

MINUTE ITEM

This Calendar Item No. C4
was approved as Minute Item
to 4 by the State Lands
Commission by a vote of 3
to 0 at its 12/15/76
meeting.

CALENDAR ITEM

12/76
W 5920
AS
PRC 5210

C4.

COMMERCIAL LEASE

APPLICANT: Gile, Hustler and Associates, Inc.
dba Lighthouse Resort
Route 1, Box 58
Isleton, California 95641

AREA, TYPE LAND AND LOCATION:
A 1.54 acre parcel of tide and submerged land
in the bed of the Mokelumne River adjacent to
Andrus Island, Sacramento County.

LAND USE: Continued operation and maintenance of existing
marina.

TERMS OF PROPOSED LEASE:
Initial period: 15 years from August 1, 1976.
Renewal options: 2 successive periods of 10
years each.
Surety bond: \$2,000.
Public liability insurance: \$500,000 combined
single limit for bodily injury
and property damage.

CONSIDERATION: \$1,600 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 owner of upland.
Filing fee has been received.

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 re-
quired. This transaction is within the
purview of 2 Cal. Adm. Code 2907(a), which

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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, which authorizes limited use.

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 marina facilities were constructed prior to May 1960 and have been in trespass of State land since completed. Although staff had attempted to bring these facilities under lease, efforts were not successful due to the many changes in the upland ownership.

The present owners of this marina facility have been very cooperative with staff in negotiating a commercial lease. They have been in possession of the marina for only a few months and have agreed to all of the terms proposed by staff. Staff feels that it would be unprofitable from a time standpoint to pursue the previous owners in any attempts to recover back rent.

4. The marina facilities have existed for many years without causing any adverse effects on the environment.

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.

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3. AUTHORIZE ISSUANCE TO GILE, HUSTLER AND ASSOCIATES, INC. DBA. LIGHTHOUSE RESORT OF A 15-YEAR COMMERCIAL LEASE FROM AUGUST 1, 1976; WITH LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$3,600 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH PROVISION OF A \$2,000 SURETY BOND AND PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000 COMBINED SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE; FOR THE CONTINUED OPERATION AND MAINTENANCE OF AN EXISTING MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 5920

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

COMMENCING at USCGS triangulation station "Andrus Island SW Steel Pole" having California Zone 2 Coordinates of X=2,124,486.96, Y=157,457.15; thence N 08°25' W 2083.89 feet to an iron pipe monument as shown on that parcel map recorded in Bk 8 of parcel maps, page 18, records of said county; thence along the southeasterly line of Parcel A of said parcel map N 31°33' E 121.28 feet to the TRUE POINT OF BEGINNING; thence N 53°10' E 50 feet; thence N 37°15' W 772.14 feet; thence N 56°24' W 411 feet; thence S 26°25' W 50 feet; thence S 55°14' E 211.62 feet; thence S 45°57' E 455.25 feet; thence S 36°50' E 489.68 feet to the point of beginning.

TOGETHER WITH a parcel of tide and submerged land lying adjacent to the above described parcel being more particularly described as follows:

COMMENCING at an iron pipe monument as described in Parcel 1 above; thence N 31°33' E 121.28 feet to the TRUE POINT OF BEGINNING; thence N 53°10' E 50 feet; thence S 37°15' E 30 feet; thence S 53°10' W 50 feet; thence N 37°15' E 30 feet to the point of beginning.

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

This legal description is based on the California Coordinate System, Zone 2.

PREPARED AND CHECKED BY THE COUNTY ENGINEER

Prepared _____ Checked _____
Reviewed _____ Date _____

