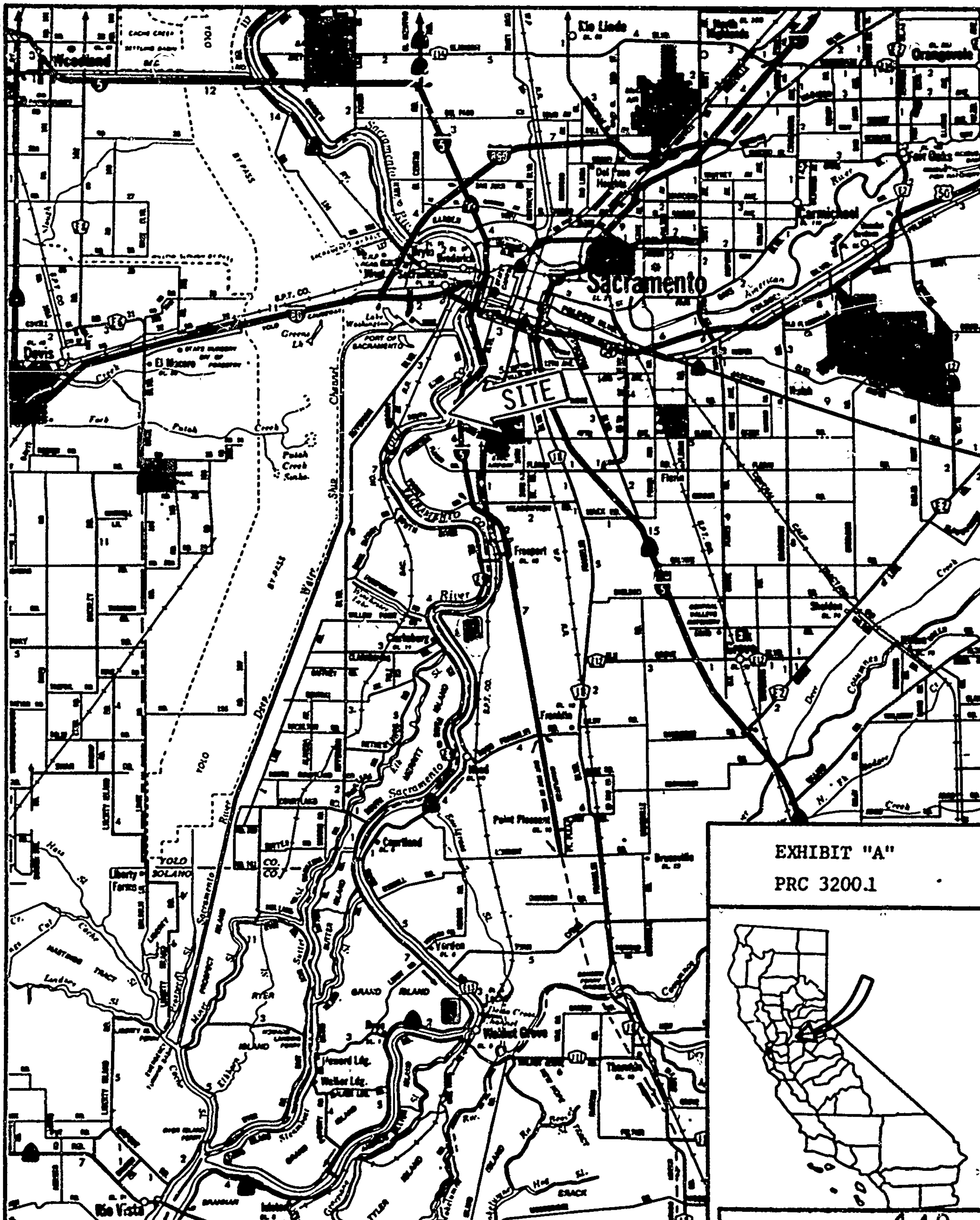

EXHIBIT "A"

PRC 3200.1

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