

MINUTE ITEM

This Calendar Item No. C11
was approved as Minute Item
No. C11 by the State Lands
Commission by a vote of 3
to 0 at its 9/20/76
meeting.

CALENDAR ITEM

9/76
WP 1809
SJS
PRC 1809

C11.

AMENDMENT AND ASSIGNMENT OF AN
EXISTING COMMERCIAL LEASE

ASSIGNOR: Mr. and Mrs. Joseph Geiger
3776 Clayton Road
Concord, California 94521

ASSIGNEE: Mr. and Mrs. Hardy Golston
Mrs. Mildred Marie McLeod
Delta Marine Center
111 Fulton Shipyard Road
Antioch, California 94509

AREA, TYPE LAND AND LOCATION:
3.5 acres of tide and submerged land on the
San Joaquin River, at Antioch, in Contra Costa
County.

LAND USE: Operation and maintenance of a boat harbor.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years, from October 1, 1956.

Renewal option: 1 successive period of 10 years.

Surety Bond: \$10,000.

Consideration: \$322,41.

TERMS OF PROPOSED LEASE:

Renewal period: 10 years, from October 1, 1971.

Surety bond: \$10,000.

Public liability insurance: \$500,000 per occur-
rence for bodily injury and
\$50,000 for property damage.

CONSIDERATION: \$663.71 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 land. New rental rate
based on 8% of the upland value will become
effective in February, 1977.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has been received.

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CALENDAR ITEM NO. C11. (CONTD)

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. 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.
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. The annual rental rate based on 8% of the upland value will become effective on February 26, 1977. No increase was negotiated at this time since the 5-year rent review will take place within the next 6 months and because the appraisal will not be completed until February, 1977.

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 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM CODE 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 THE ASSIGNMENT AND AMENDMENT TO MR. AND MRS. HARDY GOLSTON AND MRS. MILDRED MARIE MCLEOD OF A 10-YEAR COMMERCIAL LEASE; FROM OCTOBER 1, 1971, IN CONSIDERATION OF ANNUAL

CALENDAR ITEM NO. C11 (CONTD)

RENT IN THE AMOUNT OF \$663.71, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$10,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000 PER OCCURRENCE FOR BODILY INJURY AND \$50,000 FOR PROPERTY DAMAGE, FOR THE OPERATION AND MAINTENANCE OF A BOAT HARBOR ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT A

WP 1809

Beginning at the northwest corner of that certain 2.08 acre tract, in Contra Costa County, State of California, being the southwest quarter of Section 18, T 2 N, R 2 E, M.D.B. & M., which said parcel was heretofore conveyed from G. Arata and Rose Arata, his wife, to Joe Cesa by deed dated October 24, 1925, and recorded October 29, 1925, in Volume 8 of Official Records of Contra Costa County, at page 185, in the office of the County Recorder of Contra Costa County, State of California; thence from said point of beginning along the northerly line of said 2.08 acre tract N 73° 32' 56" E 223.59 feet; thence S 81° 27' 04" E 354.98 feet; thence N 0° 47' 56" E 106.42 feet; thence N 89° 12' 34" W 109.99 feet; thence N 0° 47' 56" E 260 feet; thence S 86° 00' W 238.33 feet; thence S 71° 00' W 230.06 feet; thence South 293.55 feet, more or less, to the point of beginning.

END OF DESCRIPTION

Prepared *J. J. Sunnecke* checked *John K. ...*
Reviewed *J. J. Sunnecke* Date *9/17/76*