

This Calendar Item No. 72  
was approved as Minute Item  
No. 43 by the State Lands  
Commission by a vote of 2  
to 0 at its 7-22-76  
meeting.

MINUTE ITEM

7/22/76  
AGS

43. COMMERCIAL LEASE, TIDE AND SUBMERGED LAND IN THE SACRAMENTO RIVER, SACRAMENTO COUNTY; JOHN K. JOHNSON, LORAINÉ C. PATCHING AND JOHN D. COX, DBA VIRGIN SURGEON - W 21060 PRC 5167

During consideration of Calendar Item 43, Chairman Kenneth Cory disclosed that he knows two or three of the owners, but has no financial involvement in the project, and does not know them socially. In addition, Commissioner-alternate Sid McCausland disclosed that he knows the three owners, but not socially. He also states he is unaware of the facility's location, and has not been contacted in this matter by any individual.

Upon motion duly made and carried, the resolution in Calendar Item 43 attached, was approved as presented by a vote of 2-0.

Attachment: Calendar Item 43 (3 pages)

CALENDAR ITEM

7/76  
ACS  
W. 21060

43.

COMMERCIAL LEASE

APPLICANT:

John K. Johnson, Lorraine C. Patching and  
John D. Cox, dba Virgin Sturgeon  
1577 Garden Highway  
Sacramento, California

AREA, TYPE LAND AND LOCATION:

1.02 acre parcel of tide and submerged land  
in the Sacramento River, Sacramento County.

LAND USE:

Continued operation of a commercial marina.

TERMS OF PROPOSED LEASE:

Initial period: 15 years, from June 18, 1976.

Renewal options: One successive period of 10  
years.

Surety bond: \$2,000.

Public liability insurance:  
\$300,000 combined single  
limit for bodily injury and  
property damage.

CONSIDERATION: \$856.80 per annum with the State reserving the  
right to fix a different rental on each fifth  
anniversary of the lease.

BASIS FOR CONSIDERATION:

8% of appraised value of land.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is lessee of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

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

OTHER PERTINENT INFORMATION:

1. This is an existing facility which is  
maintained in an acceptable manner and which  
has not caused any adverse effects to the  
environment.

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CALENDAR ITEM NO. 43. (CONTD)

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.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

3. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

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 AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC SECTION 21085; 14 CAL. ADM. CODE SECTION 15100, ET SEQ; AND 2 CAL. ADM. CODE SECTION 2907.
2. FIND THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, ET SEQ. OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO JOHN K. JOHNSON, LORAIN C. PATCHING AND JOHN D. COX, DBA VIRGIN STURGEON, OF A 15-YEAR COMMERCIAL LEASE FROM JUNE 18, 1976, WITH LESSEE'S OPTION TO RENEW FOR ONE SUCCESSIVE PERIOD OF 10 YEARS IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$856.86 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE, FOR THE CONTINUED OPERATION AND MAINTENANCE OF A COMMERCIAL MARINA ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 21050

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

BEGINNING at the northwest corner of that parcel of land described in Individual Grant Deed from Jane E. McGrew to Vernon J. McGrew and Jane E. McGrew, his wife, as joint tenants recorded in Book 71-08-25, Page 364, Official Records of Sacramento County; thence South 215.0 feet, along the west line of said parcel and its southerly prolongation; thence S 78° 43' 30" E, 590 feet; thence North 215 feet; thence N 78° 48' 30" W, 590 feet to the point of beginning.

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

END OF DESCRIPTION

Prepared John K. Grayson Checked W. J. Hummel  
Reviewed D. Brattin Date 3/3/76

