

MINUTE ITEM

2/27/69

9. COMMERCIAL LEASE, SOVEREIGN LAND IN SACRAMENTO RIVER, SACRAMENTO COUNTY, FOR OPERATION OF AN EXISTING MARINA; FREEPORT MARINA, INC. - W.O. 4110, P.R.C. 4157.1.

After consideration of Calendar Item 5 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO FREEPORT MARINA, INC., OF A COMMERCIAL LEASE FOR A TERM BEGINNING JUNE 21, 1966, AND ENDING NOVEMBER 14, 1975, IN CONSIDERATION OF TOTAL RENTAL IN THE AMOUNT OF \$1,061.24 FOR THE PERIOD JUNE 21, 1966, TO JUNE 20, 1969, AND OF \$861.24 PER ANNUM THEREAFTER, AND PROVISION OF A \$5,000 SURETY BOND, AND OF PUBLIC LIABILITY INSURANCE IN THE AMOUNTS OF \$200,000/\$600,000 FOR PERSONAL INJURY AND OF \$25,000 PROPERTY DAMAGE BEGINNING JULY 18, 1968, FOR MAINTENANCE OF AN EXISTING MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; PROVIDED THAT THE LEASE SHALL TERMINATE IN THE EVENT LESSEE CEASES TO HAVE THE CONSENT OF THE UPLAND OWNER FOR OCCUPANCY OF THE 480 FEET OF STATE LAND DESCRIBED IN PARCELS NOS. 2 AND 3; AND FURTHER PROVIDED THAT THE LEASE SHALL TERMINATE IN THE EVENT LESSEE CEASES TO HAVE PROPERTY RIGHTS IN ANY PART OF THE UPLAND.

Attachment

Calendar Item 5 (4 pages)

CALENDAR ITEM

2/69
W.O. 4110

5.

COMMERCIAL LEASE

APPLICANT: Freeport Marina, Inc.

LOCATION: Three parcels (1.88, 1.03, and 0.07 acres) of sovereign land in the Sacramento River near Freeport Bridge, Sacramento County

PRESENT USE: The operation of an existing marina

TERM: Beginning June 21, 1966, and ending November 14, 1975
Surety bond: \$5,000
Public liability ins.: \$200,000/\$600,000 for personal injury and \$25,000 for property damage, from July 18, 1968

CONSIDERATION: \$100 per annum from June 21, 1966, to June 20, 1968; and \$861.24 from June 21, 1968, to November 14, 1975

BASIS FOR CONSIDERATION:

\$100 per annum is the holdover rate applying to a lease that expired June 20, 1966; \$861.24 per annum is based upon existing leases in the area which carry a nominal rental.

PREREQUISITE ITEM:

Applicant is owner or permittee 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
- d. Commission policy: Minute Item 35 of March 28, 1968

OTHER PERTINENT INFORMATION:

The applicant owns 820 feet of the adjacent upland and is the permittee of 480 feet. The lease will provide for termination if at any time during the term thereof the applicant's property rights in any part of the upland cease.

EXHIBITS: A. Legal description B. Location map

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO FREEPORT MARINA, INC., OF A COMMERCIAL LEASE FOR A TERM BEGINNING JUNE 21, 1966, AND ENDING NOVEMBER 14, 1975, IN CONSIDERATION OF TOTAL RENTAL IN THE AMOUNT OF \$1,061.24 FOR THE PERIOD JUNE 21, 1966, TO JUNE 20, 1969, AND OF \$861.24 PER ANNUM THEREAFTER, AND PROVISION OF A \$5,000 SURETY BOND, AND OF PUBLIC LIABILITY INSURANCE IN THE AMOUNTS OF \$200,000/\$600,000 FOR PERSONAL INJURY AND OF \$25,000 PROPERTY DAMAGE BEGINNING JULY 18, 1968, FOR MAINTENANCE OF AN EXISTING MARINA ON THE LAND

CALENDAR ITEM 5. (CONTD.)

DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; PROVIDED THAT THE LEASE SHALL TERMINATE IN THE EVENT LESSEE CEASES TO HAVE THE CONSENT OF THE UPLAND OWNER FOR OCCUPANCY OF THE 480 FEET OF STATE LAND DESCRIBED IN PARCELS NOS. 2 AND 3; AND FURTHER PROVIDED THAT THE LEASE SHALL TERMINATE IN THE EVENT LESSEE CEASES TO HAVE PROPERTY RIGHTS IN ANY PART OF THE UPLAND.

Attachment: Exhibit "A"

EXHIBIT "A"

Three parcels of tide and submerged land in the Sacramento River north of the Freeport Bridge at Freeport, California, more particularly described as follows:

Parcel No. 1

COMMENCING at a point on the westerly right of way line of the Southern Pacific Railroad, Walnut Grove Branch, where said line intersects the centerline extended of the Freeport Bridge, said point being described as the "point of beginning" of Parcel No. 1 in a deed from Anna J. Hack to County of Sacramento and recorded May 2, 1928 in Book 181, Page 322 of the official records of Sacramento County, from which U.S.C. & G.S. triangulation station "CONTENT" bears South 1° 58' 30" East 4109.11 feet more or less; thence along the centerline of the Freeport Bridge South 77° 55' 30" West 165 feet to a point in the Sacramento River; thence parallel with the ordinary high water mark of the Sacramento River North 12° 04' 30" West 575 feet to the TRUE POINT OF BEGINNING; thence continuing North 12° 04' 30" West 820 feet; thence North 77° 55' 30" East 100 feet more or less to said ordinary high water mark; thence along said ordinary high water mark South 12° 04' 30" East 820 feet; thence leaving said ordinary high water mark South 77° 55' 30" West 100 feet more or less to the POINT OF BEGINNING containing 1.88 acres more or less.

Parcel No. 2

COMMENCING at a point on the westerly right of way line of the Southern Pacific Railroad, Walnut Grove Branch, where said line intersects the centerline extended of the Freeport Bridge, said point being described as the "point of beginning" of Parcel No. 1 in a deed from Anna J. Hack to County of Sacramento and recorded May 2, 1928 in Book 181, Page 322 of the official records of Sacramento County from which U.S.C. & G.S. triangulation station "CONTENT" bears South 1° 58' 30" East 4109.11 feet more or less; thence along the centerline of the Freeport Bridge South 77° 55' 30" West 165 feet to a point in the Sacramento River; thence parallel with the ordinary high water mark of the Sacramento River North 12° 04' 30" West 125 feet to the TRUE POINT OF BEGINNING; thence continuing North 12° 04' 30" West 450 feet; thence North 77° 55' 30" East 100 feet more or less to said ordinary high water mark; thence along said ordinary high water mark South 12° 04' 30" East 450 feet; thence leaving said ordinary high water mark South 77° 55' 30" West 100 feet more or less to the POINT OF BEGINNING containing 1.03 acres more or less.

Parcel No. 3

COMMENCING at a point on the westerly right of way line of the Southern Pacific Railroad, Walnut Grove Branch, where said line intersects the centerline extended of the Freeport Bridge, said point being described as the "point of beginning" of Parcel No. 1 in a deed from Anna J. Hack to County of Sacramento and recorded May 2, 1928 in Book 181, Page 322 of the official records of Sacramento County from which U.S.C. & G.S. triangulation station "CONTENT" bears South $1^{\circ} 58' 30''$ East 4109.11 feet more or less; thence along the centerline of the Freeport Bridge South $77^{\circ} 55' 30''$ West 165 feet to a point in the Sacramento River; thence parallel with the ordinary high water mark of the Sacramento River North $12^{\circ} 04' 30''$ West 95 feet to the TRUE POINT OF BEGINNING; thence continuing North $12^{\circ} 04' 30''$ West 30 feet; thence North $77^{\circ} 55' 30''$ East 100 feet more or less to said ordinary high water mark; thence along said ordinary high water mark South $12^{\circ} 04' 30''$ East 30 feet; thence leaving said ordinary high water mark South $77^{\circ} 55' 30''$ West 100 feet more or less to THE POINT OF BEGINNING, containing 0.07 acre more or less.