MINUTE ITEM
This Calendar Item No. C30 was approved as Minute Item No. 30 by the California State Lands Commission by a vote of 3 to 0 at its 12-16-02 meeting.

CALENDAR ITEM
C30

A 6

S 3

12/16/02
PRC 6168.1
N. Quesada

LEASE ASSIGNMENT AND CONTINUATION OF RENT

1) LEASE ASSIGNMENT

LESSEE/ASSIGNOR:
Evelyn Gilardi
dba Lakeville Marina
1004 "I" Street
Petaluma, California 94952

ASSIGNEE:
Russell J. Gilardi, dba Lakeville Marina
5684 Lakeville Highway
Petaluma, California 94952

AREA, LAND TYPE, AND LOCATION:
0.454 acres, more or less, of sovereign lands in the Petaluma River, at Lakeville, Sonoma County.

AUTHORIZED USE:
Continued operation and maintenance of existing marina facilities which include a six-foot by 306-foot floating boat dock, a six-foot by 79-foot floating boat dock, a six-foot by 52-foot floating boat dock, walkways and a launching ramp.

LEASE TERM:
20 years, beginning January 1, 1997.

CONSIDERATION:
$1,130 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

OTHER PERTINENT INFORMATION:

1. Assignee owns the upland adjoining the Lease premises.

2. On January 1, 1982, the Commission approved a General Lease - Commercial Use, PRC 6168.1 to Leon and Phyllis Lahargoue, dba Lakeville Marina; that lease expired in December 31, 1996. The lease was subsequently assigned to Clarence Gilardi and Evelyn Gilardi, effective October 1, 1988. On January 29, 1999, the Commission approved a new General Lease - Commercial Use to Evelyn Gilardi, dba Lakeville Marina, commencing on January 1, 1997, to December 31, 2016.

3. On July 15, 1990, the Gilardi's transferred Lakeville Marina to the Gilardi Family Trust dated April 30, 1990. However, the Gilardi's did not advise staff of the Commission of this transfer at the time the new lease was approved in 1997. On December 3, 1998, Clarence Gilardi passed away. At Clarence Gilardi's death, the property was transferred one-half to the Gilardi Family Trust-Disclaimer Trust and one-half to Gilardi Family Trust-Survivor's Trust. Later, on January 21, 2001, Evelyn Gilardi passed away, and Carole Vironda and Russell J. Gilardi became the only Trustees of the Gilardi Family Trust and any Subtrusts. The Trustees now wish to assign the lease to Russell J. Gilardi, dba Lakeville Marina. The proposed recommendation will ratify the previous assignment not authorized by the Commission, and authorize the assignment to Russell J. Gilardi, dba Lakeville Marina.

4. **LEASE ASSIGNMENT**:
   Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California code of Regulations, section 15060(c)(3), 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.

2) CONTINUATION OF RENT

CONSIDERATION:

$1,130 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends the rent be continued at $1,130 per year, effective January 1, 2003.

EXHIBIT:

A. Site Map and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

LEASE ASSIGMENT AND CONTINUATION OF RENT:
FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

1) RATIFY LEASE ASSIGNMENT FROM CLARENCE GILARDI AND EVELYN GILARDI TO CLARENCE E. GILARDI AND EVELYN L. GILARDI, TRUSTEES OF THE GILARDI FAMILY TRUST, DATED APRIL 30, 1990.

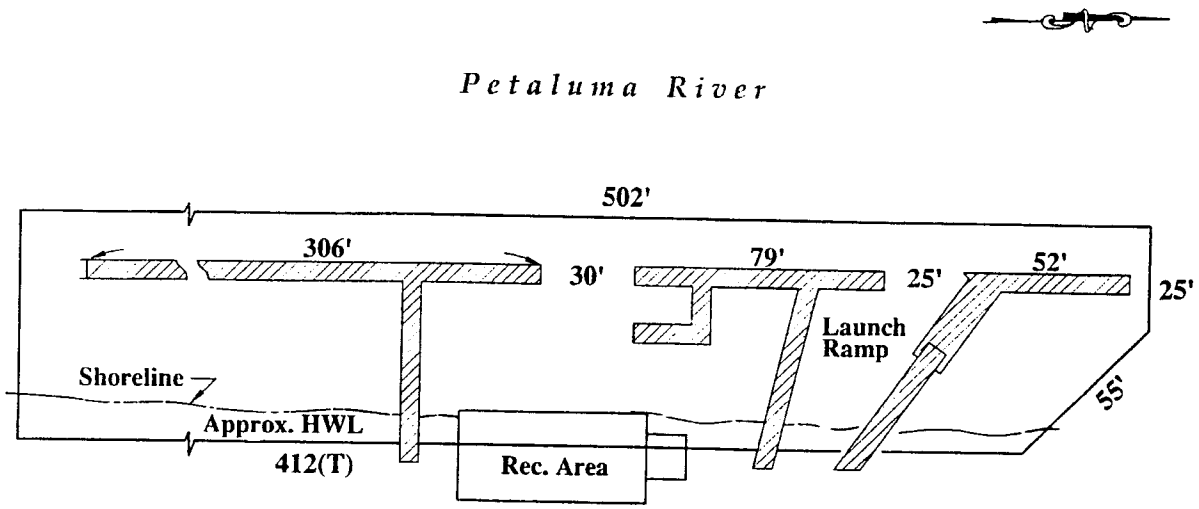
2) RATIFY LEASE ASSIGNMENT FROM CAROL L. VIRONDA AND RUSSELL J. GILARDI, SUCCESSOR TRUSTEES TO THE GILARDI FAMILY TRUST, DATED APRIL 30, 1990, TO CAROLE L. VIRONDA AND RUSSELL J. GILARDI, TRUSTEES OF THE GILARDI FAMILY TRUST - DISCLAIMER TRUST, AS TO AN UNDIVIDED ONE-HALF (1/2) CO-TENANCY INTEREST, AND CAROLE L. VIRONDA AND RUSSELL J. GILARDI, TRUSTEES OF THE GILARDI FAMILY TRUST-SURVIVOR'S TRUST, AS TO AN UNDIVIDED ONE-HALF (1/2) CO-TENANCY INTEREST.

3) AUTHORIZE THE ASSIGNMENT OF LEASE NO. PRC 6168.1, A GENERAL LEASE - COMMERCIAL USE, OF SOVEREIGN LANDS SHOWN ON EXHIBIT A, ATTACHED, AND BY THIS REFERENCE MADE A PART HEREOF, TO RUSSELL J. GILARDI, DBA: LAKEVILLE MARINA; EFFECTIVE SEPTEMBER 1, 2002.

4) APPROVE THE CONTINUATION OF RENT FOR LEASE NO. PRC 6168.1, AT $1,130 PER YEAR EFFECTIVE JANUARY 1, 2003.

NO SCALE

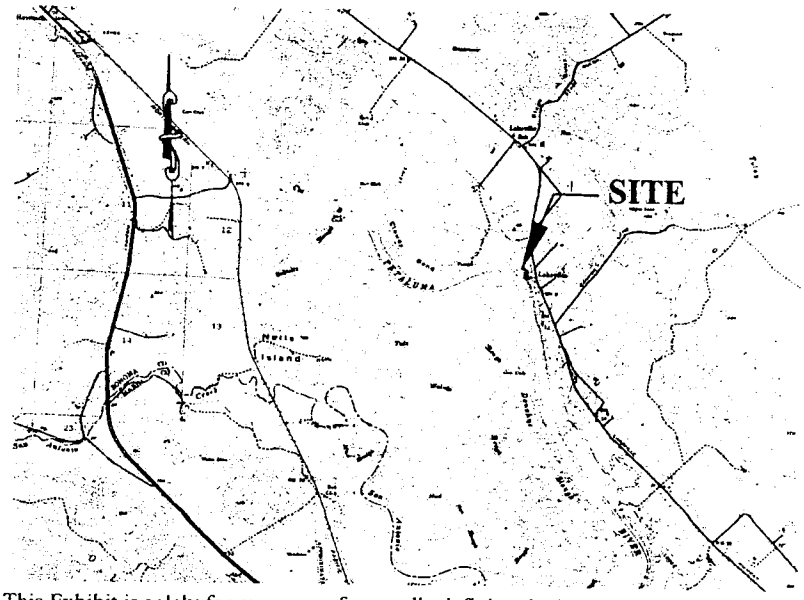
SITE MAP



5684 Lakeville Hwy. Petaluma, California

NO SCALE

LOCATION MAP



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or any other property.

Exhibit A

PRC 6168.1

Russell J. Gilardi

APN 068-060-50

Sonoma County

MJJ 07/2001