

MINUTE ITEM

1/26/68

13. TERMINATION OF LEASE P.R.C. 3110.1 TO SUISUN PACIFIC, LTD., A LIMITED PARTNERSHIP, AND ISSUANCE OF NEW LEASE AT ADJUSTED RENTAL TO JACK T. CAMPBELL.

W06855-PRC 3889.1

After consideration of Calendar Item 3 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE ACCEPTANCE OF A QUITCLAIM DEED FROM SUISUN PACIFIC, LTD., A LIMITED PARTNERSHIP, AND THE TERMINATION OF LEASE P.R.C. 3110.1 AS OF FEBRUARY 25, 1968.
2. APPROVES THE ISSUANCE OF A NEW LEASE TO JACK T. CAMPBELL, D.B.A. CAMPBELL CONSTRUCTION AND EQUIPMENT COMPANY, FOR A TERM OF 15 YEARS COMMENCING FEBRUARY 26, 1968, AT AN ANNUAL RENTAL OF \$1200 FOR THE FIRST FIVE YEARS, WITH THE LEASE TO PROVIDE FOR RENEGOTIATION OF THE RENTAL AT THE END OF THE FIFTH AND TENTH YEARS.

Attachment

Calendar Item 3 (3 pages)

CALENDAR ITEM

1/68
W.O. 6855

3.

TERMINATION OF LEASE P.R.C. 3110.1 TO SUISUN PACIFIC, LTD., A LIMITED PARTNERSHIP, AND ISSUANCE OF NEW LEASE AT ADJUSTED RENTAL TO JACK T. CAMPBELL.

APPLICANT: Jack T. Campbell, (d.b.a. Campbell Construction and Equipment Company

LOCATION: Suisun Slough, Solano County

PROPOSED USE: Commercial marina

TERMS: Initial period: 15 years, from February 26, 1968
Surety bond: \$1000
Public liability insurance: \$250,000/\$500,000
Property damage: \$100,000
Special: Rental to be renegotiated at end of fifth and tenth year of lease

CONSIDERATION: \$1200 per annum

BASIS FOR CONSIDERATION:

Refer to comments under "Pertinent Information".

PREREQUISITE ITEMS:

U.S.A. Corps of Engineers navigational permit issued.
Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Pt. 2, Ch. 1, Secs. 6501-6509
- b. Administrative Code: Title 2, Div. 3, Secs. 2000-2011
- c. Commission policy: Minute Item 18 of November 18, 1959

OTHER PERTINENT INFORMATION:

Lease P.R.C. 3110.1, issued to Suisun Pacific, Ltd., a limited partnership, was approved by the Commission on February 26, 1964, for a term of 15 years, at an annual rental of \$4,713.18.

The lease was for a commercial marina to be operated in conjunction with a marina-oriented housing development on the adjacent upland. Extensive offsite and onsite improvements were made on the upland, but the homes were never built when the operation encountered financial and management difficulties. The marina operation suffered accordingly. A staff inspection on September 26, 1967, revealed that of a total of 187 berths, six were occupied.

The partnership was dissolved on January 30, 1967. Jack T. Campbell, a general partner, has executed a quitclaim deed as to the leasehold interest of Suisun Pacific, Ltd.

CALENDAR ITEM 3. (CONTD.)

At the present time, the annual rental of \$4,713.18 for the period February 26, 1967, to February 25, 1968, is past due. It was proposed to apply the last year's rent (which has been paid in advance) to the delinquency and to terminate the lease to Suisun Pacific, Ltd.

It is further proposed to issue a new 15-year lease to Mr. Campbell, who has acquired ownership of the adjacent upland, at an annual rental of \$1200 for the first five years, with the lease to be renegotiated at the end of the fifth and tenth years. The rental for the initial five-year period reflects the fact that the marina is currently operating at about 3% of capacity and that the near-term outlook for capacity operation is still uncertain.

EXHIBITS: A. Legal description B. Location map

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ACCEPTANCE OF A QUITCLAIM DEED FROM SUISUN PACIFIC, LTD., A LIMITED PARTNERSHIP, AND THE TERMINATION OF LEASE P.R.C. 3110.1 AS OF FEBRUARY 25, 1968.
2. APPROVE THE ISSUANCE OF A NEW LEASE TO JACK T. CAMPBELL, D.B.A. CAMPBELL CONSTRUCTION AND EQUIPMENT COMPANY, FOR A TERM OF 15 YEARS COMMENCING FEBRUARY 26, 1968, AT AN ANNUAL RENTAL OF \$1200 FOR THE FIRST FIVE YEARS, WITH THE LEASE TO PROVIDE FOR RENEGOTIATION OF THE RENTAL AT THE END OF THE FIFTH AND TENTH YEARS.

Attachment: Exhibit "A"

EXHIBIT "A"

A PARCEL OF TIDE AND SUBMERGED LAND IN SUISUN SLOUGH NEAR SUISUN CITY, SOLANO COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE ORDINARY HIGH WATER MARK ON THE NORTH BANK OF SUISUN SLOUGH WHICH BEARS S. $0^{\circ} 37'$ W. 3,038 FEET, MORE OR LESS, FROM THE INTERSECTION OF THE SOUTH LINE OF STATE HIGHWAY NO. 12 (COUNTY ROAD NO. 68) AND THE NORTHERLY PROJECTION OF THE EAST BOUNDARY LINE OF SWAMP AND OVERFLOW SURVEY NO. 325; THENCE SOUTH $28^{\circ} 00'$ EAST, 99.36 FEET TO A POINT IN THE OLD CHANNEL OF SUISUN SLOUGH; THENCE DOWN THE CHANNEL OF SUISUN SLOUGH BY THE FOLLOWING COURSES AND DISTANCES: SOUTH $62^{\circ} 00'$ WEST, 391.21 FEET; SOUTH $8^{\circ} 07'$ WEST, 85 FEET; SOUTH $40^{\circ} 37'$, 525 FEET; NORTH $89^{\circ} 53'$ WEST, 170 FEET; NORTH $0^{\circ} 07'$ EAST, 80 FEET; NORTH $89^{\circ} 53'$ WEST, 220 FEET; NORTH $40^{\circ} 53'$ WEST, 430 FEET; NORTH $0^{\circ} 37'$ EAST, 110 FEET TO A POINT ON THE AFOREMENTIONED ORDINARY HIGH WATER MARK; THENCE ALONG SAID ORDINARY HIGH WATER MARK SOUTH $40^{\circ} 53'$ EAST, 482.80 FEET, SOUTH $89^{\circ} 53'$ EAST, 258.06 FEET; NORTH $40^{\circ} 37'$ EAST, 462 FEET; NORTH $8^{\circ} 07'$ EAST, 198 FEET; NORTH $62^{\circ} 07'$ EAST, 264 FEET; SOUTH $70^{\circ} 23'$ EAST, 198 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 5.933 ACRES OF LAND, MORE OR LESS.