

MINUTE ITEM

This Calendar Item No. C13
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 3
to 0 at its 3/3/77
meeting.

CALENDAR ITEM

3/77
W 20266
ACS
PRC 30L.1

C13.

COMMERCIAL LEASE

APPLICANT: Harold M. McCabe and Rebecca A. McCabe
dba: Rancho Marina
Route 1, Box 57
Isleton, California 95641

AREA, TYPE LAND AND LOCATION: An 0.584-acre parcel of tide and submerged
land in the bed of the Mokelumne River adjacent
to Andrus Island, San Joaquin County.

LAND USE: Continued operation and repair of an existing
marina.

TERMS OF ORIGINAL LEASE:
Initial period: 15 years from January 8, 1947.
Renewal options: 1 period of 10 years.
Surety bond: \$1,000.
Consideration: \$50 per annum.

TERMS OF RENEWAL LEASE:
Initial period: 10 years from January 8, 1962.
Surety bond: \$1,000.
Consideration: \$150 per annum.

TERMS OF PROPOSED LEASE:
Initial period: 15 years from January 8, 1976.
Renewal options: 2 successive periods of 10
years each.
Surety bond: \$5,000.
Public liability insurance: \$100,000 single
limit for bodily injury and
property damage.

CONSIDERATION: Back rent in the amount of \$893.95 for the
period January 8, 1972 through January 7, 1977,
and \$432 per annum thereafter, 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 for annual
rental from January 8, 1977.

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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. This marina has existed in its present location since 1947 when it was placed under lease by the Commission. During the 1972 flood of Andrus Island, the marina suffered damage to its existing facilities. The present owners have now acquired sufficient funding to repair and replace the facilities thus returning the marina to the conditions existing prior to the 1972 flood.
2. This project is exempt from CEQA because the project provides for the repair and replacement of portion of an existing facility.
3. 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 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.

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 LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.

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3. AUTHORIZE ISSUANCE TO HAROLD M. MCCABE AND REBECCA A. MCCABE, DBA: RANCHO MARINA, OF A 15-YEAR COMMERCIAL LEASE FROM JANUARY 8, 1976; WITH LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF BACK RENT IN THE AMOUNT OF \$893.95 FOR THE PERIOD OF JANUARY 8, 1972 THROUGH JANUARY 7, 1977, AND ANNUAL RENT IN THE AMOUNT OF \$432, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNT OF \$100,000 SINGLE LIMIT FOR BODILY INJURY AND PROPERTY DAMAGE; FOR THE OPERATION AND REPAIR OF AN EXISTING MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

Lessee: McCabe, Harold M. and Rebecca

W 20266

A parcel of tide and submerged land lying in the Mokelumne River, adjacent to Andrus Island, Sacramento County, State of California, more particularly described as follows:

COMMENCING at the southeast corner of that certain Parcel 2 as described in that Grant Deed recorded on June 6, 1967 in Book 67-06-06, page 464, Official Records of Sacramento County, California; thence N 16° 49' E 706 feet; thence N 66° 00' W 199.75 feet to the TRUE POINT OF BEGINNING; thence along the following eight courses:

1. N 66° 00' W 290.00 feet;
2. N 17° 09' E 90.00 feet;
3. S 66° 00' E 160.00 feet;
4. N 17° 09' E 10.00 feet;
5. S 66° 00' E 25.00 feet;
6. S 17° 09' W 5.00 feet;
7. S 66° 00' E 105.00 feet;
8. S 17° 09' W 95.00 feet to the TRUE POINT OF BEGINNING.

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

END OF DESCRIPTION

Prepared *H. P. Patton* Checked *John C. ...*
Reviewed *[Signature]*