

7. 20-YEAR NON-COMMERCIAL LEASE, TIDE AND SUBMERGED LAND IN CORTE MADERA CREEK, MARIN COUNTY; ALBERT C. STOLTZE - W 20429, PRC 4900.1.

After consideration of Calendar Item 6 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CERTIFIES THAT THE FINAL ENVIRONMENTAL IMPACT REPORT NO. 148 HAS BEEN COMPLETED IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 6371, AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZES THE ISSUANCE TO ALBERT C. STOLTZE OF A 20-YEAR NON-COMMERCIAL LEASE FROM NOVEMBER 1, 1973; WITH LESSEE'S OPTION TO RENEW FOR TWO ADDITIONAL PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$402.62, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF \$2,000 SURETY BOND AND PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$100,000/\$300,000 FOR PERSONAL INJURY AND \$25,000 WITH RESPECT TO PROPERTY DAMAGE; FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A PIER, RAMP, AND FLOATING DOCK ON THE LAND DESCRIBED IN EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 6 (3 pages)

CALENDAR ITEM

6.

4/74
NJK
W 20429

NON-COMMERCIAL LEASE

APPLICANT: Albert C. Stoltze.

AREA, TYPE LAND AND LOCATION:

A .07-acre parcel of tide and submerged land in Corte Madera Creek, adjacent to Lot 71, Bon Air Subdivision No. 5, Marin County.

LAND USE:

Construction, operation and maintenance of a pier, ramp and floating dock.

TERMS OF PROPOSED LEASE:

Initial period: 20 years, from November 1, 1973.

Renewal options: 2 additional periods of 10 years each.

Surety bond: \$2,000.

Public liability insurance:
\$100,000/\$300,000 for personal injury and
\$25,000 for property damage.

CONSIDERATION: \$402.62 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

6% of appraised value of the land.

PREREQUISITE TERMS:

U. S. Army Corps of Engineers permit issued.

Applicant is owner of upland.

BCDC permit.

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:

An environmental impact report has been prepared and circulated to agencies and persons having jurisdiction or expertise. Those comments and recommendations received have been incorporated into the report.

EXHIBITS:

A. Land Description.

B. Location Map.

CALENDAR ITEM NO. 6. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CERTIFY THAT THE FINAL ENVIRONMENTAL IMPACT REPORT NO. 148 HAS BEEN COMPLETED IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 6371, AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE THE ISSUANCE TO ALBERT C. STOLTZE OF A 20-YEAR NON-COMMERCIAL LEASE FROM NOVEMBER 1, 1973; WITH LESSEE'S OPTION TO RENEW FOR TWO ADDITIONAL PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$402.62, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF \$2,000 SURETY BOND AND PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$100,000/\$300,000 FOR PERSONAL INJURY AND \$25,000 WITH RESPECT TO PROPERTY DAMAGE; FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A PIER, RAMP, AND FLOATING DOCK ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20429

A parcel of tide and submerged land lying in the bed of Corte Madera Creek, adjacent to Lot 71, Bon Air Subdivision No. 5, County of Marin, State of California, being more particularly described as follows:

BEGINNING at the southeasterly corner of the above-mentioned Lot 71; thence S 06° 00' 40" W, at right angles to the northerly canal line, as shown on the map entitled "Map No. 2 Salt Marsh and Tide Lands, situated in Marin County, dated 1870", 72.00 feet; thence N 83° 59' 20" W, 40.00 feet; thence N 06° 00' 40" E, 72.00 feet; thence S 83° 59' 20" E, 40.00 feet to the point of beginning.

END OF DESCRIPTION