

MINUTE ITEM

This Calendar Item No. C20 was approved as Minute Item No. 20 by the California State Lands Commission by a vote of 3 to 0 at its 6-14-99 meeting.

**CALENDAR ITEM
C20**

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06/14/99
PRC 4157.1 WP 4157.1
J. Frey
R. Lynch

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

Freeport Properties,
a California Limited Partnership
8250 Freeport Boulevard
Sacramento, California 95832

AREA, LAND TYPE, AND LOCATION:

3.626 acres, more or less, of tide and submerged lands in the Sacramento River, near the town of Freeport, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing commercial marina containing 121 boat slips, fuel dock, watchman's residence, marina office and canvas shop.

LEASE TERM:

25 years, beginning January 1, 1999.

CONSIDERATION:

Year 1: 3% of gross income for the berthing, mooring and launching of boats with a minimum annual rent of \$5,000;

Year 2: 4% of gross income for the berthing, mooring and launching of boats with a minimum annual rent of \$5,000;

Years 3-25: 5% of gross income for the berthing, mooring and launching of boats with a minimum annual rent of \$8,250.

Canvas Shop: \$100 per year

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Fuel Sales: 1-1/2 cents per gallon for fuel sales under 100,000 gallons;
2 cents per gallon for fuel sales over 100,000 gallons.

All Other Activities: 10% of the gross income derived from all other activities
conducted on or over the Lease Premises.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance: Combined single limit coverage of no less than
\$3,000,000.

Bond:

\$15,000

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. Lease PRC No. 4157 was originally issued to Freeport Marina, Inc. for ten years, effective November 15, 1980. Through mesne assignments, Freeport Properties acquired the lease in November, 1986.
3. 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 as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 14, California Code of Regulations, section 15301.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Location Map

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PERMIT STREAMLINING ACT DEADLINE:
N/A

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 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15301.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO FREEPORT PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP, OF A GENERAL LEASE - COMMERCIAL USE, BEGINNING JANUARY 1, 1999, FOR A TERM OF 25 YEARS, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: BOAT SLIPS; YEAR 1: 3% OF GROSS INCOME FROM BERTHING AND MOORING OF BOATS WITH A MINIMUM ANNUAL RENT OF \$5,000; YEAR 2: 4% OF GROSS INCOME FROM THE BERTHING AND MOORING OF BOATS WITH A MINIMUM ANNUAL RENT OF \$5,000; YEARS 3-25: 5% OF GROSS INCOME FROM THE BERTHING AND MOORING AND OF BOATS WITH A MINIMUM ANNUAL RENT OF \$8,250; CANVAS SHOP: \$100 PER ANNUM; FUEL SALES: 1-1/2 CENTS PER GALLON FOR FUEL SALES UNDER 100,000 GALLONS; 2 CENTS PER GALLON FOR FUEL SALES OVER 100,000 GALLONS; AND 10% OF THE GROSS INCOME DERIVED FROM ALL OTHER ACTIVITIES CONDUCTED ON OR OVER THE LEASE PREMISES; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE

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TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH
COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN
\$3,000,000; SURETY BOND IN THE AMOUNT OF \$15,000.

EXHIBIT "A"
LAND DESCRIPTION

PRC 4157.1

A parcel of tide and submerged land in the State owned bed of the Sacramento River, immediately north of the Freeport Bridge at Freeport, Sacramento County, California, said parcel being all that land lying immediately beneath dock and marina facilities TOGETHER WITH a 10 foot use area extending 10 feet from the extremities of said dock and marina facilities, said dock and marina facilities lying within the following described parcel of land:

COMMENCING at a point on the westerly right-of-way line of the Southern Pacific Railroad, Walnut Grove Branch, where said line intersects the prolongation of the Freeport Bridge centerline, said point being described as the "point of beginning" of Parcel No. 1 in a deed from Anna J. Hack to County of Sacramento and recorded May 2, 1928 in Book 181, Page 322 of the Official Records of Sacramento County, from which U.S.C.&G.S. triangulation station "CONTENT" bears S 1° 58' 30" E, 4109.11 feet, more or less; thence along the centerline of the Freeport Bridge S 77° 55' 30" W, 35 feet; thence N 12° 04' 30" W, 65 feet to the TRUE POINT OF BEGINNING; thence continuing N 12° 04' 30" W, 1330 feet; thence S 77° 55' 30" W, 193.99 feet; thence S 16° 04' 30" E, 487.21 feet; thence S 12° 04' 30" E, 843.98 feet; thence N 77° 55' 30" E, 160 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION

REVIEWED OCTOBER 9, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER,
SUPERVISOR.

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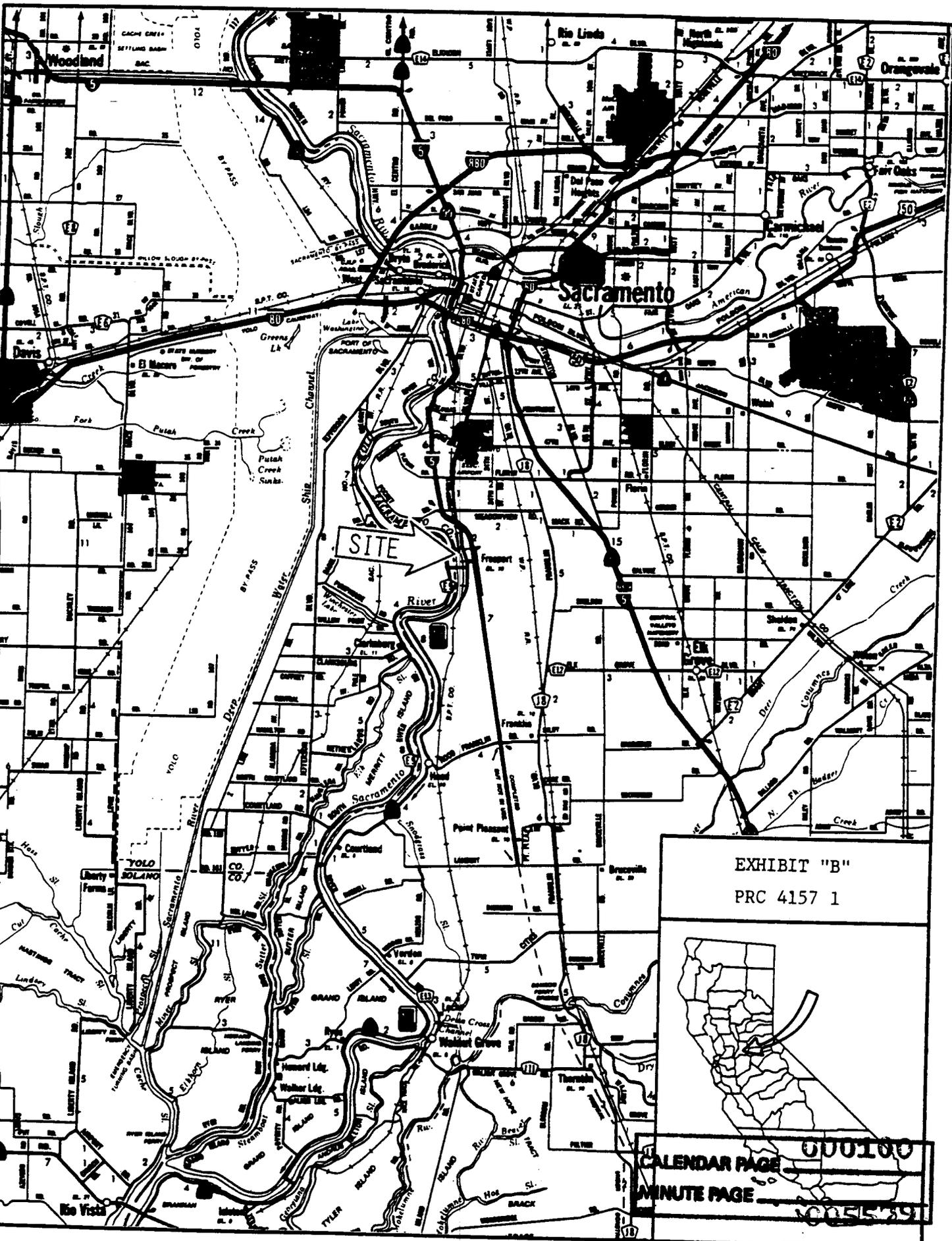


EXHIBIT "B"
 PRC 4157 1



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