

MINUTE ITEM

This Calendar Item No. C22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 2
to 0 at its 8-23-79
meeting.

CALENDAR ITEM
C22.

8/79
W 20980
De La Cruz
PRC 5710

GENERAL LEASE
COMMERCIAL USE

APPLICANT: William R. Baldner
80 Second Street
Yuba City, California 95991

AREA, TYPE LAND AND LOCATION:
A 0.652 acre parcel of submerged land in
the bed of the Feather River at Yuba City,
Sutter County.

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

TERMS OF PROPOSED LEASE:
Initial period: 25 years from January 1,
1978.

Public liability insurance: Combined single
limit coverage for bodily
injury and property damage
of \$300,000.

CONSIDERATION: \$543.75 as rental for the period August 1,
1975 to December 31, 1977; beginning January 1,
1978, 5% of gross revenue for berthing
and boat rentals on State land, against
a \$225 annual minimum rental paid in advance
on January 1, of each year of the lease;
with the State reserving the right to fix
a different annual rental and/or minimum
annual rental on each fifth anniversary
of the lease.

BASIS FOR CONSIDERATION:
Percentage of gross revenue pursuant to
2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is lessee of upland.

Filing fee has been received.

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 & 2.
- B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. The structures, floating dock and walkway have occupied State land since the early 1960's. The applicant has owned and operated the facilities since August 1, 1975. Staff is recommending settlement with the applicant in regards to the payment of back rental for the use of the State lands occupied by the structures for the period August 1, 1975 to December 1, 1977.
2. The Commission's standard lease form has been modified in order to incorporate special language necessary to implement rental based on a percentage of gross income.
3. Special provisions have been incorporated into the lease form regarding the maintenance by lessee of records and books subject to staff review in order to assure the proper reporting of gross income by lessee.
4. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class(B), 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.
5. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 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.

APPROVALS OBTAINED:

United States Army Corps of Engineers,
Sutter County.

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 P.R.C. 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 P.R.C.
3. ACCEPT AS RENT FOR THE PERIOD AUGUST 1, 1975 THROUGH DECEMBER 31, 1977, THE AMOUNT OF \$543.75.
4. AUTHORIZE ISSUANCE TO WILLIAM R. BALDNER OF A 25-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 1, 1978, IN CONSIDERATION OF 5% OF GROSS REVENUE DERIVED FROM BERTHING AND BOAT RENTALS ON STATE LAND, AGAINST A \$225 ANNUAL MINIMUM RENTAL PAID IN ADVANCE ON JANUARY 1, OF EACH YEAR OF THE LEASE; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT ANNUAL AND/OR MINIMUM ANNUAL RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE WITH A COMBINED SINGLE LIMIT COVERAGE OF \$300,000 FOR BODILY INJURY AND PROPERTY DAMAGE; PROVISION FOR A \$2,000 SURETY BOND; FOR MAINTENANCE AND OPERATION OF A COMMERCIAL MARINA ON LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 20980

A 364 foot by 96 foot rectangular parcel of land in the Feather River, Sutter County, California, said parcel being along the right bank at river mile 27.75[±] as shown on the Yuba City Quadrangle map dated 1952, photorevised 1973, and 1000 feet more or less north of the convergence of the Feather and Yuba Rivers; the easterly boundary of said parcel being 10 feet east of the easterly edge of an existing float, and parallel thereto.

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

END OF DESCRIPTION

Prepared

M. J. [Signature]

Checked

[Signature]

Reviewed

[Signature]

Date

10/27/76

[Signature]

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