

MINUTE ITEM

This Calendar Item No. C32 was approved as Minute Item No. 32 by the California State Lands Commission by a vote of 3 to 0 at its 11-21-06 meeting.

CALENDAR ITEM

C32

A 6

11/21/06

S 3

PRC 7078

WP 7078.9

J. McComas

GENERAL LEASE - PROTECTIVE STRUCTURE USE

APPLICANT:

401 Belvedere Corp., an Illinois Corporation
30 No. La Salle St., Room 3000
Chicago, IL 60602-3356

AREA, LAND TYPE, AND LOCATION:

0.13 acres, more or less, of sovereign lands in Richardson Bay, city of Belvedere, Marin County.

AUTHORIZED USE:

Continued use and maintenance of existing riprap revetment for shoreline protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning March 1, 2007

CONSIDERATION:

The public use and benefit with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance with combined single limit coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On February 12, 1997, the Commission authorized issuance of a ten-year General Lease - Protective Structure Use to 401 Belvedere Corp. That lease will expire on February 28, 2007. Applicant is now applying for a new lease.

CALENDAR ITEM NO. C32 (CONT'D)

3. The bank protection at this location mutually benefits both the public and the Applicant. The bank protection of Richardson Bay will have additional protection from wave action provided at no cost to the public.
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.

EXHIBITS:

- A. Site and Location Map
- B. Land Description

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).

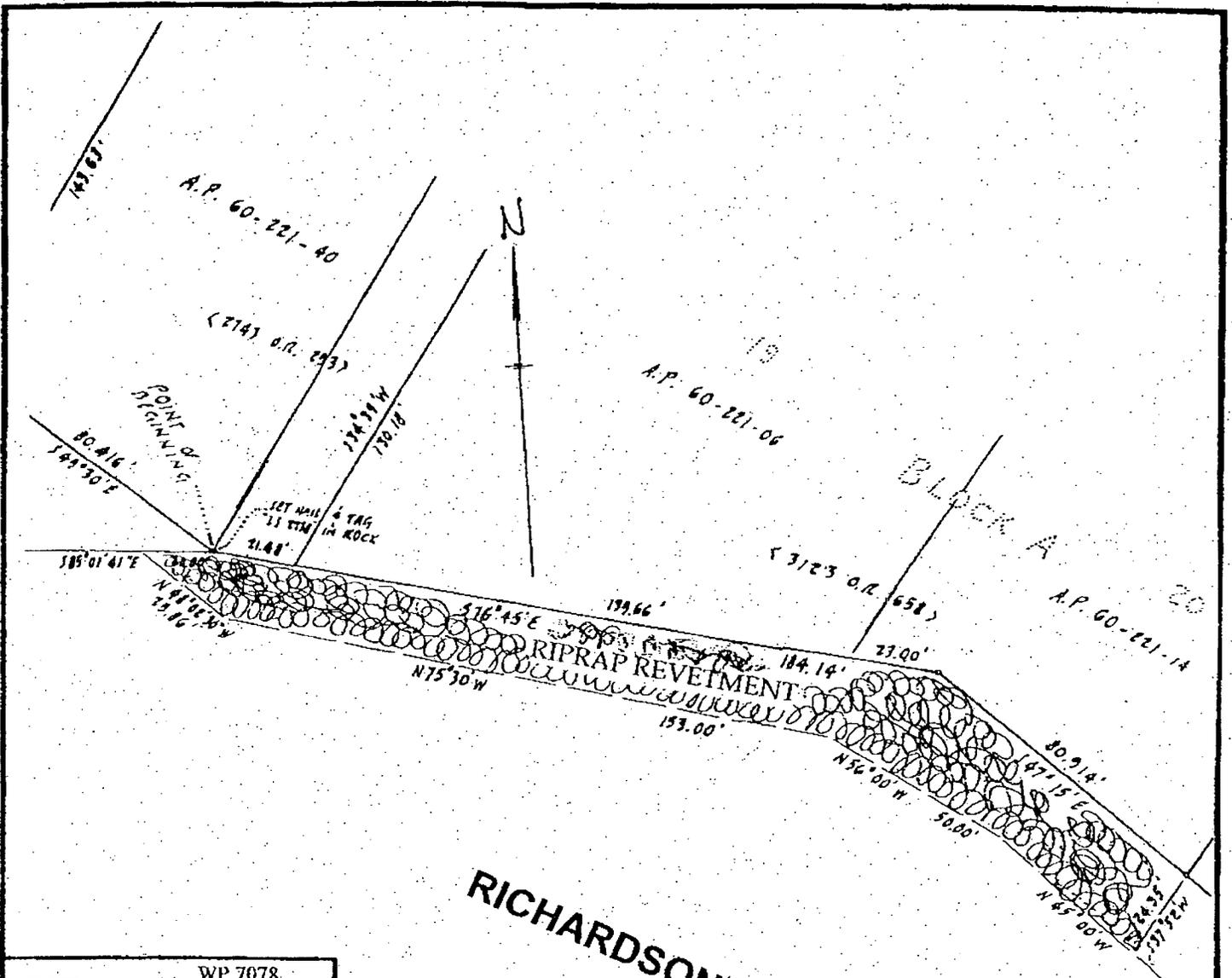
SIGNIFICANT LANDS INVENTORY FINDING:

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.

CALENDAR ITEM NO. C32 (CONT'D)

AUTHORIZATION:

AUTHORIZE ISSUANCE TO 401 BELVEDERE CORP., AN ILLINOIS CORPORATION, OF A GENERAL LEASE – PROTECTIVE STRUCTURE USE, BEGINNING MARCH 1, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF RIPRAP REVETMENT FOR SHORELINE PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE WITH COMBINED SINGLE LIMIT COVERAGE OF NO LESS STHAN \$500,000.



RICHARDSON BAY

WP 7078
 401 Belvedere Corp.
 GL - Protective
 Structure Use
 Richardson Bay
 Marin County

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 7078.9

EXHIBIT "B"
WP 7078.9

WP 7078

LAND DESCRIPTION

A parcel of tide and submerged land in the City of Belvedere, Marin County, California, more directly described as follows:

BEGINNING at a point in the southwesterly line of the lands conveyed by Fred Ludekens, et ex to Marin Title Guaranty Company by deed recorded November 20, 1973, in Liber 2743 of Official Records at page 293, Marin County Records, which point is the most westerly corner of Lot 19, Block "A" as shown on that certain map entitled "Map of Resubdivision of part of the City of Belvedere", recorded February 20, 1937 in Book 5 of Maps at page 68, Marin County Records: running thence from said point of beginning along said southwesterly line S 76° 45' E, 21.48 feet; to the most westerly corner of the lands conveyed by Marvin A. Ganz to Marin Title Guaranty Company by deed recorded December 7, 1976 in Liber 3123 of Official Records at page 658 Marin County Records; thence along the southwesterly line of the lands so conveyed to Marin Title Guaranty Company (3123 O. R. 658) being the southwesterly line of Lots 19 and 20, Block "A" above referred to, S 76° 45' E, 162.66 feet; and S 47° 15' 00" E, 80.914 feet to the most southerly corner of the lands of Marin Title Guaranty Company (3123 O. R. 658); thence leaving said line S 37° 52' E, 24.35 feet; thence N 45° 00' W, 45.05 feet; thence N 56° 00' E, 50.00 feet; thence N 75° 30' E, 153.00 feet; and N 48° 02' 30" W, 29.86 feet; to a point in the southerly line of the lands conveyed by the State of California to the County of Marin; thence along said southerly line S 85° 01' 41" E, (shown as N 83° 40' 50" W, 172.56 feet in the conveyance to the County of Marin) 20.00 feet to the point of beginning.

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

END OF DESCRIPTION

REVISED SEPT, 1996 BY SFBCC