

MINUTE ITEM

This Calendar Item No. C15
was approved as Minute Item
No. 15 by the State Lands
Commission by a vote of 3
0 at its 5-31-78
meeting.

CALENDAR ITEM

C15.

5/78
W 8635
Scott

ASSIGNMENT OF COMMERCIAL
LEASE PRC 5195.1

ASSIGNOR: Larry D. and Edeline E. McFarland and
Lee K. and Dora L. McFarland
Route 1, Box 67
Isleton, California 95641

ASSIGNEE: Anthony and Madeline Libordi
1395 Dry Creek Road
San Jose, California 95125

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

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

TERMS OF ORIGINAL LEASE:

Initial 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 per annum with
5-year review.

TERMS OF FIRST ASSIGNMENT:

Initial period: 10 years from August 1,
1976.

Effective date: October 1, 1977.

Surety bond: \$2,000.

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

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Consideration: \$300 per annum with 5-year rent review.

TERMS OF PROPOSED ASSIGNMENT:

Initial period: 10 years from August 1, 1976.

Effective date: April 1, 1978.

Surety bond: \$2,000.

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

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:

Minimum commercial lease rate in effect at the inception of the lease.

PREREQUISITE TERMS AND EXPENSES:

Applicant is owner of upland.

Processing costs have 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 on November 28, 1976 authorized as Minute Item No. C-3 the approval of Minor Commercial lease to John P. and Gladys M. Soares. During the process of securing the bond and insurance required by the Commission prior to execution of the original lease the upland parcel was sold.

During the upland sale the Commission was requested to and did process an

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assignment of the existing lease to Larry D. McFarland et al. This assignment was authorized by the Commission at its meeting on September 29, 1977 as Minute Item No. 15.

The upland parcel has again been sold and the present owners are requesting an assignment of the previously assigned lease. The annual rental is current. Bond and insurance from the new owners is in effect and the required processing fee has been received.

2. 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.
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.

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 P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THIS ASSIGNMENT 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 APPROVAL OF AN ASSIGNMENT OF LEASE PRC 5195.1 BETWEEN LARRY D. AND EDELINA E. MCFARLAND AND LEE K. AND DORA L. MCFARLAND, ASSIGNORS AND ANTHONY AND MADELINE LIBORDI, ASSIGNEES OF A 10-YEAR COMMERCIAL LEASE EFFECTIVE APRIL 1, 1978; 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 "B". REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 8635

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 _____
Reviewed J. H. Kinnicke Date 7/2/76
XV

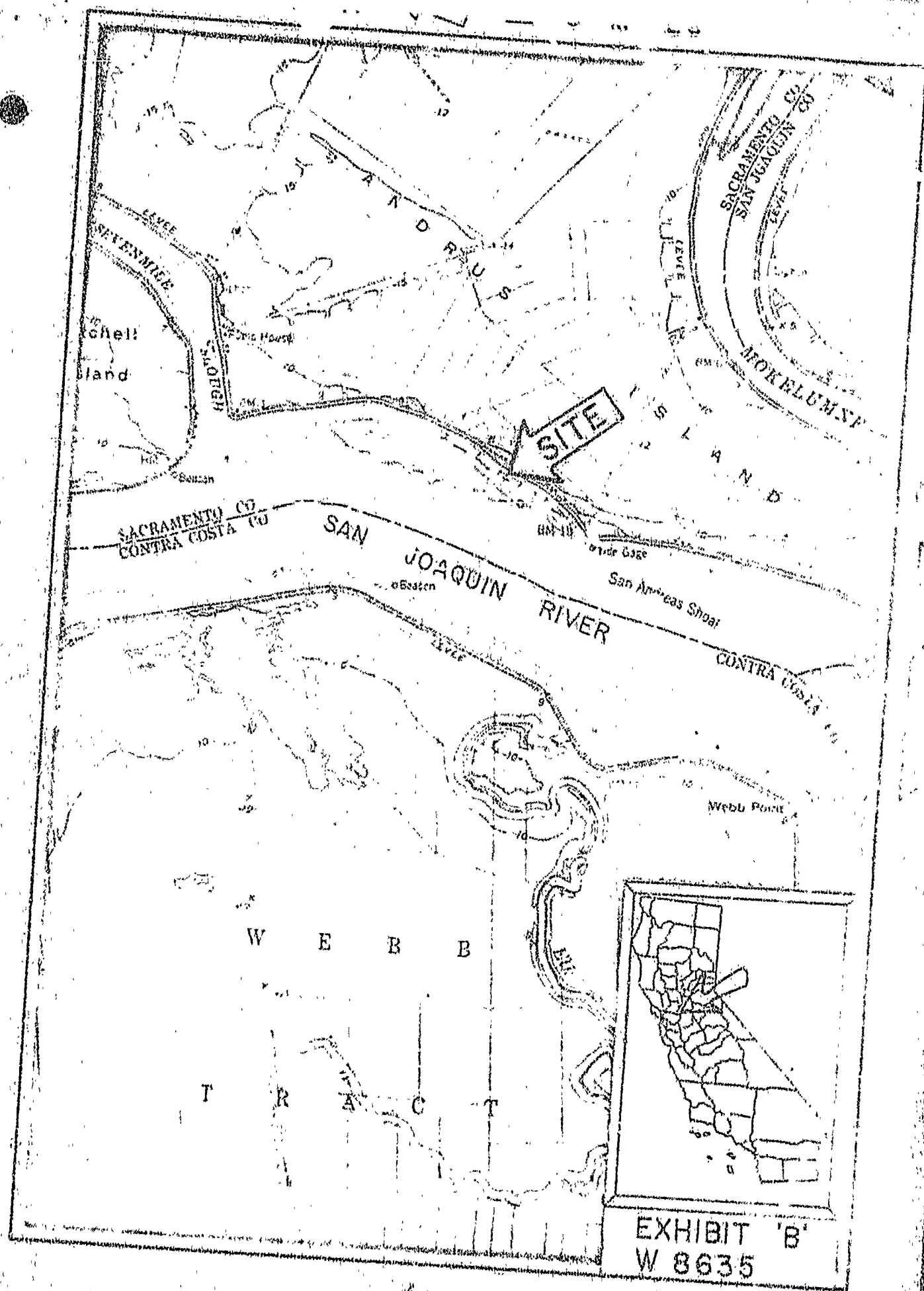


EXHIBIT 'B'
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