MINUTE ITEM
This Calendar Item No. C07
was approved as Minute Item
No. 7 by the State Lands
Commission by a vote of 3
to 0 at its 08/30/89
meeting.

CALENDAR ITEM
C07

A 3 | 08/30/89
PRC 3309
S 4 | J. Ludlow

ASSIGNMENT AND FIVE-YEAR RENT REVIEW FOR
GENERAL LEASE - COMMERCIAL USE, PRC 3309

ASSIGNOR: William and Jeanne Rugh
336 - 8th Avenue
Coos Bay, Oregon 97420

ASSIGNEE: Fred and Emily Bradburn
d.b.a. Grimes Boat Landing
P.O. Box 190
Grimes, California 95950

AREA, TYPE LAND AND LOCATION:
A 1.102-acre parcel of submerged land located in the Sacramento River near Grimes, Colusa County.

LAND USE: Operation and maintenance of an existing commercial marina.

TERMS OF LEASE TO BE ASSIGNED:
Initial period: Thirty years from January 1, 1980.

Surety bond: $2,000.

Public liability insurance: Combined single limit coverage of $300,000.

CONSIDERATION: $250 minimum rental for this type of lease against five-percent (5%) of gross income from berthing, launching, and boat rentals on State land, plus one (1) cent per gallon on gasoline sold up to and including 100,000 gallons and one and one-half (1 1/2) cents per gallon over 100,000 gallons paid in advance on January 1, of each year of the lease.

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

APPLICANT STATUS:
Applicant is lessee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and 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 both activities are exempt from the requirements of the CEQA because the activities are not "projects" as defined by CEQA and the State CEQA Guidelines.

   Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

2. By Calendar Item No. C14, at its September 24, 1980 meeting, the Commission approved the issuance of this lease to the assignors, William and Jean Rugh for the operation of a commercial marina at the site.

3. The Assignees, Fred and Emily Bradburn, have obtained a lease from the upland owner with an effective date of February 1, 1989.

4. All rent is current.

5. The lease provides that the State may adjust the annual rental to a different amount effective on the fifth anniversary or subsequent anniversary following the fifth anniversary of the lease.

6. Staff has reviewed the lease in accordance with the Commission's rental regulations (2 Cal. Code Regs. 2003). Staff has notified the lessees of the continuation of the existing rental as recommended herein within the time limits prescribed under the lease and has afforded the lessee the opportunity to comment.

EXHIBITS: A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT BOTH ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITIES ARE NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

2. AUTHORIZE APPROVAL OF THE ASSIGNMENT OF LEASE PRC 3309 GENERAL LEASE - COMMERCIAL USE, FROM WILLIAM AND JEANNE RUGH TO FRED AND EMILY BRADBURN, EFFECTIVE FEBRUARY 1, 1989; ALL OTHER CONDITIONS AND TERMS OF THE LEASE SHALL REMAIN UNCHANGED.

3. APPROVE THE CONTINUATION OF THE ANNUAL RENTAL OF $250 MINIMUM ANNUAL RENTAL AGAINST FIVE PERCENT (5%) OF GROSS INCOME DERIVED FROM BERTHING, LAUNCHING, AND BOAT RENTALS ON STATE LAND, PLUS ONE CENT (1¢) PER GALLON OF FUEL SALES UP TO AND INCLUDING 100,000 GALLONS AND ONE AND ONE-HALF (1 1/2) CENTS PER GALLON OVER 100,000 GALLONS FOR AN ADDITIONAL FIVE (5) YEARS EFFECTIVE JANUARY 1, 1990.

EXHIBIT "A"

PRC 3309

LAND DESCRIPTION

A strip of submerged land 80 feet wide and 600 feet long in the bed of the Sacramento River near Grimes, Colusa County, California lying beneath, and surrounding, existing floats and docking structures adjacent to those lands described in the decree quieting title recorded in Book 210 O.R., page 299 in the Colusa County Recorders office, and lying waterward of the ordinary low water mark of the right bank of the Sacramento River.

END OF DESCRIPTION

REVISED MAY 24, 1989 BY BIU 1.

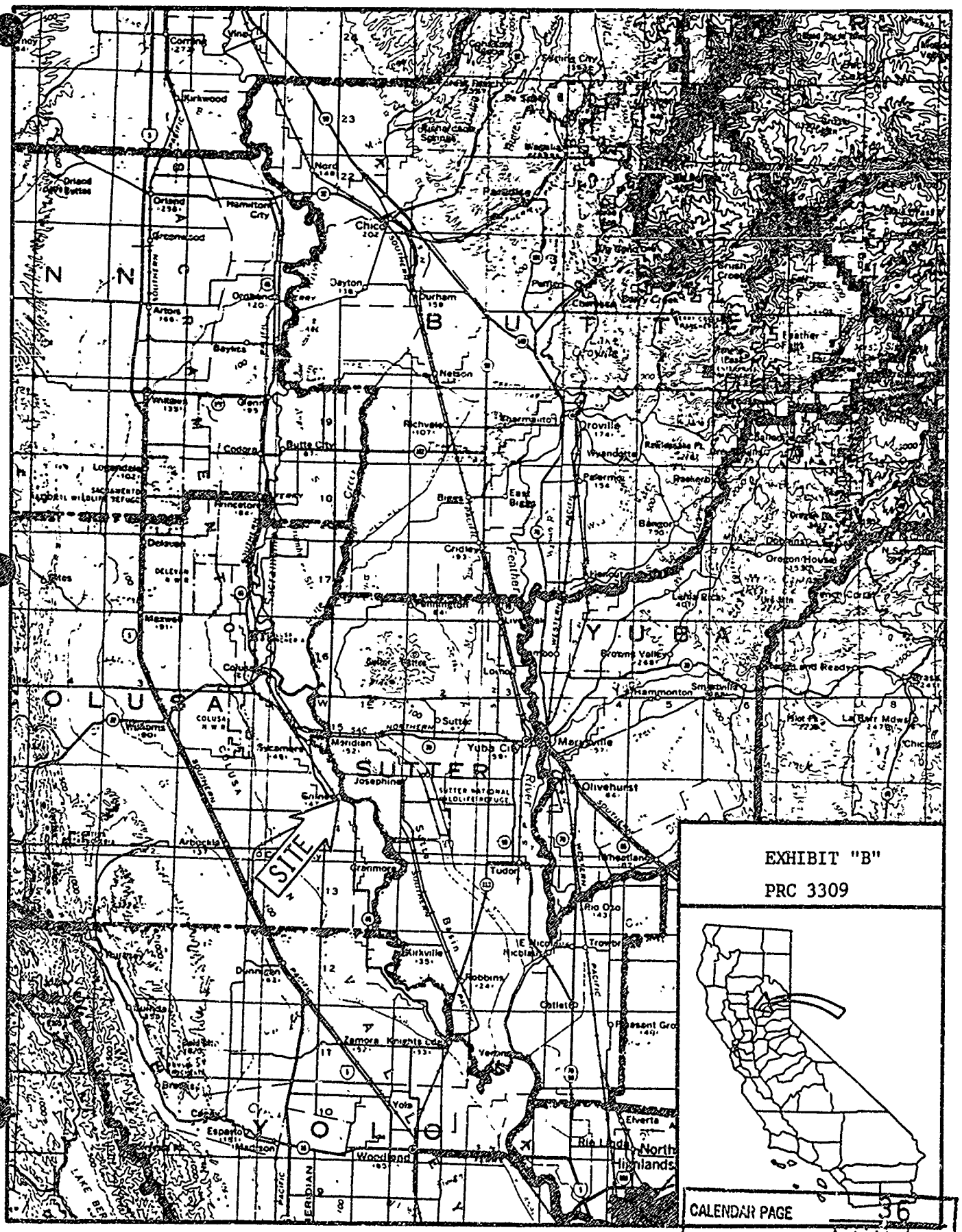
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EXHIBIT "B"
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