

MINUTE ITEM

Title Calendar Item No. C15
Was approved by the Board
No. 25 by the State Lands
Commission by a vote of 3 CALENDAR ITEM
to 9 at its 9/29/77
meeting.

C15.

9/77
W 8635
Scott
PRC 5195

ASSIGNMENT OF
COMMERCIAL LEASE PRC 5195.1

ASSIGNOR: John P. and Gladys M. Soares
Route 1, Box 67
Isleton, California 95641

ASSIGNEE: Larry D. and Edelina E. Mc Farland and
Lee K. and Dora L. Mc Farland
Route 1, Box 67
Isleton, California 95641

AREA, TYPE LAND AND LOCATION:
An 0.643 acre parcel of tide and submerged
land in the San Joaquin River adjacent
to Andrus Island, Sacramento County.

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

TERMS OF ORIGINAL LEASE:

Period: 10 years from August
1, 1976.

Surety bond: \$2,000.

Public liability insurance: \$100,000/\$250,000
per occurrence for bodily
injury and \$25,000 for
property damage.

Consideration: \$300 with 5-year review.

TERMS OF PROPOSED ASSIGNMENT:

Period: 10 years from August
1, 1976.

Surety bond: \$2,000.

Public liability insurance: \$100,000/\$250,000
per occurrence for bodily
injury and \$25,000 for
property damage.

4

4

CALENDAR ITEM NO. C15.(CONFD)

CONSIDERATION: \$300 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 the upland.

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. Staff has been involved in negotiating a lease covering these facilities since 1957. Each time staff reached the point of issuing a lease, the facilities were sold and negotiation would begin again. Staff now has a signed lease and an assignment of the signed lease. The lease was approved by the Commission at its meeting in October 1976.

When the assignment document was prepared and sent to the applicants for signature the policies of the state Lands Division did not require a processing fee if the assigned lease provided for an annual rental payment, therefore no processing fees were requested. Staff feels that because all documents have now been signed and returned that it would be in the State's best interest to waive the processing fee at this time.

2. 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.

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 indicated 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 ASSIGNMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. WAIVE THE PROCESSING FEE OF \$300.
4. AUTHORIZE THE APPROVAL OF AN ASSIGNMENT OF LEASE PRC 5195, BETWEEN JOHN P. AND GLADYS M. SOARES, ASSIGNORS AND LARRY D. AND EDELINA E. MC FARLAND AND LEE K. AND DORA L. MC FARLAND, ASSIGNEES, OF A 10-YEAR COMMERCIAL LEASE EFFECTIVE AUGUST 1, 1976; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$300, 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 \$100,000/\$250,000 PER OCCURRENCE FOR BODILY INJURY AND \$25,000 FOR 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 0635

A parcel of tide and submerged land in the State owned bed of the San Joaquin River, at Andrus Island, Sacramento County, California, situated adjacent to lots 27, 28, 29 and 30, as said lots are shown on the official plat of San Andreas Park, filed in book 24 of maps, map 44, Sacramento County records, said parcel being bounded by the following numbered courses:

1. On the southeast by the southwesterly extension of the southeasterly line of said lot 27;
2. On the northwest by the southwesterly extension of the northwesterly line of said lot 30;
3. On the southwest by a line perpendicular to above described courses 1 and 2, and 10 feet southwesterly of the most southwesterly extremity of an existing boat dock which lies adjacent to said lots 27, 28, 29 and 30;
4. On the northeast by the ordinary high water mark of the San Joaquin River.

END OF DESCRIPTION

Prepared R. L. Blake Checked 7/2/76
Reviewed H. H. Krummke Date 7/2/76
283