

MINUTE ITEM

9/27/73
NJK

5. 15-YEAR COMMERCIAL LEASE, TIDE AND SUBMERGED LAND IN THE SACRAMENTO RIVER NEAR THE ELKHORN FERRY BRIDGE, SACRAMENTO COUNTY; CHARLES E. BROWN, DBA METRO YACHT HARBOR - W 320.647, PRC 4812.1.

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

THE COMMISSION:

1. FINDS THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 123 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, A COMMERCIAL LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZES THE ISSUANCE TO CHARLES E. BROWN OF A 15-YEAR COMMERCIAL LEASE FROM SEPTEMBER 1, 1972; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$312.13, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON NOVEMBER 19, 1975, AND ON EACH FIFTH ANNIVERSARY OF THE LEASE THEREAFTER; PROVISION OF \$2,000 SURETY BOND, PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$100,000/\$300,000 FOR PERSONAL INJURY AND \$50,000 FOR PROPERTY DAMAGE; FOR AN EXISTING MARINA ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 3 (3 pages)

CALENDAR ITEM

3.

COMMERCIAL LEASE

9/73
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W 320.647

APPLICANT: Charles E. Brown, dba Metro Yacht Harbor.

LOCATION: 1.08 acres of tide and submerged land in the Sacramento River near the Elkhorn Ferry Bridge, Sacramento County.

LAND USE: Marina.

TERMS OF PROPOSED LEASE:
Initial period: 15 years, from September 1, 1972.
Surety bond: \$2,000.
Public liability insurance:
\$100,000/\$300,000 for personal injury and
\$50,000 for property damage.

CONSIDERATION: \$312.13 per annum, with the State reserving the right to fix a different rental on November 19, 1975, and on each fifth anniversary of the lease thereafter.

BASIS FOR CONSIDERATION:
Per acre nominal rental for this type of lease or permit, pursuant to Administrative Code, Title 2, Division 3, Section 2005(b)(9).

PREREQUISITE TERMS:
U.S. Army Corps of Engineers permit issued.
Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:
a. Public Resources Code: Div. 6, Parts 1 and 2.
b. Administrative Code: Title 2, Div. 3, Arts. 1 and 2.

OTHER PERTINENT INFORMATION:
A draft environmental impact report has been prepared and circulated to agencies and persons having jurisdiction or expertise. Their comments, where appropriate, have been incorporated into the report.

EXHIBITS: A. Land Description. B. Location Map.

CALENDAR ITEM NO. 3. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 123 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, A COMMERCIAL LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZE THE ISSUANCE TO CHARLES E. BROWN OF A 15-YEAR COMMERCIAL LEASE FROM SEPTEMBER 1, 1972; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$312.13, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON NOVEMBER 19, 1975, AND ON EACH FIFTH ANNIVERSARY OF THE LEASE THEREAFTER; PROVISION OF \$2,000 SURETY BOND, PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$100,000/\$300,000 FOR PERSONAL INJURY AND \$50,000 FOR PROPERTY DAMAGE; FOR AN EXISTING MARINA ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 320.647

A parcel of tide and submerged land in the bed of the Sacramento River adjacent to the East Bank in Sacramento County, State of California, more particularly described as follows:

COMMENCING at a concrete monument marking the intersection of the boundary line between Swamp and Overflowed Survey 898, Sacramento County, and Lot 23 of Natomas Elkhorn Subdivision with the easterly boundary line of the river levee right-of-way of Reclamation District No. 1000, said concrete monument being shown on the official "Map of Natomas Elkhorn Subdivision" recorded in the Office of the County Recorder of Sacramento County, February 26, 1918, in Book 15 of Maps, Map No. 42; thence along the following 4 courses:

1. S 52° 30' 30" W, 314.2 feet;
2. N 45° 57' 30" W 545.00 feet;
3. N 39° 30' 00" W, 300.5 feet;
4. N 35° 38' 00" W 46.7 feet; to the TRUE POINT OF BEGINNING;

thence along the following 9 courses:

5. S 55° 26' 05" W, 5.00 feet;
6. S 76° 00' 00" W, 40.00 feet;
7. S 53° 32' 00" W, 16.00 feet;
8. N 65° 30' 00" W, 187.50 feet;
9. N 40° 32' 00" W, 173.40 feet;
10. N 49° 28' 00" E, 115.00 feet;
11. N 65° 35' 19" E, 67.62 feet;
12. S 30° 23' 30" E, 159.20 feet;
13. S 35° 38' 00" E, 188.10 feet; to the TRUE POINT OF BEGINNING.

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

END OF DESCRIPTION