

MINUTE ITEM

This Calendar Item No. C74 was approved as Minute Item No. 74 by the California State Lands Commission by a vote of 3 to 0 at its 2/27/98 meeting.

CALENDAR ITEM

C74

A 8

02/27/98

PRC 7625

WP 7625.1

S 4

N. Smith

**AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE,
AMENDMENT OF LEASE,
AND CONTINUATION OF RENT**

LESSEE:

City of Suisun
Redevelopment Agency
701 Civic Center Boulevard
Suisun, California 94585

SECURED PARTY LENDER:

California Department of Boating and Waterways
Attn: Mr. John Middleton
1629 S Street
Sacramento, California 95814-7291

AREA, LAND TYPE, AND LOCATION:

12 acres, more or less, of sovereign lands in Suisun Slough, in the city of Suisun, Solano County.

AUTHORIZED USE:

150 open-berth commercial marina with a fuel dock, sewage pumpout station and promenade.

LEASE TERM:

30 years, beginning May 1, 1992.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the minimum annual rent be continued at \$11,900, effective July 1, 1998.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.

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2. Lessee has obtained a loan from Boating and Waterways for the development of the marina in the amount of \$7,295,000. The terms of the loan are set forth in a Loan Contract which is filed in the principal office of the State Lands Commission.
3. Lessee wishes to align annual minimum rent payment with their fiscal year which begins July 1 to June 30 of each year, and the reporting forms for percentage of gross will not be due until August 30 of each year. This will afford Lessee the opportunity to complete its annual financial statement and preparation of the percentage gross report for Lessor.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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 the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands.

EXHIBIT:

- A. Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS

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POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON THOSE RESOURCES FOR WHICH SUCH LANDS ARE IDENTIFIED.

AUTHORIZATION:

AUTHORIZE THE AGREEMENT AND CONSENT TO ENCUMBRANCING OF LESSEE'S RIGHT, TITLE, AND INTEREST IN LEASE NO. PRC 7625 IN FAVOR OF THE DEPARTMENT OF BOATING AND WATERWAYS FOR THE PURPOSE OF SECURING A LOAN FOR MARINA IMPROVEMENTS ON THE LEASE PREMISES.

AUTHORIZE AMENDMENT OF LEASE NO. PRC 7625 A GENERAL LEASE-PUBLIC AGENCY USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE JANUARY 1, 1998, TO AMEND RENT PAYMENT DATE TO JULY 1 OF EACH YEAR AND REPORT OF PERCENTAGE OF GROSS WILL BE DUE AUGUST 30 OF EACH YEAR; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

APPROVE THE CONTINUATION OF MINIMUM ANNUAL RENT FOR LEASE NO. PRC 7625 AT \$11,900 PER YEAR, EFFECTIVE JULY 1, 1998.

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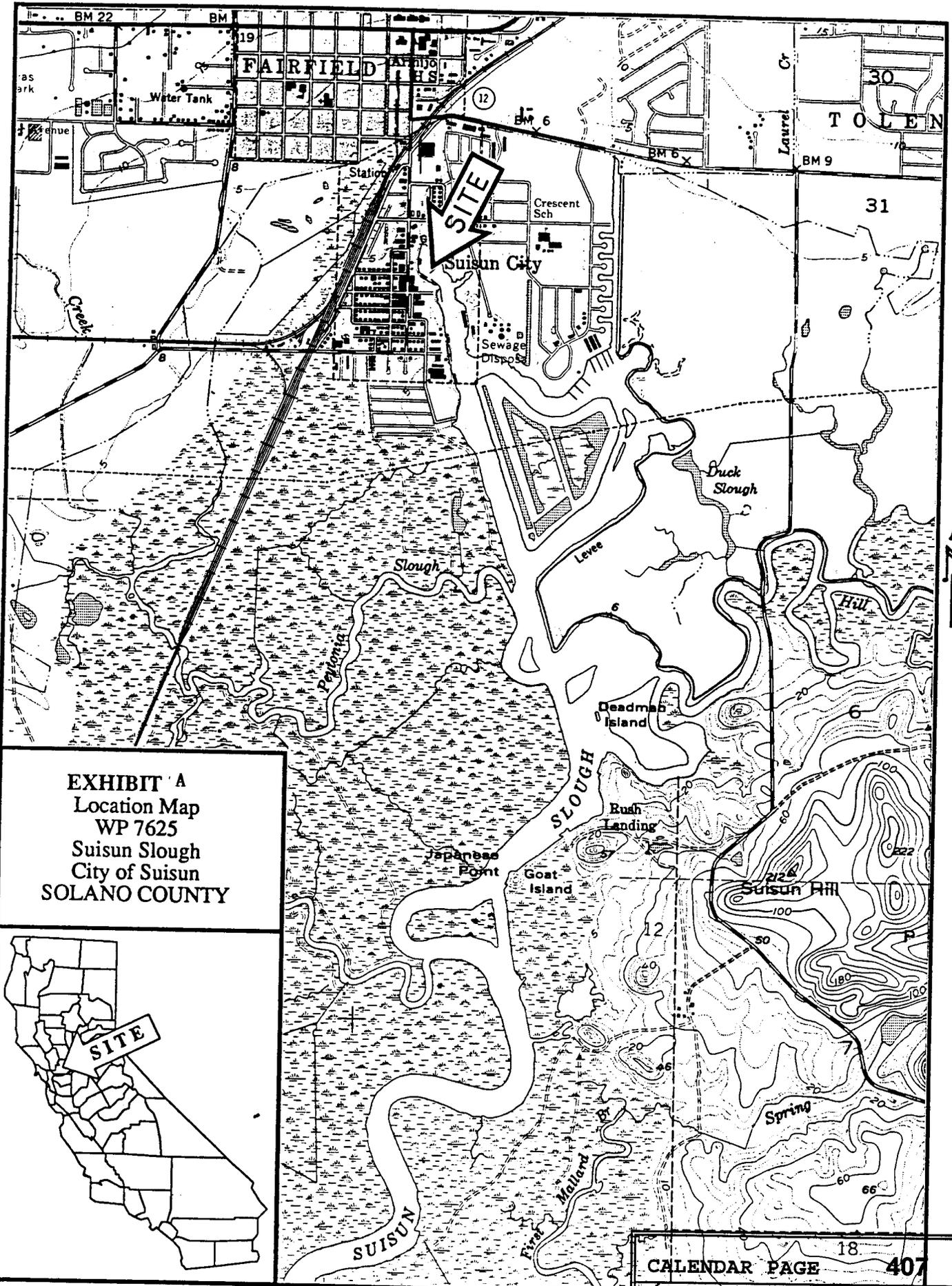


EXHIBIT A
 Location Map
 WP 7625
 Suisun Slough
 City of Suisun
 SOLANO COUNTY

