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3 CALENDAR ITEM

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WP 2175.1
Reese
PRC 2175.1

ASSIGNMENT AND AMENDMENT OF
COMMERCIAL LEASE

ASSIGNOR: Paul R. and Mary Reed
P. O. Box 214
Meridian, California 95957

ASSIGNEE: Robert F. and Patricia F. Horn
P. O. Box 214
Meridian, California 95957

AREA, TYPE LAND AND LOCATION:
A 0.835 acre parcel of submerged land in
the Sacramento River, near Meridian, Sutter
County.

LAND USE: Operation and maintenance of an existing
commercial marina.

TERMS OF ORIGINAL LEASE:

Initial period: 10 years from June 12,
1973.

Renewal option: 1 successive period of
10 years.

Surety bond: \$2,000.

Public liability insurance: \$200,000 per
occurrence for bodily
injury and \$50,000 for
property damage.

Consideration: \$150 per annum with 5-year
review.

TERMS OF PROPOSED LEASE:

Initial period: 15 years from January 1,
1978.

Renewal options: 3 successive periods
of 10 years each.

Surety bond: \$2,000.

Public liability insurance: Combined single
limit coverage of \$300,000.

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CONSIDERATION: \$504 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:
Assignee is lessee 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. The original lease was issued to Henry Gies and Mildred Gies for a 10-year period beginning June 12, 1973, for operation and maintenance of an existing commercial marina in the Sacramento River, near Meridian, Sutter County.

Pursuant to the terms of the lease, Henry Gies and Mildred Gies assigned said lease to Paul R. and Mary H. Reed, current lessees.

2. Original lease is being amended to reflect:

A. Rental update

B. Revised description

C. Revised insurance coverage

D. Generally to bring the lease format into current leasing policy.

3. An EIR 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.

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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.

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 EIR 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 APPROVAL OF THE ASSIGNMENT AND AMENDMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE APPROVAL OF AN ASSIGNMENT AND AMENDMENT AND ISSUANCE TO ROBERT F. AND PATRICIA F. HORN OF A 15-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 1, 1978; WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$504, 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, COMBINED SINGLE LIMIT COVERAGE \$300,000; FOR OPERATION AND MAINTENANCE OF AN EXISTING COMMERCIAL MARINA ON THE SACRAMENTO RIVER, NEAR MERIDIAN, SUTTER COUNTY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 2175

A parcel of submerged land lying in the bed and adjacent to the east bank of the Sacramento River, Sutter County, State of California, being a portion of Section 2, T15, R1W, NDM described as follows:

COMMENCING at the southwest corner of a tract of land conveyed by Fred Stohlsan to Reclamation District No. 79 by deed dated September 11, 1908, and recorded October 16, 1908, in Book 40 of Deeds, at page 407, Sutter County Records; thence north along the base of said reclamation district levee 465 feet; thence N 89° 48' 00" W, 305 feet to the TRUE POINT OF BEGINNING; thence continuing N 89° 43' 00" W, 95 feet; thence southerly, parallel with said east bank of the Sacramento River, 428 feet; thence S 89° 48' 00" E, 95 feet; thence northerly along top of bank of said river to the true point of beginning.

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

END OF DESCRIPTION

Prepared A. J. Kinnick Checked Low
Reviewed A. J. Kinnick Date 12/19/77