

MINUTE ITEM

This Calendar Item No. C9  
was approved as Minute Item  
No. 9 by the State Lands  
Commission by a vote of 3  
to 0 at its 7/26/77  
meeting.

CALENDAR ITEM

C9.

7/77  
WP 2856  
ACS  
PRC 2856

COMMERCIAL LEASE

APPLICANT: Raymond Everitt  
1320 East Harney Lane  
Lodi, California

AREA, TYPE LAND AND LOCATION:

Parcel 1 - 5.43 acres of tide and submerged  
land;  
Parcel 2 - 12.62 acres of tide and submerged  
land; both parcels in the Old  
Channel of the San Joaquin River,  
San Joaquin County.

LAND USE:

Parcel 1 - Existing marina with boat docks, etc;  
Parcel 2 - Recreational park with natural  
trails, picnic tables and fire pits.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from February 27, 1972.

Renewal options: 2 successive periods of 10  
years each.

Surety bond: \$1,000.

Consideration: \$681.86 - 5 year review.

TERMS OF PROPOSED LEASE:

Initial period: Parcel 1 - 15 years from  
February 27, 1977; Parcel 2 -  
5 years from February 27, 1977.

Renewal options: Parcel 1 - 2 successive periods  
of 10 years each; Parcel 2 -  
3 successive periods of 10 years  
each.

Surety bond: \$2,000.

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

CONSIDERATION: \$225 as a minimum payable in advance for each  
parcel against 5% of the gross income from each  
parcel payable on the anniversary date of the  
lease.

BASIS FOR CONSIDERATION:

Percentage rental pursuant to 2 Cal. Adm. Code 2006.

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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. The Commission at its meeting of December 15, 1976, approved as Calendar Item C6, an assignment of the original lease covering this existing marina to Raymond Everitt. Shortly after the assignment was completed the original lease came up for its first renewal option. Mr. Everitt requested renewal of the existing lease and also the expansion of the lease area to include the remainder of the Old Channel of the San Joaquin River, which at this location, has been filled by spoil from the Stockton Deep Water Channel, the expanded area to be used as a picnic area.
2. The marina facilities are exempt from CEQA as existing facilities. The proposed picnic area is exempt from CEQA under Class 4 Minor Alterations to Land, which allows public or private minor alterations in the condition of land, water and/or vegetation which do not involve the removal of mature, scenic trees.
3. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1B, 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; and Class 4, 14 Cal. Adm. Code, Section 15104, mentioned above.
4. 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.

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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.

5. As part of the normal procedure for renewing leases of this type, Division staff made an appraisal of the lease area in order to set a new annual rental for the renewal term. When the proposed rental was presented to our new lessee, he stated that his business could not support such a rental increase and that such an increase in rental would not allow him to make necessary repairs. Staff negotiated the proposed rental contained in the proposed lease based on a percentage of gross income with a minimum rental to be paid in advance and the remainder of the percentage of gross income to be paid at the end of each year of the lease term. This was acceptable to our lessee as it would allow him to make necessary repairs and modifications to the existing marina facilities thus increasing the potential income from the facilities and also increasing the potential rental due the State.
6. Staff feels that in the long run the proposed percentage of gross income method used to set the annual rental in this case will give our lessee a greater incentive to increase his income thus increasing the return to the State for use of State's lands.

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.
3. AUTHORIZE ISSUANCE TO RAYMOND EVERITT OF A COMMERCIAL LEASE COVERING PARCEL 1 FOR A PERIOD OF 15 YEARS WITH LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 10 YEARS EACH; AND PARCEL 2 FOR A PERIOD OF 5 YEARS WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10

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YEARS EACH FROM FEBRUARY 27, 1977; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF: PARCEL 1 - \$225 MINIMUM IN ADVANCE AGAINST 5% OF GROSS INCOME; AND PARCEL 2 - \$225 MINIMUM IN ADVANCE AGAINST 5% OF GROSS INCOME; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNT OF \$500,000 AS A SINGLE LIMIT PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE; FOR THE CONTINUED MAINTENANCE OF AN EXISTING MARIJA ON PARCEL 1 AND FOR THE CONSTRUCTION OF A RECREATIONAL PARK FOR PICNIC AND NATURE TRAILS ON PARCEL 2, BOTH PARCELS AS DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 2856

Two parcels of land adjacent to Vulcan Island, San Joaquin County, State of California, and described as follows:

PARCEL 1

BEGINNING at a point on the southerly line of Vulcan Island, as said island was described by deed dated June 4, 1956, from the State of California, to George A. Speckman; which point of beginning bears S 65° 22' 49" W, 2,456.73 feet from USFD Monument No. 150 D.W.; thence along said boundary line of Vulcan Island as follows:

N 70° 04' W, 200.00 feet; N 23° 47' W, 140.00 feet;  
N 43° 04' E, 314.00 feet; to the most southerly corner of the 0.37 acre parcel of land conveyed by Deed dated November 16, 1962 from George Speckman and Anna G. Speckman to the State of California; thence along the easterly side of said parcel, N 52° 43' 20" E, 170.10 feet;  
N 44° 59' E, 284.83 feet; N 25° 17' E, 99.29 feet to a point on the southerly boundary of the Stockton Deep Water Channel; thence along said southerly boundary N 64° 56' W, 141.13 feet to the easterly boundary line of the 0.37 acre parcel of land conveyed by patent dated December 13, 1962 from the State of California to George Speckman; thence along said easterly line S 18° 44' W, 105.74 feet; and S 56° 40' 30" W, 275.66 feet to a point on the boundary line of Chicken Ranch Island as conveyed by Deed dated November 11, 1957 from the State of California to George Speckman; thence along said boundary of Chicken Ranch Island S 84° 18' W, 101.50 feet; thence leaving said boundary of Chicken Ranch Island and proceeding along the ordinary high water mark of the left bank of the abandoned channel of the San Joaquin River S 17° 58' W, 86.94 feet to a point on the dredger cut adjoining Roberts Island; thence S 32° 22' W, 204.61 feet; S 25° 36' W, 211.65 feet; S 4° 34' E, 133.44 feet; S 23° 20' E, 103.54 feet; S 31° 16' E, 213.11 feet; and S 70° 08' E, 147.72 feet; thence leaving said ordinary high water mark and proceeding N 13° 46' 05" E, 297.29 feet to the point of beginning.

PARCEL 2

BEGINNING at a point on the southerly line of Vulcan Island, as said island was conveyed by deed dated June 4, 1956, from the State of California, to George A. Spackman, which point of beginning bears S 65° 22' 49" W, 2,456.73 feet from USED Monument No. 150 D.W.; thence along said boundary line of Vulcan Island as follows:

S 70° 04' E, 129 feet; N 82° 42' E, 760 feet; S 89° 11' E, 411 feet; N 77° 18' E, 260 feet; N 67° 08' E, 93 feet; N 75° 20' E, 118.81 feet to the Stockton deep water channel; thence leaving said island along said channel S 64° 56' E, 385 feet; thence leaving said channel S 76° 59' W, 236 feet; S 71° 38' W, 450 feet; S 79° 03' W, 408 feet; S 87° 29' W, 440 feet; S 87° 51' W, 435 feet; N 86° 54' W, 228.32 feet; N 13° 46' 05" E, 297.29 feet to the point of beginning.

END OF DESCRIPTION

Prepared

*W. V. Carr*

Checked

*Jack Kunnacker*

Reviewed

*John St. John*

Date

*6-20-77*