

18. APPLICATION TO LEASE A PARCEL OF SUBMERGED LAND IN SACRAMENTO RIVER AND A CONTIGUOUS PARCEL OF SWAMP AND OVERFLOWED LAND AT BRODERICK, YOLO COUNTY; THOMAS P. RALEY - W.O. 5117, P.R.C. 3469.1.

After consideration of Calendar Item 20 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A LEASE TO THOMAS P. RALEY, SUBJECT TO TERMS AND CONDITIONS HEREINAFTER STATED, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A MARINA UPON THE FOLLOWING-DESCRIBED LANDS:

PARCEL 1

A PARCEL OF LAND IN THE BED OF THE SACRAMENTO RIVER, YOLO COUNTY, ADJACENT TO THE RIGHT BANK OF SAID RIVER AND LYING NORTHERLY OF THE CAPITOL AVENUE BRIDGE (ALSO KNOWN AS THE TOWER BRIDGE); BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH BOUNDARY OF SWAMP LAND SURVEY 774 WITH THE ORDINARY HIGH WATER MARK OF THE RIGHT BANK OF THE SACRAMENTO RIVER AS SAID ORDINARY HIGH WATER MARK IS SHOWN ON A MAP PREPARED BY THE STATE LANDS COMMISSION OF THE STATE OF CALIFORNIA UNDER W.O. 377, DATED SEPTEMBER 1953, ENTITLED "SURVEY OF THE ORDINARY HIGH WATER MARK ALONG THE SACRAMENTO RIVER VICINITY OF SACRAMENTO, SACRAMENTO-YOLO COUNTIES, CALIFORNIA", RECORDED IN BOOK 11 AT PAGES 48-50 AND BOOK 12 AT PAGES 1-9 OF SURVEYS, RECORDS OF SACRAMENTO COUNTY; SAID POINT OF INTERSECTION BEARS S. 71° 58' 16" E. 214.14 FEET AND S. 81° 29' 00" E. 210.56 FEET FROM A CROSS IN A LEAD PLUG IN THE SIDEWALK AT THE NORTHWEST CORNER OF 2ND AND "G" (FORMERLY MARGARET) STREETS, SAID LEAD PLUG BEING SHOWN ON THE ABOVEMENTIONED CSLC MAP DESIGNATED AS "DD" AND HAVING ZONE 2 CALIFORNIA COORDINATES OF X = 2,140,453.59, Y = 334,318.07; THENCE FROM SAID POINT OF BEGINNING PROCEEDING ALONG THE ORDINARY HIGH WATER MARK N. 15° 25' 07" E. 466.46 FEET, N. 8° 34' 40" E. 181.02 FEET, N. 3° 48' 51" E. 13.52 FEET; THENCE LEAVING SAID ORDINARY HIGH WATER MARK S. 81° 29' 00" E. 76.77 FEET, S. 12° 09' 25" W. 481.96 FEET, S. 14° 19' 56" W. 680.69 FEET, S. 8° 56' 14" W. 358.35 FEET, N. 70° 55' 00" W. 159.77 FEET, TO THE ORDINARY HIGH WATER MARK; THENCE ALONG SAID ORDINARY HIGH WATER MARK N. 29° 30' 41" E. 5.12 FEET, N. 19° 32' 12" E. 296.04 FEET, N. 15° 45' 28" E. 209.89 FEET, N. 20° 33' 22" E. 179.42 FEET, AND N. 15° 25' 07" E. 86.44 FEET TO THE POINT OF BEGINNING; CONTAINING 2.924 ACRES MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 2.

PARCEL 2

A PARCEL OF SWAMP AND OVERFLOWED LAND ADJACENT TO THE RIGHT BANK OF THE SACRAMENTO RIVER AND EASTERLY OF SWAMP LAND SURVEY NO. 962, YOLO COUNTY, LYING NORTHERLY OF THE CAPITOL AVENUE BRIDGE (ALSO KNOWN AS THE TOWER BRIDGE); BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH BOUNDARY OF SWAMP LAND SURVEY 774 WITH THE ORDINARY HIGH WATER MARK OF THE RIGHT BANK OF THE SACRAMENTO RIVER AS SAID ORDINARY HIGH WATER MARK IS SHOWN ON A MAP PREPARED BY THE STATE LANDS COMMISSION OF THE STATE OF CALIFORNIA UNDER W.O. 377, DATED SEPTEMBER 1953, ENTITLED "SURVEY OF THE ORDINARY HIGH WATER MARK ALONG THE SACRAMENTO RIVER VICINITY OF SACRAMENTO, SACRAMENTO-YOLO COUNTIES, CALIFORNIA", RECORDED IN BOOK 11 AT PAGES 48-50 AND BOOK 12 AT PAGES 1-9 OF SURVEYS, RECORDS OF SACRAMENTO COUNTY; SAID POINT OF INTERSECTION BEARS S. 71° 58' 16" E. 244.14 FEET AND S. 81° 29' 00" E. 210.56 FEET FROM A CROSS IN A LEAD PLUG IN THE SIDEWALK AT THE NORTHWEST CORNER OF 2ND AND "G" (FORMERLY MARGARET) STREETS, SAID LEAD PLUG BEING SHOWN ON THE ABOVEMENTIONED CSLC MAP DESIGNATED AS "DD" AND HAVING ZONE 2 CALIFORNIA COORDINATES OF X = 2,140,453.59, Y = 334,318.07; THENCE FROM SAID POINT OF BEGINNING LEAVING THE ORDINARY HIGH WATER MARK N. 81° 29' 00" W. 210.56 FEET; THENCE N. 8° 31' 00" E. 722.35 FEET ALONG THE EAST BOUNDARY LINE OF SWAMP LAND SURVEY 962; THENCE S. 81° 29' 00" E. 260.37 FEET TO THE ORDINARY HIGH WATER MARK; THENCE ALONG THE ORDINARY HIGH WATER MARK S. 3° 48' 51" W. 78.51 FEET, S. 8° 34' 40" W. 181.02 FEET AND S. 15° 25' 07" W. 466.46 FEET TO THE POINT OF BEGINNING; CONTAINING 4.12 ACRES MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 2.

TERMS AND CONDITIONS:

1. THE LEASE SHALL RUN FOR FIFTEEN YEARS FROM APRIL 1, 1966, AND THE LESSEE SHALL HAVE THE RIGHT TO RENEW SAME FOR THREE ADDITIONAL PERIODS OF TEN YEARS EACH UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE STATE MAY IMPOSE AT THE TIME OF EACH RENEWAL.
2. LESSEE SHALL PROVIDE A CONTINUING SURETY BOND IN THE AMOUNT OF \$30,000.
3. THE ANNUAL RENT FOR PARCEL 1 SHALL BE \$4,203.70, AND FOR PARCEL 2, \$5,918.28.
4. THE LEASE SHALL BE EXECUTED WITHOUT PREJUDICE TO EITHER PARTY IN ANY SUBSEQUENT DETERMINATION OF TITLE TO PARCEL 2.
5. IN THE EVENT TITLE TO PARCEL 2 IS SUBSEQUENTLY DETERMINED TO BE IN LESSEE, THEN ALL RENTS PAID FOR PARCEL 2 SHALL BE CREDITED TO RENT ACCRUING FOR PARCEL 1.

Attachment
Calendar Item 2 (3 pages)

20.

APPLICATION TO LEASE A PARCEL OF SUBMERGED LAND IN SACRAMENTO RIVER AND A CONTIGUOUS PARCEL OF SWAMP AND OVERFLOWED LAND AT BRODERICK, YOLO COUNTY; THOMAS P. RALEY - W.O. 5117.

Thomas P. Raley of Sacramento has applied to lease a 2.92-acre parcel of submerged land in the bed of the Sacramento River and an adjacent 4.12-acre parcel of swamp and overflowed land, both parcels lying on the Yolo County side at Broderick between the Capitol Mall (Tower) Bridge and the Southern Pacific Company's I-Street Bridge. (The location of planned improvements is shown on Exhibit "A".)

Mr. Raley contemplates the construction and operation of a marina and ancillary facilities on the lands as an adjunct to an existing motel. Requisite permits have been issued by the U. S. Army Corps of Engineers and by the Reclamation Board.

A staff appraisal of the lands indicates annual rentals as follows:

Parcel 1 - Submerged land in river bed	\$ 4,203.70
Parcel 2 - Swamp and overflowed land	<u>5,918.28</u>
	<u>\$10,121.98</u>

The lease agreement will provide for an initial period of fifteen years with lessee's right to renew for three additional ten-year periods. A surety bond in the amount of \$30,000 will be required.

Parcel 2 is the object of conflicting title claims as between the State and the applicant, who has asserted his intention to litigate the matter, but has agreed to a rental pending the outcome of litigation. The lease agreement will therefore provide for the eventuality of a decision adverse to the State by a credit of any rent paid on Parcel 2 to rental accruing for Parcel 1. Also, the lease as applying to Parcel 2 will be without prejudice to either party in later determination of title.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE A LEASE TO THOMAS P. RALEY, SUBJECT TO TERMS AND CONDITIONS HEREINAFTER STATED, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A MARINA UPON THE FOLLOWING-DESCRIBED LANDS:

PARCEL 1

A PARCEL OF LAND IN THE BED OF THE SACRAMENTO RIVER, YOLO COUNTY, ADJACENT TO THE RIGHT BANK OF SAID RIVER AND LYING NORTHERLY OF THE CAPITOL AVENUE BRIDGE (ALSO KNOWN AS THE TOWER BRIDGE); BEING FURTHER DESCRIBED AS FOLLOWS:

CALENDAR ITEM 20 (CONTD.)

BEGINNING AT THE INTERSECTION OF THE NORTH BOUNDARY OF SWAMP LAND SURVEY 774 WITH THE ORDINARY HIGH WATER MARK OF THE RIGHT BANK OF THE SACRAMENTO RIVER AS SAID ORDINARY HIGH WATER MARK IS SHOWN ON A MAP PREPARED BY THE STATE LANDS COMMISSION OF THE STATE OF CALIFORNIA UNDER W.O. 377, DATED SEPTEMBER 1953, ENTITLED "SURVEY OF THE ORDINARY HIGH WATER MARK ALONG THE SACRAMENTO RIVER VICINITY OF SACRAMENTO, SACRAMENTO-YOLO COUNTIES, CALIFORNIA", RECORDED IN BOOK 11 AT PAGES 48-50 AND BOOK 12 AT PAGES 1-9 OF SURVEYS, RECORDS OF SACRAMENTO COUNTY; SAID POINT OF INTERSECTION BEARS S. 71° 58' 16" E. 244.14 FEET AND S. 81° 29' 00" E. 210.56 FEET FROM A CROSS IN A LEAD PLUG IN THE SIDEWALK AT THE NORTHWEST CORNER OF 2ND AND "G" (FORMERLY MARGARET) STREETS, SAID LEAD PLUG BEING SHOWN ON THE ABOVEMENTIONED CSLC MAP DESIGNATED AS "DD" AND HAVING ZONE 2 CALIFORNIA COORDINATES OF X = 2,140,453.59, Y = 334,318.07; THENCE FROM SAID POINT OF BEGINNING PROCEEDING ALONG THE ORDINARY HIGH WATER MARK N. 15° 25' 07" E. 466.46 FEET, N. 8° 34' 40" E. 181.02 FEET, N. 3° 48' 51" E. 78.51 FEET; THENCE LEAVING SAID ORDINARY HIGH WATER MARK S. 81° 29' 00" E. 76.77 FEET, S. 12° 09' 26" W. 481.96 FEET, S. 14° 19' 56" W. 680.69 FEET, S. 8° 56' 14" W. 358.35 FEET, N. 70° 55' 00" W. 159.77 FEET, TO THE ORDINARY HIGH WATER MARK; THENCE ALONG SAID ORDINARY HIGH WATER MARK N. 29° 30' 41" E. 5.12 FEET, N. 19° 32' 12" E. 296.04 FEET, N. 15° 45' 28" E. 209.89 FEET, N. 20° 33' 22" E. 179.42 FEET, AND N. 15° 25' 07" E. 86.44 FEET TO THE POINT OF BEGINNING; CONTAINING 2.924 ACRES MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 2.

PARCEL 2

A PARCEL OF SWAMP AND OVERFLOWED LAND ADJACENT TO THE RIGHT BANK OF THE SACRAMENTO RIVER AND EASTERLY OF SWAMP LAND SURVEY NO. 962, YOLO COUNTY, LYING NORTHERLY OF THE CAPITOL AVENUE BRIDGE (ALSO KNOWN AS THE TOWER BRIDGE); BEING FURTHER DESCRIBED AS FOLLOWS:

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CALENDAR ITEM 20. (CONTD.)

N. 81° 29' 00" W. 210.56 FEET; THENCE N. 8° 31' 00" E. 722.35 FEET ALONG THE EAST BOUNDARY LINE OF SWAMP LAND SURVEY 962; THENCE S. 81° 29' 00" E. 260.37 FEET TO THE ORDINARY HIGH WATER MARK; THENCE ALONG THE ORDINARY HIGH WATER MARK S. 3° 48' 51" W. 78.51 FEET, S. 8° 34' 40" W. 181.02 FEET AND S. 15° 25' 07" W. 466.46 FEET TO THE POINT OF BEGINNING; CONTAINING 4.12 ACRES MORE OR LESS.

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4. THE LEASE SHALL BE EXECUTED WITHOUT PREJUDICE TO EITHER PARTY IN ANY SUBSEQUENT DETERMINATION OF TITLE TO PARCEL 2.
5. IN THE EVENT TITLE TO PARCEL 2 IS SUBSEQUENTLY DETERMINED TO BE IN LESSEE, THEN ALL RENTS PAID FOR PARCEL 2 SHALL BE CREDITED TO RENT ACCRUING FOR PARCEL 1.