

MINUTE ITEM

This Calendar Item No. C10
was approved by the Public Item
No. 10 by the State Lands
Commission by a vote of 3
to 0 at its 11/30/77
meeting.

CALENDAR ITEM

C10.

11/77
WP 4080
Scott

RENEWAL OF A COMMERCIAL LEASE PRC 4080-1

APPLICANT: Darrell B. Hannan and
Clyde F. Hogg
dba Turner Cut Resort
12888 West Neugebauer Road
Stockton, California 95206

AREA, TYPE LAND AND LOCATION:
A 5.56 acre (2.5 acre use area) parcel
of tide and submerged land in the bed of
Whiskey Slough and Turner Cut, San Joaquin
County.

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

TERMS OF ORIGINAL LEASE:

Initial Period: 9 years from February 27,
1968.

Renewal options: 1 successive period of
40 years.

Surety bond: \$5,000.

Public liability insurance: \$200,000/\$600,000
per occurrence for bodily
injury and \$100,000 for
property damage.

Considerations: \$419.08.

TERMS OF PROPOSED LEASE RENEWAL:

Initial period: 40 years from February 27,
1977.

Surety bond: \$5,000.

Public liability insurance: \$300,000/\$600,000
per occurrence for bodily
injury and \$100,000 for
property damage or a
combined single limit
coverage of \$600,000.

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CALENDAR ITEM NO. 010. (CONTD)

CONSIDERATION: \$ 1,968 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 actually used.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of 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. During the preparation of the renewal document, staff adjusted the area of the lease for calculation of the annual rental to include only that portion of the leased area, covering the existing marina facilities together with an appropriate use area. The legal description covers a large portion of the channel of Whiskey Slough - Turner Cut which can not be used by the marina. The legal description was prepared in this manner as the simplest way of describing the leased area, short of a survey.
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.

CALENDAR ITEM NO. C10. (CONTD)

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.

APPROVALS OBTAINED:

No additional approvals necessary. This is an existing facility.

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 RENEWAL WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO DARREL B. MANNAN AND OLYDE F. HOGG, DBA TURNER CUT RESORT OF A 40 YEAR GENERAL LEASE - COMMERCIAL USE FROM FEBRUARY 27, 1977, AS A RENEWAL OF COMMERCIAL LEASE PRC 4080.1; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,968; 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 AMOUNTS OF \$300,000/\$600,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE LIMIT COVERAGE \$600,000; 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"

WP 4080.

A parcel of tide and submerged land in the beds of Whiskey Slough and Turner Cut (AKA Branch Slough), San Joaquin County, California, said parcel being immediately beneath various covered berths, boat docks and associated water structures, together with areas of use, all being immediately adjacent to and northerly and westerly of that land described as Parcel 3 in the Grant Deed recorded in Book 3163, page 456, San Joaquin County Official Records.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Whiskey Slough and Turner Cut (AKA Branch Slough).

END OF DESCRIPTION

Prepared

M. J. [Signature]

Checked

[Signature]

Reviewed

[Signature]

Date

1/5/77

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