

18. 10-YEAR COMMERCIAL LEASE, SUBMERGED LAND IN THE SACRAMENTO RIVER ABOVE MERIDIAN, SUTTER COUNTY; HENRY AND MILDRED GIES - WP 2175, PRC 2175.1.

After consideration of Calendar Item 16 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. CERTIFIES THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CONSIDERS AND ADOPTS ENVIRONMENTAL IMPACT REPORT NO. 140.
3. DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZES THE ISSUANCE TO HENRY AND MILDRED GIES OF A 10-YEAR COMMERCIAL LEASE FROM JUNE 12, 1973; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$150, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON MAY 26, 1976, AND ON EACH FIFTH ANNIVERSARY OF THE LEASE THEREAFTER; PROVISION OF \$2,000 SURETY BOND; PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$200,000/\$600,000 FOR PERSONAL INJURY AND \$50,000 FOR PROPERTY DAMAGE; FOR THE MAINTENANCE OF A MARINA FACILITY ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 16 (3 pages)

CALENDAR ITEM

12/73  
GRH  
WP 2175

16.

COMMERCIAL LEASE

APPLICANT: Henry and Mildred Gies.

LOCATION: A 0.93-acre parcel of submerged land in the Sacramento River above Meridian, Sutter County.

LAND USE: Commercial marina.

TERMS OF PROPOSED LEASE:

- Initial period: 10 years, from June 12, 1973.
- Renewal options: 1 additional period of 10 years.
- Surety bond: \$2,000.
- Public liability insurance:  
\$200,000/\$600,000 for personal injury and  
\$50,000 for property damage.

CONSIDERATION: \$150 per annum, with the State reserving the right to fix a different rental on May 26, 1976, and each fifth anniversary of the lease thereafter.

BASIS FOR CONSIDERATION:  
Nominal rental for this type of lease in this location.

PREREQUISITE TERMS:  
U. S. Army Corps of Engineers permit issued.  
Applicant is lessee or permittee 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, 2, and 10.

OTHER PERTINENT INFORMATION:

1. An environmental impact report has been circulated in accordance with CEQA. There were no adverse comments received.
2. The annual rental for this facility is based on a nominal rate for this area in accordance with 2 Cal. Adm. Code Section 2005(b)(g), which provides that rental rates for comparable Commission leases within a competitive area be substantially equal, so as to avoid unreasonable rental rate discrimination.

1064

CALENDAR ITEM NO. 16. (CONTD)

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CONSIDER AND ADOPT ENVIRONMENTAL IMPACT REPORT NO. 140.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE THE ISSUANCE TO HENRY AND MILDRED GIES OF A 10-YEAR COMMERCIAL LEASE FROM JUNE 12, 1973; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$150, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON MAY 26, 1976, AND ON EACH FIFTH ANNIVERSARY OF THE LEASE THEREAFTER; PROVISION OF \$2,000 SURETY BOND; PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$200,000/\$600,000 FOR PERSONAL INJURY AND \$50,000 FOR PROPERTY DAMAGE; FOR THE MAINTENANCE OF A MARINA FACILITY ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 2175

A parcel of submerged land lying in the bed and adjacent to the east bank of the Sacramento River, Sutter County, State of California, being a portion of Section 2, T 15 N, R 1 W, MDM, and being more particularly described as follows:

COMMENCING at the southwest corner of a tract of land conveyed by Fred Stohlman to Reclamation District No. 70 by deed dated September 11, 1908, and recorded October 16, 1908, in Book 40 of Deeds, at page 407, Sutter County Records; thence north along the base of said reclamation district levee 465 feet; thence N 89° 48' 00" W, 305 feet to the TRUE POINT OF BEGINNING; thence continuing N 89° 48' 00" W, 95 feet; thence southerly, parallel with said east bank of the Sacramento River, 428 feet; thence S 89° 48' 00" E, 95 feet; thence northerly along top of bank of said river to the true point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark.

END OF DESCRIPTION