

MINUTE ITEM

This Calendar Item No. 34
was approved as Minute Item
No. 34 by the State Lands
Commission by a vote of 3
to 0 at its 02/06/89
meeting.

MINUTE ITEM

34

02/06/89
PRC 5441
H. Maricle

ASSIGNMENT OF COMMERCIAL LEASE

In consideration of Calendar Item 34, attached,
Commission-Alternate Jim Tucker wanted it noted for the record
that the Commission is not agreeing to any kind of development,
other than what is already described in the existing leases.

Attachment: Calendar Item 34.

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CALENDAR ITEM

A 4
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34

02/06/89
PRC 5441
Maricle

ASSIGNMENT OF COMMERCIAL LEASE

ASSIGNOR: Halvor G. Schultz and Toni Ferrara Schultz
1081 Carriage Road
Grass Valley, California 95949

ASSIGNEE: Lighthouse Marina and Riverbend Development,
a California general partnership,
1450 Harbor Boulevard
West Sacramento, California 95691

AREA, TYPE LAND AND LOCATION:
A 2.623-acre parcel of tide and submerged land
in the Sacramento River, Yolo County.

LAND USE: Commercial marina.

TERMS OF EXISTING:

Initial period: 15 years beginning January 1,
1978.

Surety bond: \$5,000.

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

Consideration: \$2,850 per annum or five
percent (5%) of gross income
per annum, paid annually,
whichever is greater, with
the State reserving the right
to fix a different rental on
each fifth anniversary of the
lease.

(ADDED 02/03/89)

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CALENDAR ITEM NO. 34 (CONT'D)

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland adjoining the leased property.

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. 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.

2. The pending assignee acquired the uplands adjoining the leased property from Mr. and Mrs. Schultz by deed recorded January 15, 1988 in Yolo County. The Applicant and Lessee Schultz entered an assignment agreement in March 1988. The Schultz lease provides that such an assignment is not valid unless and until approved by the State Lands Commission. This calendar item is to secure that approval. The staff proposes January 15, 1988 as the effective date of the assignment should the conditions for the effectiveness of the assignment be met.

3. The pending Assignee has agreed to cure existing rental arrearages, and will pay all back rent, penalty and interest as provided in the lease prior to the effectiveness of the assignment.

CALENDAR ITEM NO. 34 (CONT'D)

4. The staff of the State Lands Commission and the Applicant have negotiated a proposed agreement to implement the assignment of the Schultz lease. The Agreement and its attachment include commitments by the Applicant to operate the leased facilities actively by June 1, 1989, for all the purposes described in the lease document. The Agreement also requires the Applicant to operate the lease until its natural termination date, December 31, 1992. The Agreement is on file in the offices of the Commission and is incorporated by reference as a part of this calendar item.
5. The attachment to the Agreement assigning the Schultz lease is a letter from the Applicant to the Executive Officer. There had been concern that the Applicant intends to use the assigned lease as part of a larger project along the Sacramento River shoreline. The letter disavows such a plan and commits to an EIR with a cumulative impact study should the Applicant ever seek to expand the lease premises.

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 5441, EFFECTIVE JANUARY 15, 1988, FROM HALVOR G. SCHULTZ AND TONI FERRARA SCHULTZ, ASSIGNOR, TO LIGHTHOUSE MARINA AND RIVERBEND DEVELOPMENT, A CALIFORNIA GENERAL PARTNERSHIP, ASSIGNEE, UPON RECEIPT OF ALL DUE RENTAL, PENALTY AND INTEREST THEREON AS PROVIDED IN SAID LEASE, AND THE EXECUTION OF THE AGREEMENT TO ASSIGN ON BEHALF OF THE COMMISSION AND BY THE APPLICANT.

(ADDED 02/03/89)

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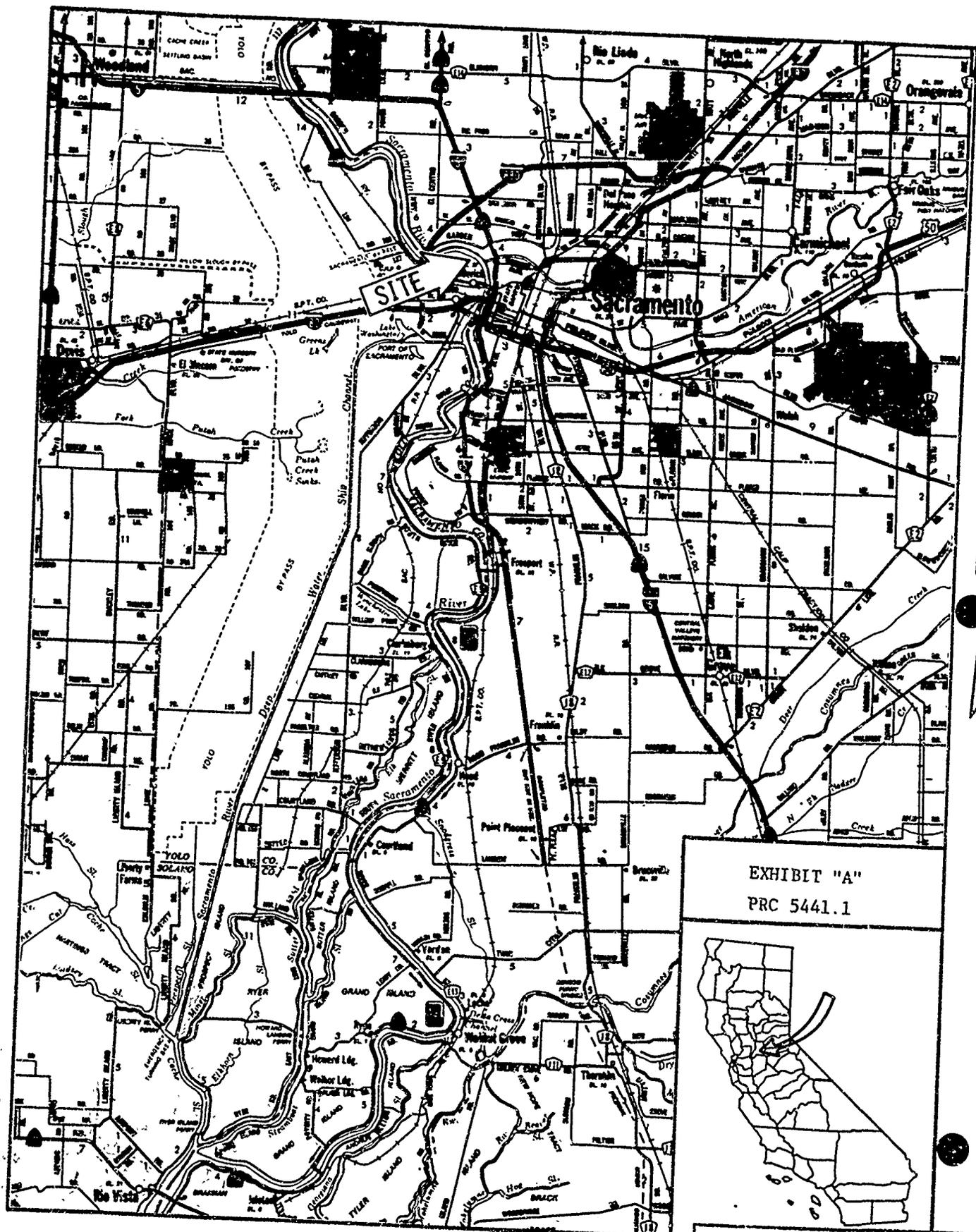


EXHIBIT "A"
 PRC 5441.1

