

9. 5-YEAR COMMERCIAL LEASE, TIDE AND SUBMERGED LAND IN THE SACRAMENTO RIVER, SACRAMENTO COUNTY, NEAR FREEPORT; JAMES R. AND JEAN MARTIN - WP 2218, PRC 2218.1.

After consideration of Calendar Item 8 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY BECAUSE IT IS CATEGORICALLY EXEMPT UNDER THE PROVISIONS OF PRC SECTION 21084; 14 CAL. ADM. CODE SECTIONS 151.00, ET SEQ.; AND 2 CAL. ADM. CODE SECTION 2910(a).
2. AUTHORIZES THE ISSUANCE TO JAMES R. MARTIN AND JEAN MARTIN OF A 5-YEAR COMMERCIAL LEASE FROM AUGUST 7, 1973, ALONG WITH THE LESSEES' OPTION TO RENEW SAID LEASE FOR 1 ADDITIONAL PERIOD OF 5 YEARS, UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE STATE MAY IMPOSE, AND CONDITIONED UPON THE LESSEES' SUCCESSFUL RENEWAL OF THEIR UPLAND LEASE; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$317.91; PROVISION OF A \$2,000 SURETY BOND; AND PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$100,000/\$300,000 FOR PERSONAL INJURY AND \$50,000 FOR PROPERTY DAMAGE; FOR A COMMERCIAL MARINA, INCLUDING TWO DOCKS AND A REFRESHMENT BAR ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 8 (3 pages)

CALENDAR ITEM

2/74

HAM

WP 2218

8.

COMMERCIAL LEASE

APPLICANTS: James R. and Jean Martin.

AREA, TYPE LAND AND LOCATION:

Approximately 1.1 acre of tide and submerged land in the Sacramento River, left bank, Sacramento County, near Freeport.

LAND USE: Commercial marina, including two docks and a refreshment bar.

TERMS OF PROPOSED LEASE:

Initial period: 5 years, from August 7, 1973.

Renewal options: 1 additional period of 5 years.

Surety bond: \$2,000.

Public liability insurance:

\$100,000/\$300,000 for personal injury and  
\$50,000 for property damage.

CONSIDERATION: \$317.91 per annum.

BASIS FOR CONSIDERATION:

This is an established nominal rental rate for a competitive area and is set pursuant to the provisions of 2 Cal. Adm. Code Section 2005(b)(9).

PREREQUISITE TERMS:

U. S. Army Corps of Engineers permit issued.

Applicants are lessees or permittees 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;  
Title 2, Div. 3, Art. 2, Section  
2005(b)(9).

OTHER PERTINENT INFORMATION:

- 1. An environmental impact report has not been prepared for this activity because it is categorically exempt under the provisions of Public Resources Code Section 21084; 14 Cal. Adm. Code Sections 15100, et seq.; and 2 Cal.

CALENDAR ITEM NO. 8. (CONTD)

Adm. Code Section 2910(a). The structures authorized by this lease have been in place for several years. They are covered by Lease PRC 2218.1, which was issued on August 7, 1958, and expired on August 6, 1973.

2. The applicants have obtained a lease with a five-year renewal option on the upland, said lease expiring five years from the date of close of escrow from the applicants' purchase of the marina. Any renewal of a commercial lease by the Commission would be conditioned upon the applicants' successful renewal of the upland lease.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY BECAUSE IT IS CATEGORICALLY EXEMPT UNDER THE PROVISIONS OF PRC SECTION 21084; 14 CAL. ADM. CODE SECTIONS 15100, ET SEQ.; AND 2 CAL. ADM. CODE SECTION 2910(a).
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Attachment: Exhibit "A"

EXHIBIT "A"

WP 2218

A parcel of tide and submerged land located in the bed of the Sacramento River, Sacramento County, State of California, said parcel being more particularly described as follows:

COMMENCING at the southwest corner of Swamp and Overflowed Lands Survey No. 245, patented November 10, 1910, from the State of California to Claud Francis Lods, recorded in Book 12 of patents, page 9, Sacramento County, in Section 10, T 7 N, R 4 E, MDM, and running thence North 104.2 feet to a point on the Sacramento River levee; thence N 88° 02' E, 152.5 feet; thence South 80 feet to the TRUE POINT OF BEGINNING; thence East 533.4 feet to a point on the southerly extension of the east line of Parcel No. 2 as described in that deed from Eileen Dutra to Anthony and Eileen Dutra, recorded in Volume 1990, page 111, records of said County; thence South 90 feet; thence westerly parallel to the line of mean high water 533.4 feet; thence North 90 feet to the true point of beginning.

EXCEPTING THEREFROM all portions lying landward of the ordinary high water line.

END OF DESCRIPTION