

MINUTE ITEM

15. APPLICATION FOR APPROVAL OF ASSIGNMENT OF LEASE P.R.C. 212.1, AND ISSUANCE OF A NEW LEASE, BOTH COVERING TIDE AND SUBMERGED LANDS OF SAN FRANCISCO BAY AT RICHMOND IN CONTRA COSTA COUNTY, REDROCK MARINA - W.O. 3643, P.R.C. 2617.1.

Following presentation of Calendar Item 24 attached, Commissioner Carr asked for a report from the Department of Public Works.

Mr. Rudolph Hess, Assistant Chief Right-of-Way Agent of the State Division of Highways (Department of Public Works), informed the Commission that the facility in question is one which the Division of Highways can no longer use, and that they have been attempting to dispose of it for about four years in order to be released from rental and maintenance obligations. During this four-year period, the only real opportunity to dispose of the obligations effectively has resulted from the current offer from Redrock Marina.

Following review of a map submitted by Mr. Hess, and an informal discussion, Commissioner Carr moved that the item be taken under submission until further possibilities for use of the area might be explored. The motion was seconded and passed unanimously. Mr. Farrow, representing Mr. Ernest N. Kettenfen, President and one of the stockholders of Redrock Marina, asked that the motion be rescinded, explaining the importance to Redrock Marina of proceeding immediately to protect the interest of the investors.

Commissioner Carr thereupon suggested that the item be held in abeyance until other matters on the agenda had been considered.

Following completion of the remainder of the calendar, Mr. Ernest N. Kettenfen, President of Redrock Marina, again appeared before the Commission. He explained that the City of Richmond had determined the project unfeasible because of the surf and heavy tidal action, but that he felt that his organization could cope with these problems.

UPON MOTION DULY MADE, SECONDED, AND UNANIMOUSLY CARRIED, THE RESOLUTION OF THE COMMISSION TO TAKE THE MATTER UNDER SUBMISSION WAS RESCINDED, AND A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO:

1. APPROVE AN ASSIGNMENT, AS IT AFFECTS LEASE P.R.C. 212.1, ENTERED INTO ON JUNE 30, 1960, BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND REDROCK MARINA, WHEREBY THE DEPARTMENT OF PUBLIC WORKS ASSIGNS ITS INTEREST IN THREE LEASES AND ONE AGREEMENT TO REDROCK MARINA.
2. ISSUE A LEASE AND AN EASEMENT TO REDROCK MARINA FOR THE CONSTRUCTION, MAINTENANCE AND USE OF A SMALL BOAT YACHT HARBOR, EFFECTIVE AUGUST 1, 1960, FOR A TERM OF 10 YEARS, 7 MONTHS AND 16 DAYS, AT AN ANNUAL RENTAL OF \$1,870.36, WITH PROVISION FOR (1) THE RIGHT OF THE LESSEE TO MODIFY THE LEASE TO CONVERT THE EASEMENT DESCRIBED AS PARCEL 2, OR ANY PORTION THEREOF, INTO A FEE LEASE UNDER PARCEL 1, THE ANNUAL RENTAL ON ANY SUCH PORTION THEREOF TO BE AT THE RATE OF \$264.55 PER ACRE; (2) RENEWAL FOR AN ADDITIONAL PERIOD OF 25 YEARS, TO COVER THE FOLLOWING-DESCRIBED TIDE AND SUBMERGED LANDS IN SAN FRANCISCO BAY, CONTRA COSTA COUNTY:

PARCEL "1"

COMMENCING AT A POINT 560 FEET NORTH 29° 36' WEST, ALONG THE WESTERLY LINE OF TIDE LOT 3, IN SECTION 16, TOWNSHIP 1 NORTH, RANGE 5 WEST, M.D.B. & M., AS SHOWN ON "MAP NO. 1 OF SALT MARSH AND TIDE LANDS SITUATE IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, 1872", WHICH MAP IS ON FILE IN THE OFFICE OF THE STATE LANDS DIVISION IN SACRAMENTO, CALIFORNIA, FROM THE MOST SOUTHERLY POINT OF SAID TIDE LOT 3, WHICH SAID POINT IS ALSO STATION NO. 239 OF THE EXTERIOR BOUNDARY LINE OF THE SAN PABLO RANCHO AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THE SAN PABLO RANCHO, ACCOMPANYING AND FORMING A PART OF THE FINAL REPORT OF THE REFEREES IN PARTITION", FILED MARCH 1, 1894 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, THENCE SOUTH 60° 24' WEST 230 FEET, THENCE SOUTH 29° 36' EAST 285 FEET, THENCE SOUTH 79° 12' WEST 636 FEET, THENCE NORTH 30° 48' WEST 440 FEET, THENCE NORTH 83° 33' 32" EAST 915.02 FEET TO THE POINT OF BEGINNING, CONTAINING 5.97 ACRES, MORE OR LESS.

PARCEL "2"

AN EASEMENT APPURTENANT TO SAID PARCEL "1" FOR THE FREE AND UNINTERRUPTED NAVIGATION AND PASSAGE ON THE WATERS OF SAN FRANCISCO BAY BY YACHTS AND SMALL CRAFT AND OTHER VESSELS OVER AND ACROSS THE HEREINAFTER DESCRIBED PARCEL OF REAL PROPERTY:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL "1", THENCE NORTH 30° 48' WEST, 670 FEET, MORE OR LESS, TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 5 WEST, M.D.B. & M., THENCE EASTERLY ALONG SAID LINE 989.11 FEET TO THE NORTHWEST CORNER OF THE AFOREMENTIONED TIDE LOT 3; THENCE SOUTH 29° 36' EAST, 532.96 FEET TO THE NORTHEAST CORNER OF PARCEL "1"; THENCE SOUTH 83° 33' 32" WEST, 915.02 FEET ALONG THE NORTHERN LINE OF PARCEL "1" TO THE POINT OF BEGINNING, CONTAINING 11.64 ACRES, MORE OR LESS.

Attachment
Calendar Item 24 (2 pages)

CALENDAR ITEM

24.

APPLICATION FOR APPROVAL OF ASSIGNMENT OF LEASE P.R.C. 212.1, AND ISSUANCE OF A NEW LEASE, BOTH COVERING TIDE AND SUBMERGED LANDS OF SAN FRANCISCO BAY AT RICHMOND IN CONTRA COSTA COUNTY, REDROCK MARINA - W.O. 3643.

On March 18, 1946, Lease P.R.C. 212.1 was issued to Richmond and San Rafael Ferry & Transportation Company for a 25-year term, with option for a 25-year renewal, covering three parcels of tide and submerged lands in the City of Richmond, Contra Costa County, at an annual rental of \$1,700.

On October 29, 1956, in conformance with an agreement dated December 26, 1952, between the Ferry Company, the Department of Public Works, and the State Lands Commission, and subsequent to the completion of the Richmond-San Rafael Toll Bridge, Lease P.R.C. 212.1 was modified and assigned to the Department of Public Works, which has paid the rent through March 17, 1961, even though the facility has stood idle for several years.

Negotiations have now been completed for the assignment by the Department of Public Works of its interest in the ferry facilities, including Lease P.R.C. 212.1, to Redrock Marina, subject to approval by the Commission and contingent upon Commission authorization for the issuance of a lease to Redrock Marina covering two parcels of adjacent tide and submerged lands, as follows: Parcel 1, consisting of 5.97 acres, to be utilized in the construction, maintenance and use of a small boat and yacht harbor; Parcel 2, containing 11.64 acres, to be used as an easement for the free and uninterrupted navigation and passage by yachts, small craft, and other vessels. The lease would be for a term of 10 years, 7 months and 16 days, beginning August 1, 1960, at an annual rental of \$1,870.36. Provision would be made for: (1) the right to modify the lease to convert the easement described as Parcel 2, or any portion thereof, into a fee lease under Parcel 1, the annual rental on any such portion thereof to be at the rate of \$264.55 per acre, and, (2) an optional renewal for an additional term of 25 years.

The assignment of Lease P.R.C. 212.1 and the issuance of the above-described new lease would benefit the State directly through (1) an increase of \$3,570.36 annually in revenue, and (2) a reduction in the rents paid by the Department of Public Works under three other leases and agreements which are being assumed by Redrock Marina.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO:

1. APPROVE AN ASSIGNMENT, AS IT AFFECTS LEASE P.R.C. 212.1, ENTERED INTO ON JUNE 30, 1960, BETWEEN THE DEPARTMENT OF PUBLIC WORKS AND REDROCK MARINA, WHEREBY THE DEPARTMENT OF PUBLIC WORKS ASSIGNS ITS INTEREST IN THREE LEASES AND ONE AGREEMENT TO REDROCK MARINA.
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CALENDAR ITEM 24. (CONTD.)

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