

CALENDAR ITEM
C53

MINUTE ITEM
This Calendar Item No. C53
was approved as Minute Item
No. 53 by the State Lands
Commission by a vote of 3
to 0 at its 7/6/95
meeting. 07/06/95

A 9

PRC 6427.1

S 6

Jones

AMENDMENT OF GENERAL LEASE - COMMERCIAL USE PRC 6427.1,
APPROVAL OF "AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE",
APPROVAL OF FIVE SUBLEASES

LESSEE:

Riverbank Holding Company
P.O. Box 340658
Sacramento, California 95834-0658

LOCATION:

Tide and submerged land in the Sacramento River, City of
Sacramento, Sacramento County.

EXHIBIT:

- A. Site Map.
- B. Location Map.

AB 884:

10/23/95.

OTHER PERTINENT INFORMATION:

1. Lease PRC 6427.1 was approved by the Commission on July 12, 1984. It is a 20 year Commercial Lease which commenced on August 1, 1984, and authorized a commercial marina, floating restaurant, harbor master office, boat sales office, debris deflector, and appurtenant facilities. The annual rental is based on a percentage of gross receipts, against a minimum annual rental of \$15,000.
2. The lessee has requested a number of amendments to its lease. Staff has discussed the amendment request with lessee and has determined that it is in the best interests of the State to amend the lease, which lease amendment is on file in the office of the State Lands

Commission and by reference made a part hereof. The lease amendment extends the term to December 31, 2025; deletes the renewal option; increases the surety bond or other security to \$20,000; amends the percentage of gross rate for the restaurant and bar operations; provides that the annual rental may be submitted in quarterly installments; authorizes maintenance dredging in the amount of 1,000 cubic yards, provided lessee shall submit detailed dredging disposal plan to staff 30 days prior to said dredging activities; authorizes the installation of two five-mile an hour speed buoys; and adds other various provisions to the lease.

3. The lessee has also requested approval of an encumbrancing agreement in the amount of \$5,800,000 in favor of First Federal Lincoln as secured party lender; and approval of five subleases.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

AS TO APPROVAL OF THE LEASE AMENDMENT, THE ENCUMBRANCING AGREEMENT, AND THE SUBLEASES:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF 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.

AS TO THE DREDGING, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATION TO LAND, 14 CAL CODE REGS. 15304.

SIGNIFICANT LANDS

INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE ISSUANCE TO RIVERBANK HOLDING COMPANY, OF AN AMENDMENT TO GENERAL LEASE - COMMERCIAL USE PRC 6427.1, EFFECTIVE AUGUST 1, 1993, WHICH AMENDMENT IS ON FILE WITH THE COMMISSION AND BY REFERENCE MADE A PART HEREOF.
2. AUTHORIZE STAFF EXECUTION OF THE DOCUMENT ENTITLED "AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE" IN THE AMOUNT OF \$5,800,000 ON FILE IN THE OFFICE OF THE COMMISSION, IN FAVOR OF THE FIRST FEDERAL LINCOLN AS SECURED PARTY LENDER.
3. BASED UPON LESSEE DEMONSTRATING THAT A DEMAND DOES NOT CURRENTLY EXIST FOR TRUST RELATED TENANTS AS OF AUGUST 1, 1993, AUTHORIZE, BY ENDORSEMENT, THE SUBLEASE TO LAURA L. TAYLOR, ESQUIRE, DOING BUSINESS AS THE LAW OFFICES OF LAURA L. TAYLOR, SAID SUBLESSEE BEING FOR A TERM OF FIVE YEARS COMMENCING ON DECEMBER 1, 1992, AND TERMINATING ON NOVEMBER 30, 1997.
5. BASED UPON LESSEE DEMONSTRATING THAT A DEMAND DOES NOT CURRENTLY EXIST FOR TRUST RELATED TENANTS AS OF AUGUST 1, 1993, AUTHORIZE, BY ENDORSEMENT, THE SUBLEASE TO MALQUIST AND MONCRIEF EXPORT AND IMPORT INC., FOR A TERM OF FIVE YEARS COMMENCING SEPTEMBER 20, 1991, AND TERMINATING ON SEPTEMBER 19, 1996.
6. AUTHORIZE, BY ENDORSEMENT, THE FOLLOWING SUBLEASES:
 - A. TO NOR-CAL BOATBATH, SAID SUBLEASE IS ON FILE IN THE OFFICE OF THE COMMISSION AND BY REFERENCE MADE A PART HEREOF.
 - B. TO RIVERBANK WATERSPORT RENTALS, INC., SAID SUBLEASE IS ON FILE IN THE OFFICE OF THE COMMISSION AND BY REFERENCE MADE A PART HEREOF; AND
 - C. TO CRAWDAD'S RESTAURANT, SAID SUBLEASE IS ON FILE IN THE OFFICE OF THE COMMISSION AND BY REFERENCE MADE A PART HEREOF.

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7. ALL OTHER TERMS AND CONDITIONS OF SAID LEASE SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

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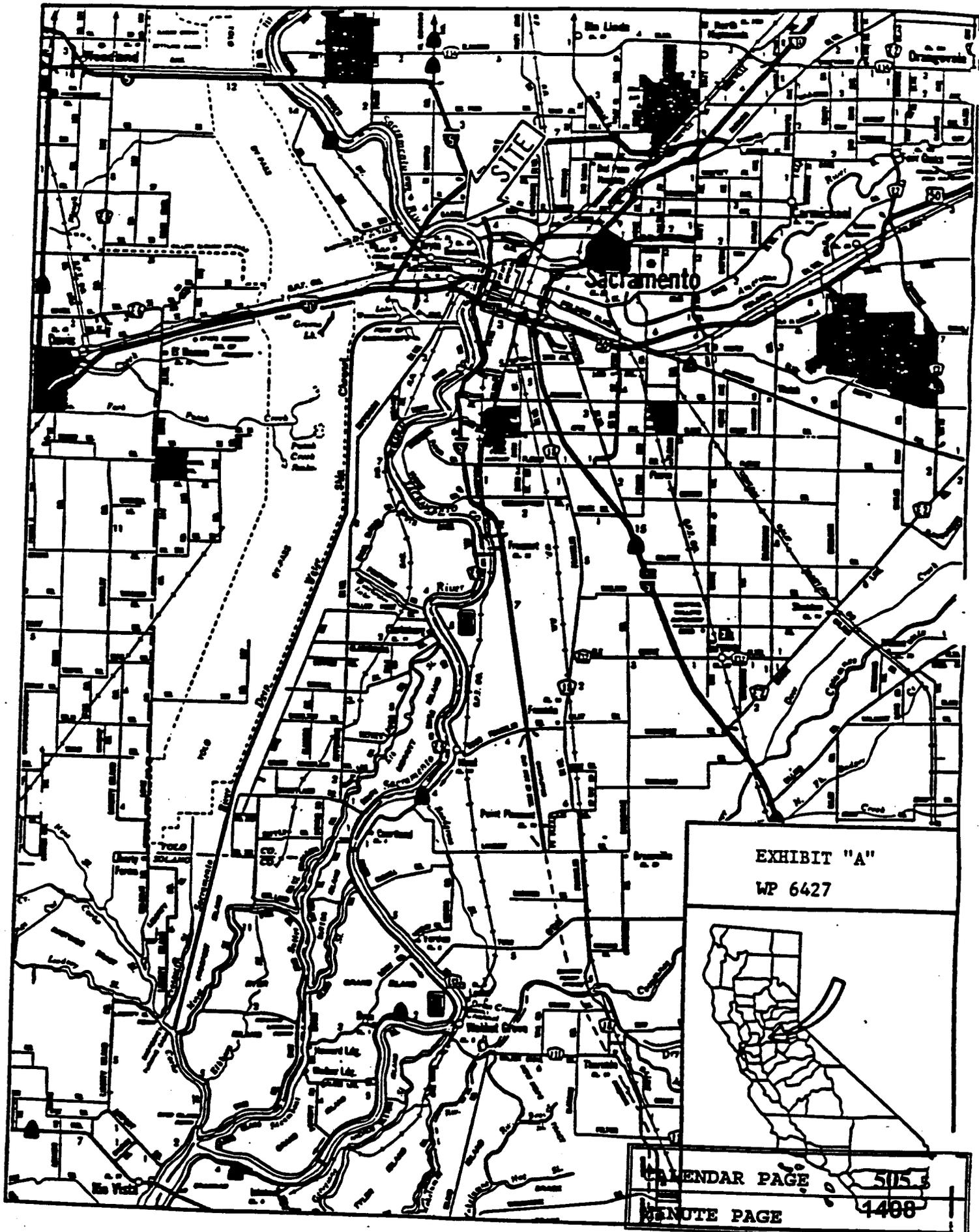
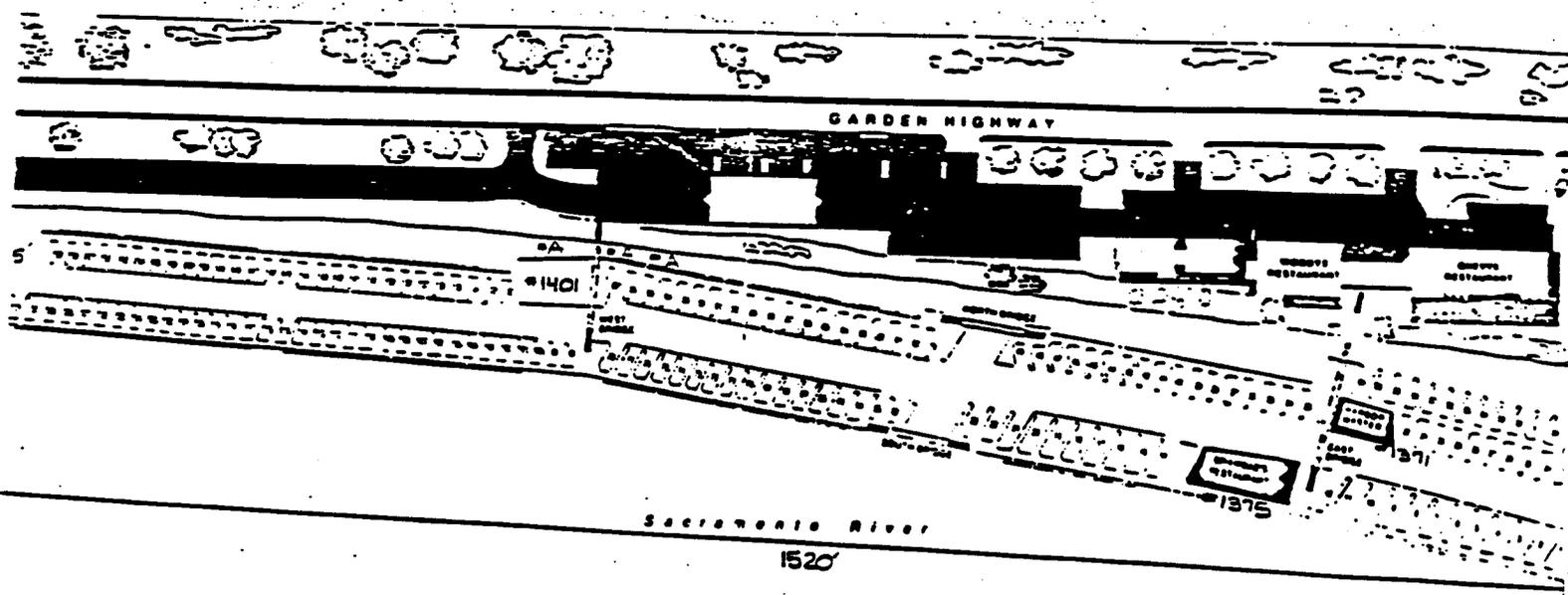


EXHIBIT "A"
WP 6427



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RIVERBANK HOLDING COMPANY
SITE PLAN

ADDRESS	SUITE#	SQUARE FOOTAGE
1371 Garden Highway	#100	1300
" " "	#150	400
" " "	#200	1200
1375 Garden Highway		3521
1401 Garden Highway	#100	200
" " "	#125	616
" " "	#175	100
" " "	#200	958
" " "	#250	350

RIVERBANK MARINA
PROPOSED DREDGING

1A
The areas to be dredged are marked with an #A on the site plan attached. Riverbank proposes to dredge approximately 1000 cubic yards. Riverbank has never extracted previously from this area. Riverbank proposes the suction method of extraction utilizing landside disposal.

EXHIBIT "B"
PRC 6427.1
RIVERBANK HOLDING COMPANY

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