

This Calendar Item No. C13 was approved as Minute Item No. 13 by the California State Lands Commission by a vote of 3 to 0 at its 04-05-04 meeting.

CALENDAR ITEM
C13

A 15

04/05/04

S 5

PRC 2052

WP 2052.1

D. Jones

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

Tamara R. Perry, Executor of Estate of Selden Leonard Perry
aka Selden L. Perry
500 Perrys Island Road
Isleton, California 95641

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the Mokelumne River, town of Isleton, Sacramento County.

AUTHORIZED USE:

The continued use and maintenance of an existing commercial marina consisting of 123 covered berths in the Commission's jurisdiction; a 1,453 sq. ft. recreational deck, a 989 sq. ft. recreational boat dock, and a 2,250 sq. ft. dock.

LEASE TERM:

25 years, beginning April 1, 2004.

CONSIDERATION:

A minimum annual rental of \$4,000, against a percentage of gross receipts:

- 5% of gross income for berthing, mooring and launching of boats.
- 25% of the gross income from vending and electronic game machines
- 10% of all other gross income

989 sq. ft. Recreational boat dock:

No monetary consideration pursuant to Public Resources Code section 6503.5.

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SPECIFIC LEASE PROVISIONS:

Insurance:

\$1,000,000 Combined Single Limit.

Bond:

\$20,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On December 9, 1957, pursuant to an agreed Stipulation of Agreement between the parties, a quiet title Judgment involving B. F. Perry and Anona Dunbar Perry and the State of California was issued quieting title to the State and to the Perry's.
3. A lease was issued to B. F. Perry and Anona Dunbar Perry for those State sovereign lands, which were deemed to be State sovereign lands in the Mokelumne River. Tamara Perry, the executor of the Estate of Selden L. Perry, has now applied for a new lease.
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 as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. 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.

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6. Applicant agrees to pay back rent for the years April 1, 1999, through March 31, 2003 and will pay it in a payment plan.

EXHIBIT:

- A. Site Map and Location Map

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 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

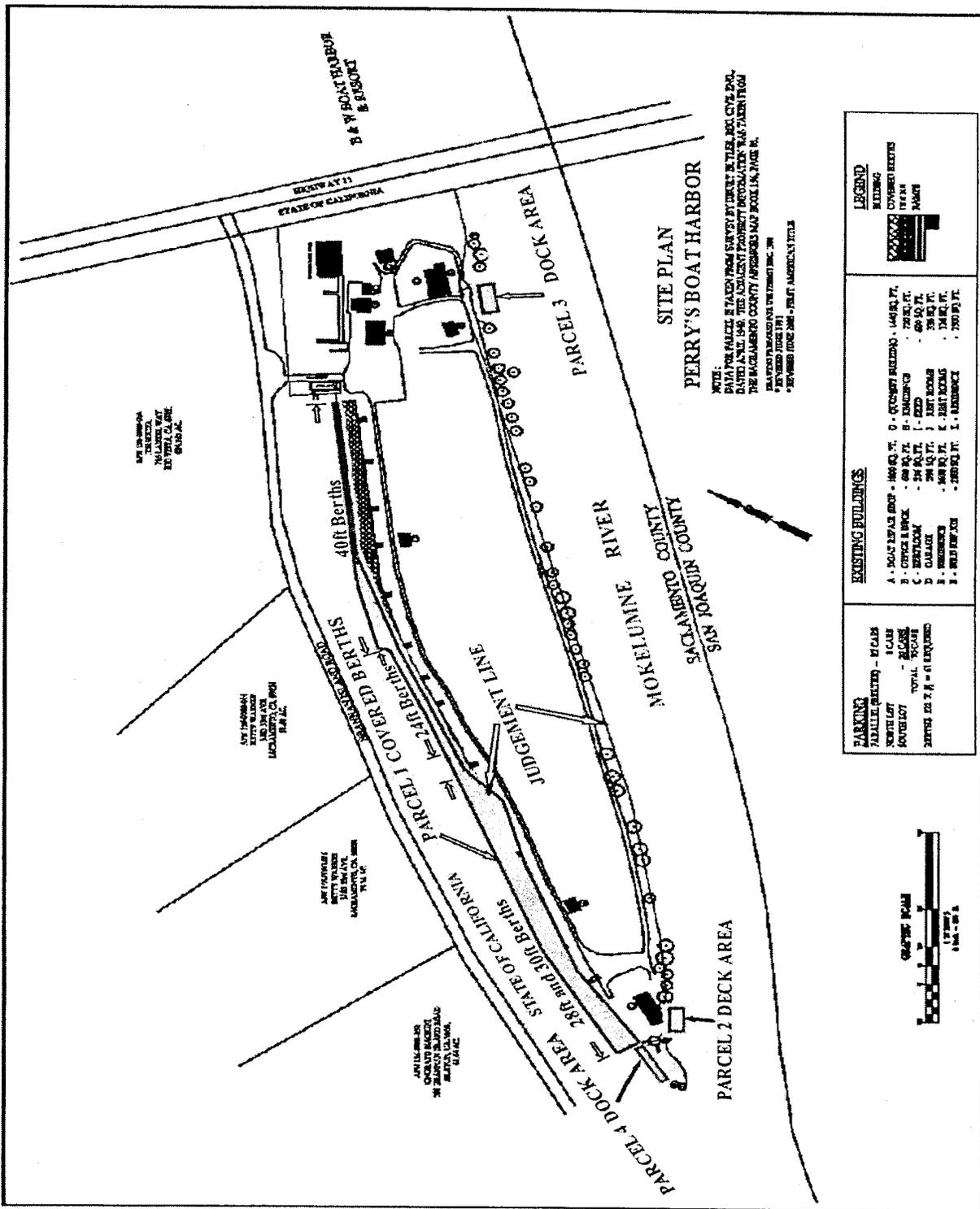
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO TAMARA R. PERRY, EXECUTOR OF ESTATE OF SELDEN LEONARD PERRY AKA SELDEN L. PERRY OF A GENERAL LEASE – COMMERCIAL USE, BEGINNING APRIL 1, 2004, FOR A TERM OF 25 YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF A COMMERCIAL MARINA CONSISTING OF 123 BERTHS, A 1,453 SQ. FT. RECREATIONAL DOCK, AND A 2,250 SQ. FT. DOCK, ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: MINIMUM ANNUAL RENTAL OF \$4,000 AGAINST A PERCENTAGE OF GROSS RECEIPTS: 5% OF GROSS INCOME FOR THE BERTHING AND MOORING OF BOATS; 25% OF GROSS INCOME FROM COIN OPERATING VENDING AND ELECTRONIC GAME MACHINES; AND 10% OF OTHER GROSS INCOME, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE

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LEASE TERM, AS PROVIDED IN THE LEASE; AND A 989 SQ. FT. RECREATIONAL BOAT DOCK ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; INSURANCE: \$1,000,000 COMBINED SINGLE LIMIT; SURETY BOND: \$20,000.



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

Exhibit A
WP 2052