

MINUTE ITEM

This Calendar Item No. C 29
was approved as Minute Item
No. 29 by the State Lands
Commission by a vote of 3
to 0 at its 12-12-90
meeting.

CALENDAR ITEM

A 1

C 29

S 4

12/12/90
PRC 5372
J. Ludlow

TERMINATION OF GENERAL LEASE - COMMERCIAL USE
AND ACCEPTANCE OF QUITCLAIM DEED

LESSEE:

Eugene J. Brazil, Elaine L. Brazil,
Nadene R. Tempel
dba Hawaiian Gardens Fishing Resort
Route 1, Box 144
Glenn, California 95943

AREA, TYPE LAND AND LOCATION:

A 0.362-acre parcel of submerged land located in
the Sacramento River near the town of Glenn,
Glenn County.

LAND USE:

Operation of a small boat marina.

TERMS OF EXISTING LEASE:

Initial period: Thirty (30) years beginning
September 1, 1980.

limit

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

Surety bond: \$1,000.

CONSIDERATION:

\$571.80 per annum; with the State reserving
the right to fix a different rental on each
fifth anniversary of the lease.

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BACKGROUND:

By Minute Item 6, approved by the State Lands Commission on April 7, 1981, the State issued to Elaine Brazil, et al, a General Lease - Commercial Use for the operation and maintenance of a commercial marina in the Sacramento River near the town of Glenn.

Due to the continued lack of rainfall, the water elevation is now very low at the site. The dock area has started to fill in with water grasses, making it virtually impossible for boats to access the docks.

In October 1990, the Lessee removed the docks.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, 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 his 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 Lessees have executed a lease quitclaim deed transferring any and all right, title, and interest in the leasehold designated as P.R.C. 5372 back to the State of California.

EXHIBIT:

- A. Minute Item No. 6

SEARCHED	158
SERIALIZED	3501

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. TERMINATE LEASE NO. PRC 5372 ISSUED TO EUGENE J. BRAZIL, ELAINE L. BRAZIL, AND NADENE R. TERPEL, DBA HAWAIIAN GARDENS FISHING RESORT, AND ACCEPT AND APPROVE A QUITCLAIM DEED TRANSFERRING THE LESSEES' INTEREST IN THE LEASEHOLD BACK TO THE STATE OF CALIFORNIA, EFFECTIVE OCTOBER 15, 1990.

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EXHIBIT "A"

This Calendar Item No. 66
was approved as Minute Item
No. 6 by the State Lands
Commission by a vote of 3
to 0 at its 4-7-81
meeting.

CALENDAR ITEM

- 006

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B/81
WP 5372
Graham
PRC 5372

ACCEPTANCE OF QUITCLAIM DEED
AND ISSUANCE OF A
GENERAL LEASE - COMMERCIAL USE

APPLICANT: Eugene J. and Elaine L. Brazil
and Nadene R. Tempel
dba Hawaiian Gardens Fishing Resort
Route 1, Box 144
Glenn, California 95943

AREA, TYPE LAND AND LOCATION:
0.362-acre parcel of submerged land in
the Sacramento River, near Glenn, Glenn
County.

LAND USE: Operation and maintenance of a small boat
marina.

TERMS OF EXISTING LEASE:

Initial period: 15 years from September 1,
1973.

Renewal options: three successive periods
of 10 years each.

Surety bond: \$1,000.

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

Consideration: \$225 per annum; 5-year
rent review.

TERMS OF PROPOSED LEASE:

Initial period: 30 years from September 1,
1980.

Surety bond: \$1,000.

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

CONSIDERATION: \$225 per annum, with the State reserving
the right to fix a different rental on
each fifth anniversary of the lease.

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CALENDAR ITEM NO. 06 (CONTD)

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2; Div. 13.

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

OTHER PERTINENT INFORMATION:

1. The current lessees, James C. and Myra B. Cranley, have sold the Hawaiian Gardens Fishing Resort marina located on the Sacramento River near Glenn, Glenn County to Eugene J. and Elaine L. Brazil and Nadene R. Tempel.
2. The current lessees wish to terminate and quitclaim their interests in lease PRC 5372.1 to the new owners, Eugene J. and Elaine L. Brazil and Nadene R. Tempel. The proposed lease will be effective September 1, 1980.
3. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 207, Class 1(B), which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
4. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified

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environmental values. This is an existing facility for which no adverse comments have been received.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. AUTHORIZE ACCEPTANCE OF A QUITCLAIM DEED FROM JAMES C. AND MYRA B. CRANLEY FOR THE 0.362 ACRES (TWO PANELS) OF SUMMERED LAND IN THE SACRAMENTO RIVER, GLENN COUNTY AS DESCRIBED IN THE QUITCLAIM DEED ON FILE WITH THE OFFICE OF THE STATE LANDS COMMISSION.
3. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
4. AUTHORIZE ISSUANCE TO EUGENE J. AND ELAINE L. BRAZIL AND NADENE R. TEMPEL, dba HAWAIIAN GARDENS FISHING RESORT OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE FROM SEPTEMBER 1, 1980; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$1,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000; FOR OPERATION AND MAINTENANCE OF A SMALL BOAT MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

wp 5372

Two parcels of submerged land lying in the State owned bed and along the right bank of the Sacramento River and being waterward of that certain parcel as described in the deed recorded in Book 565, Page 283 of the Official Records of Glenn County, State of California, said parcels being immediately beneath and extending 10 feet on the north, east, and south sides of two existing piers and bounded on the west by the ordinary high water mark of the Sacramento River.

END OF DESCRIPTION

Prepared M. J. Shah Checked M. Wolf
Reviewed S. J. Runnicks Date 7/7/76

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