

MINUTE ITEM
This Calendar Item No. 57
was approved as Minute Item
No. 57 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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57

12/13/88
PRC 6093
Simmons
Grimmett
Maricle

ACCEPTANCE OF LEASE QUITCLAIM AND
TERMINATION OF GENERAL LEASE PRC 6093

PARTY: The Jolly Roger, Inc.
Attn: Steven G. Moyer, Vice President
Corporate Development
17042 Gillette Avenue
Irvine, CA 92714

AREA, TYPE LAND AND LOCATION:
Two parcels of submerged land lying waterward
of the ordinary high water mark along the
easterly bank of the Sacramento River, City of
Sacramento, County of Sacramento.

LAND USE: Restaurant.

PREREQUISITE ITEMS:

- a. A lease quitclaim deed has been duly
executed by the Lessee.
- b. The rental payment was current as of the
effective date of termination of the lease.

AB 884: N/A

OTHER PERTINENT INFORMATION:

1. The Jolly Roger Corporation entered into a
lease with the State Lands Commission
commencing January 1, 1982 for a period of
30 years with the intention of building a
restaurant on site. Due to circumstances
beyond Lessee's control, i.e., a "noise

CALENDAR ITEM NO. 57 (CONT'D)

wall" built by Cal Trans in front of the property which eliminated site visibility, the restaurant was never built. Pursuant to the lease, Lessee brought rental payments current and terminated the lease on December 31, 1985. The Quitclaim Deed for the termination has never been accepted by the Commission. An impending sale of the property revealed a recorded Memorandum of Lease which may only be expunged by recordation of the Quitclaim Deed and an acceptance of same by the Commission.

2. 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.

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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AUTHORIZE A WAIVER, PURSUANT TO THE LEASE, OF ANY TECHNICAL BREACH THAT MAY EXIST BECAUSE OF THE NOTICE OR THE DELAY IN ACTION ON THE QUITCLAIM DEED.
3. AUTHORIZE APPROVAL OF ACCEPTANCE OF A LEASE QUITCLAIM DEED AND TERMINATION OF LEASE PRC 6093 EFFECTIVE DECEMBER 31, 1985 IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SAID LEASE AND THE RULES AND REGULATIONS OF THE COMMISSION.

EXHIBIT "A"

A parcel of land in the City of Sacramento, Sacramento County, California, being all that portion of the following described Parcel 1 and Parcel 2 lying waterward westerly of, the ordinary high water line along the easterly bank of the Sacramento River.

PARCEL NO. 1

All that real property in the City of Sacramento, County of Sacramento, State of California, described as follows:

All that portion of the Tract of Land designated "S. Masuhara 32.744 Acres" on that certain Record of Survey entitled "Portion of Swamp Land Survey no. 207, located in Section 26 and 27, T8N, R4E, MDM", recorded in the office of the Recorder of Sacramento County, March 3, 1960 in Book 15 of Surveys, Map No. 37, lying West of the center line of Riverside Boulevard, described as follows:

BEGINNING in the center line of said Riverside Boulevard and the North-east corner of a parcel of land designated "Beatrice Silva 0.393 Acres" on said Record of Survey, thence along said center line, North 23° 16' 25" East 235.87 feet and along the arc of a curve to the left with a radius of 960.00 feet, subtended by a chord bearing North 21° 47' 38" East 49.58 feet, to the North line of said "S. Masuhara 32.744 acres"; thence, North 75° 18' 45" West 359.81 feet, to the low water line of the Sacramento River; thence along said water line, South 15° 37' 55" East 173.27 feet and South 02° 55' 25" East 117.03, to the Northwest corner of said "Beatrice Silva 0.393 Acres"; thence South 69° 06' 05" East 196.74 feet, to the point of beginning.

EXCEPTING THEREFROM all that portion lying Easterly of the line described as follows:

BEGINNING at a point on the West line of said Riverside Boulevard that bears South 06° 08' 49" West 1030.21 feet from an iron pipe marking the Southwest corner of the Sutter Grant as shown on the "Plat of Riverside Estates Unit No. 2", recorded on February 18, 1957, in Book 46 of Maps, Map no. 3, said point also being distant 208.46 feet Westerly, measured at right angles from the base line at Engineer's station "B" 259+50.60 of the Department of Public Works' Survey on Road 03-Sac-5 from Post Mile 15.1 to Post Mile 21.7; THENCE, from said point of beginning North 22° 35' 25" East 117.72 feet; thence North 09° 41' 18" East 40.38 feet; thence North 08° 42' 18" West 70.54 feet; thence North 05° 36' 50" East 30.07 feet; thence North 07° 58' 25" East 100.25 feet to a point that is 161.22 feet Westerly measured at right angles from said base line at Engineer's Station "B" 262+99.69.

PARCEL NO. 2

A parcel of land in the City of Sacramento, County of Sacramento, State of California described as follows:

BEGINNING at a point 619.08 feet South of and 291.06 feet West of an old sycamore stump, the remains of a tree marked for the Southwest corner of the Sutter Grant; thence South 65° 30' East 2634.72 feet; thence South 25° 45' West 840.84 feet to a point in Mungers Lake; thence North 53° 15' West 2163.48 feet to a fence on South line of Flower Gardens; thence North 71° 30' West along the said fence and across levee 343.20 feet to Sacramento River; thence up stream North 23° 30' East 217.80 feet; thence North 14° 30' West 257.40 feet to point of beginning, and being a portion of the land conveyed by George H. Clark to Manuel F. Silveria, Manuel G. Rose and Antone F. Silveria by deed dated March 15, 1902.

EXCEPTING THEREFROM the following three parcels:

(1) All that portion of the above described land lying Easterly of the center line of Riverside Boulevard, as said Riverside Boulevard is shown on that survey entitled "Portion of Swamp Land Survey No. 207 located in Sections 26 & 27, Township 8 North, Range 4 East, MDM" recorded in the office of the County Recorder of Sacramento County on March 3, 1960 in Book 15 of Surveys, Map No. 37.

(2) All that portion of the above described land lying Southerly of the Northerly line of that certain parcel entitled "S. Masuhara, 32.744 Acres", on that certain survey entitled "Portion of Swamp Land Survey No. 207 located in Sections 26 & 27, Township 8 North, Range 4 East, MDM", recorded in the office of the County Recorder of Sacramento County on March 3, 1960 in Book 15 of Surveys, Map No. 37.

(3) All that portion of the above described land lying easterly of the following described line:

BEGINNING at a point on the West line of said Riverside Boulevard that bears South 06° 08' 49" West 1030.21 feet from an iron pipe marking the Southwest corner of the Sutter Grant as shown on the "Plat of Riverside Estates Unit No. 2", recorded on February 15, 1957, in Book 46 of Maps, Map No. 3, said point also being distant 208.46 feet Westerly, measured at right angles from the base line at Engineer's Station "B" 259+50.60 of the Department of Public Works' Survey on Road 03-Sac-5 from Post Mile 15.1 to Post Mile 21.7; THENCE, from said point of beginning North 22° 35' 25" East 117.72 feet; thence North 09° 41' 18" East 40.38 feet; thence North 08° 42' 18" West 70.54 feet; thence North 05° 36' 50" East 30.07 feet; thence North 07° 58' 25" East 100.25 feet to a point that is 161.22 feet Westerly measured at right angles from said base line at Engineer's Station "B" 262+99.69.

END OF DESCRIPTION

CALENDAR PAGE	318
MINUTE PAGE	3550

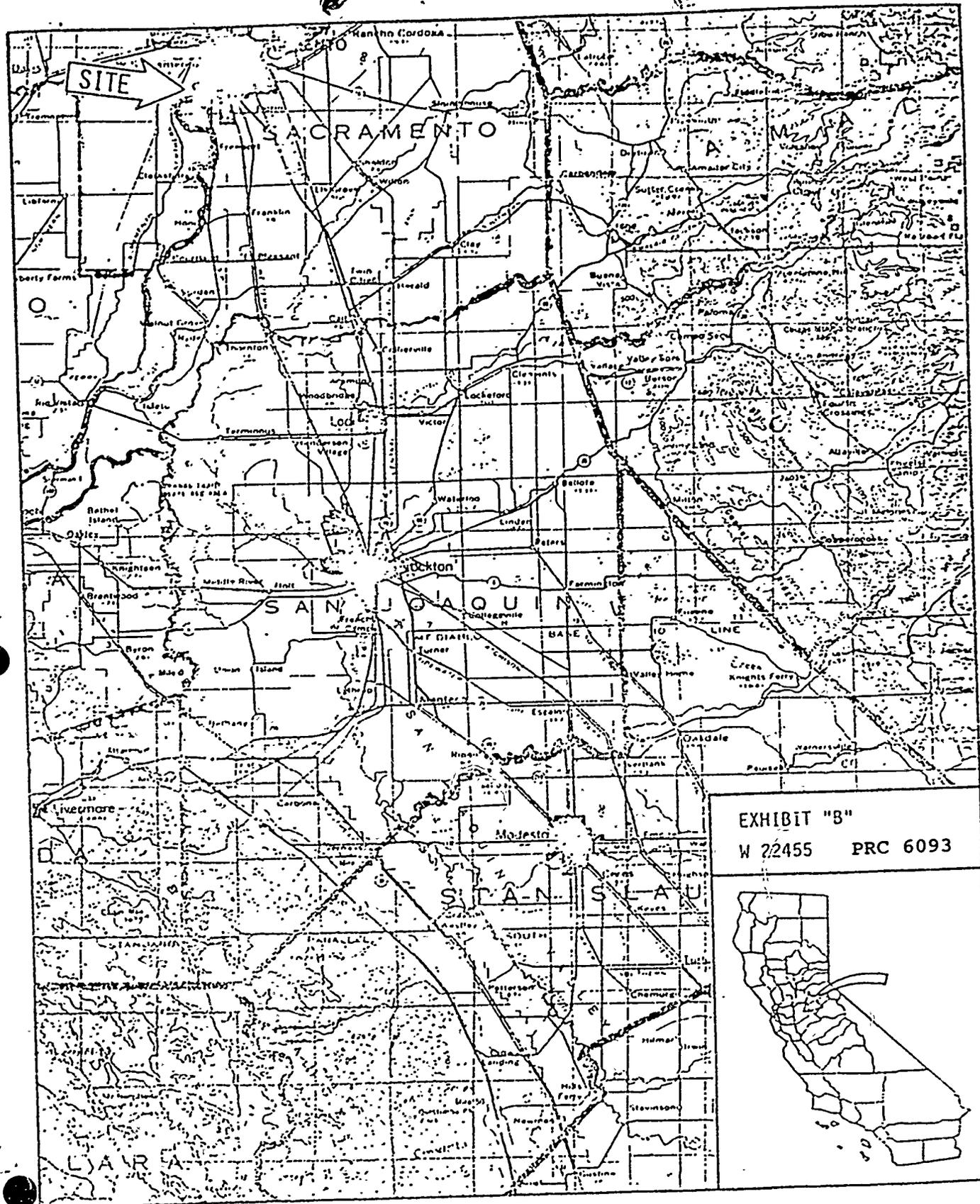


EXHIBIT "B"

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CALENDAR PAGE
MINUTE PAGE

319
3551