

MINUTE ITEM

This Calendar Item No. C59 was approved as Minute Item No. 59 by the California State Lands Commission by a vote of 2 to 0 at its 12-08-05 meeting.

CALENDAR ITEM
C59

A.	8		12/08/05
		PRC 5393	WP 5393
S	4		N. Smith

ACCEPTANCE OF QUITCLAIM DEED, TERMINATION OF LEASE AND ISSUANCE OF A GENERAL LEASE – COMMERCIAL USE

LESSEE:

Linda Takacs

APPLICANTS:

Jack L. Shrader and Elise Shrader, Trustees U.D.T. dated 12/9/99 Trustees of the Shrader Living Trust

AREA, LAND TYPE, AND LOCATION:

0.88 acres, more or less, of sovereign lands in Goodyear Slough, just east of the city of Benicia, Solano County.

AUTHORIZED USE:

Existing commercial marina including: boat launch, 50 open berths (9' x 20') with gangways and initial dredging up to 1,000 cubic yards to restore boat berth areas with disposal on the adjacent upland to improve marina parking lot, and subsequent maintenance dredging of approximately 100 cubic yards annually.

LEASE TERM:

20 years, beginning December 10, 2005.

CONSIDERATION:

Due to the need for the applicants to make repairs to the marina berths and to complete the initial dredging, staff recommends that the rent be set at \$500 per annum for the first two years; beginning December 10, 2007 when it is anticipated that the marina will be in full operation, rent will be \$2,700 per annum, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

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SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance: Combined single limit coverage of no less than \$1,000,000.

Bond:

\$20,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. The previous lease was approved by the Commission at its meeting of April 29, 1981, for a period of 30 years beginning January 28 1980. The upland property has since been sold to the Applicants and the lessee has provided an executed Quitclaim Deed dated April 28, 2004.
3. The lease contains provisions that the Lessee must implement the Commission's "Best Management Practices for Marina Owners/Operators" and incorporate the Commission's "Best Management Practices for Berth Holders and Boaters" into Lessee's berth rental agreements, including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. In addition to the inclusions of the BMPs for Berth Holders and Boaters into the berth rental agreements, the Lessee shall post such publication in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and on each third anniversary thereafter, a report on compliance with all BMPs.
4. On August 1, 2002, the San Francisco Bay Conservation and Development Commission (BCDC) granted Amendment Number One for Permit #M95-28 under its certified regulatory program. [Title 14, California Code of Regulations, section 15251 (h)].

Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b) have been met for the Commission to use the environmental analysis document certified by the BCDC as an (Negative Declaration/EIR) equivalent in order to comply with the requirements of the CEQA.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370,

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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.

APPROVALS OBTAINED:

Solano County Department of Environmental Management, and San Francisco Bay Conservation and Development Commission

EXHIBITS:

- A. Location Map
- B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

December 1, 2005

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (SF BCDC PERMIT #M95-28), WAS ADOPTED FOR THIS PROJECT BY THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC) UNDER ITS CERTIFIED PROGRAM [TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15251 (h)], AND THAT THE CALIFORNIA STATE LANDS COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION THEREIN AND CONCURS IN BCDC'S DETERMINATION.

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:

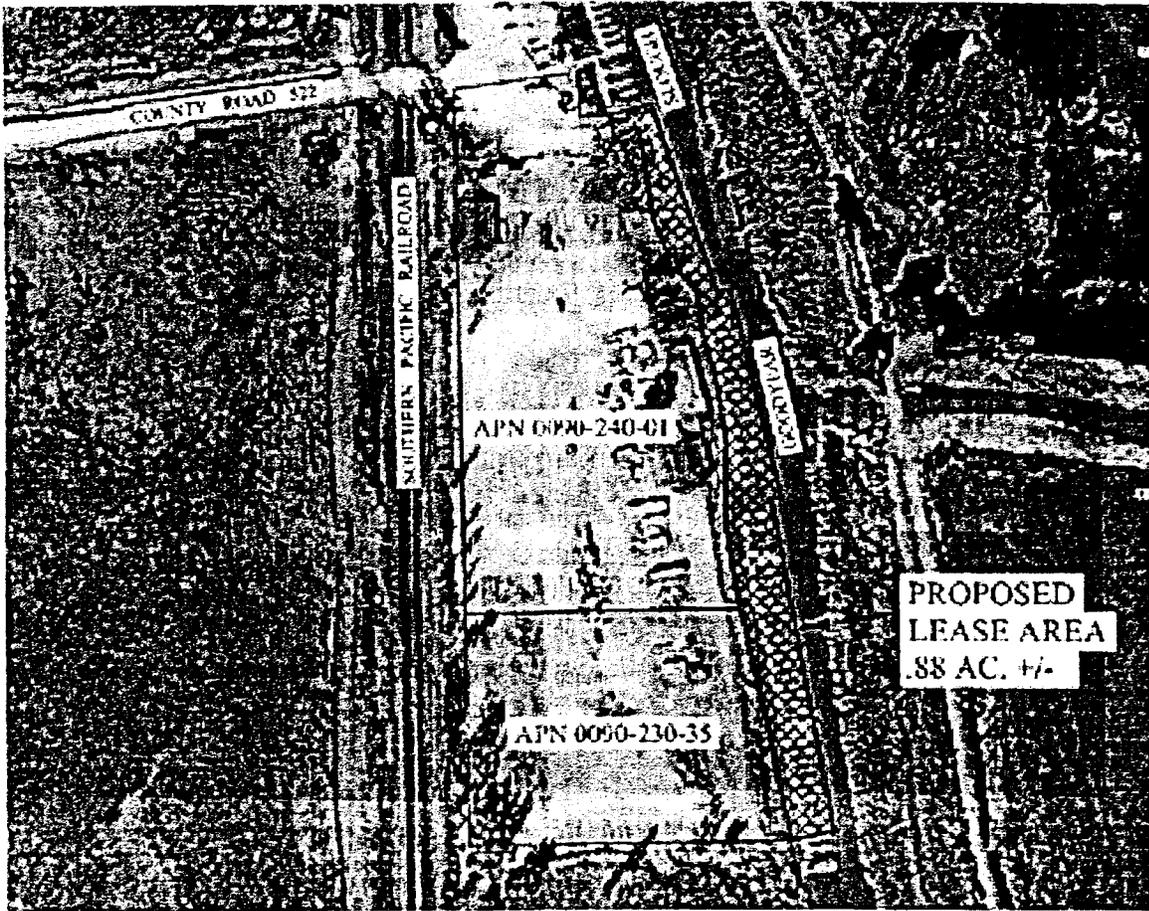
1. AUTHORIZE ACCEPTANCE OF A LEASE QUILCAIM DEED FROM LINDA TAKACS AND TERMINATION OF LEASE PRC 5393 EFFECTIVE APRIL 28, 2004.

CALENDAR ITEM NO. C59 (CONT'D)

2. AUTHORIZE ISSUANCE TO JACK L. SHRADER AND ELISE SHRADER, TRUSTEES U.D.T. DATED 12/9/99 TRUSTEES OF THE SHRADER LIVING TRUST OF A GENERAL LEASE - COMMERCIAL USE, BEGINNING DECEMBER 10, 2005, FOR A TERM OF 20 YEARS, FOR AN EXISTING COMMERCIAL MARINA INCLUDING: A BOAT LAUNCH, 50 OPEN BERTHS (9' X 20') WITH GANGWAYS AND INTIAL DREDGING UP TO 1,000 CUBIC YARDS TO RESTORE BOAT BERTH AREAS, WITH DISPOSAL IN THE MARINA PARKING LOT TO IMPROVE DRAINAGE, AND SUBSEQUENT MAINTENANCE DREDGING OF APPROXIMATELY 100 CUBIC YARDS ANNUALLY; AS REPRESENTED ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; INITIAL ANNUAL RENT IN THE AMOUNT OF \$500; BEGINNING DECEMBER 10, 2007, THE RENT WILL BE \$2,700 PER ANNUM, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$1,000,000; SURETY IN THE AMOUNT OF \$20,000.

NO SCALE

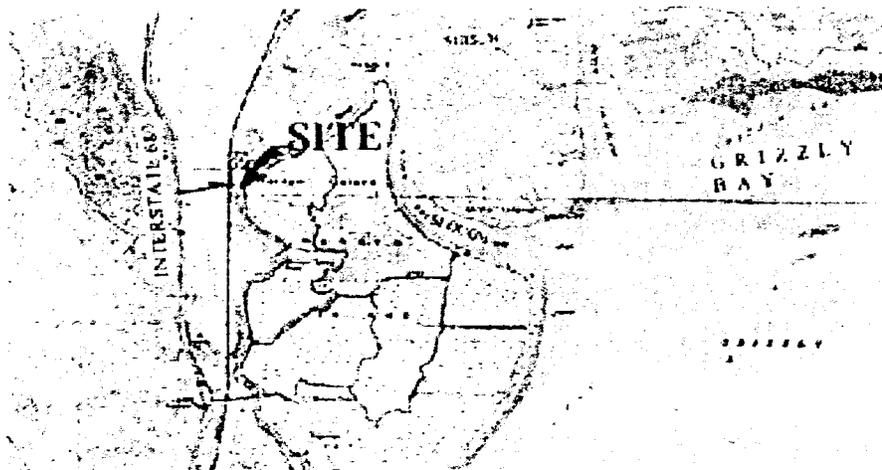
SITE



PIERCE HARBOR MARINA
 APN 0090-240-01 and 0090-230-35

NO SCALE

LOCATION



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.

MAP SOURCE: USGS QUAD

Exhibit A

PRC 5393
 GENERAL LEASE
 COMMERCIAL USE
 GOODYEAR SLOUGH
 SOLANO COUNTY



RAB 08/05

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EXHIBIT B

PRC 5393

LAND DESCRIPTION

A parcel of tide and submerged land lying in the bed of Goodyear Slough, situated adjacent to Swamp and Overflow Survey No. 519 in Section 8, Township 3 North, Range 2 West, M.D.M., Solano County, California, more particularly described as follows:

BEGINNING at the southeast corner of Parcel Two of land described in that certain deed recorded February 21st, 2002, as Document No. 2002-00023014, Official Records of Solano County; thence northerly along the west bank of Goodyear Slough 880 feet, more or less, to the southeast corner of Parcel B as described in said Document No. 2002-00023014; thence leaving said bank, North 75° 15' 18" East 48.15 feet; thence South 19° 02' 05" East 221.29 feet; thence North 82° 45' 00" East 15.02 feet; thence South 13° 22' 56" East 237.76 feet; thence South 82° 45' 00" West 11.01 feet; thence South 10° 17' 19" East 381.99 feet; thence South 77° 54' 20" West 48.09 feet, more or less to the POINT OF BEGINNING.

EXCEPTING THEREFROM any land lying landward of the ordinary high water mark of said Goodyear Slough.

END OF DESCRIPTION

Prepared 09-06-2005 by the Boundary Unit of the California State Lands Commission.



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