

MINUTE ITEM

This Calendar Item No. 21  
was approved as Minute Item  
No. 21 by the State Lands  
Commission by a vote of 3  
to 0 at its 3-25-76 CALENDAR ITEM  
meeting.

3/76  
EPW  
W 21082

21

COMMERCIAL LEASE

APPLICANT: Walter M. Harvey and  
F. Brett Stauffer  
P. O. Box 1222  
Sacramento, California 95806

AREA, TYPE LAND AND LOCATION:  
An 0.429 acre parcel of tide and submerged  
land in the Sacramento River, Sacramento,  
Sacramento County.

LAND USE: Maintenance of 1 stern wheeler steamboat  
called the "Mark Twain" with ramp and floating  
dock to be used as a restaurant, lounge and  
bar.

TERMS OF PROPOSED LEASE:

Initial period: 19 years from May 1, 1976.

Renewal options: 3 successive periods of 10  
years each.

Surety bond: \$2,000.

Public liability insurance: \$500,000 per  
occurrence for combined single  
limit bodily injury and property  
damage.

CONSIDERATION: \$1,400 per annum to April 30, 1977; \$2,800 per  
annum thereafter plus 1% of gross sales, pay-  
able annually. The 5-year rent review will be  
omitted from the lease. The state interest will  
be protected by the percent of gross sales  
provision.

BASIS FOR CONSIDERATION:

Percentage of gross receipts as provided by  
Section 2007, Art. 2, Title 2, Cal. Adm. Code.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is permittee of upland.

Filing fee has been received in the amount of  
\$25; and \$160 environmental costs also has been  
received.

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STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3,  
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. This project calls for the relocation and extensive remodeling of a riverboat to be rechristened the "Mark Twain". There will be a restaurant, lounge, and bar which will comply with all City, County and State health and safety requirements. It will also conform to the scheme of beautification of the area proposed by the Sacramento Redevelopment Agency.

The City of Sacramento and the Redevelopment agency are in support of this proposal and are anxious to have it in full operation in time for the July Fourth Bicentennial celebration.

The proposed lease will call for rent in accordance with present statutes based on a percentage of gross sales with a minimum rent.

2. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class B: Limited Use. Staff review indicates that there will be no significant effect upon the identified environmental values.
3. A Negative Declaration is being prepared by the Division pursuant to CEQA and implementing regulations. Also, the initial study for environmental purposes is being circulated to those making nominations of significant environmental characteristics. No adverse comments have been received on the initial study.
4. The developer, the Redevelopment Agency, and the City of Sacramento desire to have the facility operating in time for the July Fourth Bicentennial celebration, requires commitment of capital and work on the boat to be started at the earliest possible date.

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5. The developers request, and staff recommends, endorsement of the project as proposed subject to a completed Negative Declaration. The completed environmental requirements will be presented to the Commission at its April meeting.

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

IT IS RECOMMENDED THAT THE COMMISSION EXPRESS WILLINGNESS TO ISSUE A 19-YEAR COMMERCIAL LEASE FROM MAY 1, 1976, WITH LESSEE'S OPTION TO RENEW FOR THREE SUCCESSIVE PERIODS OF 10 YEARS EACH ON TERMS AND CONDITIONS SET FORTH BELOW, PROVIDED THAT ALL CONDITIONS OF ENVIRONMENTAL CONCERN ARE MET TO THE FULL EXTENT OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; CONSIDERATION TO BE A BASE ANNUAL RENT IN THE AMOUNT OF \$1,400 TO APRIL 30, 1977 AND \$2,800 THEREAFTER PLUS 1% OF GROSS SALES PER ANNUM, WITH PROVISION OF A \$2,000 SURETY BOND AND PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNT OF \$500,000 PER OCCURRENCE FOR COMBINED SINGLE LIMIT BODILY INJURY AND PROPERTY DAMAGE, FOR MAINTENANCE OF ONE STERN-WHEELER STEAMBOAT CALLED THE "MARK TWAIN" WITH RAMP AND FLOATING DOCK TO BE USED AS A RESTAURANT, LOUNGE, AND BAR ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 21082.

A parcel of land in the State owned bed of the Sacramento River, situated in the City and County of Sacramento, State of California, and more particularly described as follows:

BEGINNING at the point where the centerline of Capitol Mall Avenue (a city street 100. feet wide) intersects the centerline of Front Street (a city street 80 feet wide), as said point is shown on that record of survey filed in Book 26 of Surveys at Page 18, Official Records of Sacramento County; thence N 71° 27' 41" W, 250.0 feet; thence N 18° 32' 19" E, 135.0 feet; thence S 71° 27' 41" E, 250.0 feet; thence S 18° 32' 19" W, 135.0 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark on the left bank of the Sacramento River.

Bearings used herein are based on the California Coordinate System Zone 2.

END OF DESCRIPTION

Prepared R L Blake Checked J W M Loran  
Reviewed Donald Butterbach Date 3/2/76

