

MINUTE ITEM

This Calendar Item No. 28
was approved as Minute Item
No. 28 by the State Lands
Commission by a vote of 12-16-80
0 at its 12-16-80
Meeting.

CALENDAR ITEM

28

12/80
WP 2220
Grimmett
PRC 2220

ACCEPTANCE OF QUITCLAIM DEED
RESCISSION OF PRIOR AUTHORIZATION
AND ISSUANCE OF A GENERAL LEASE - COMMERCIAL USE

APPLICANT: Mark and Patricia Nugent
dba Ward's Boat Landing
P. O. Box 344
Colusa, California 95932

AREA, TYPE LAND AND LOCATION:
2.214-acre parcel of submerged land in
the Sacramento River adjacent to Butte
Slough and in Butte Slough, near Meridian,
Colusa County.

LAND USE: Existing commercial marina.

TERMS OF EXISTING LEASE:

Initial period: 15 years from August 11,
1973.

Surety bond: \$2,000.

Public liability insurance: \$100,000/\$300,000
per occurrence for bodily
injury and \$50,000 for
property damage.

Consideration: \$616 per annum, 5-year
rent review.

TERMS OF PROPOSED LEASE:

Initial period: 30 years from January 1,
1979.

Surety bond: \$2,000.

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

CONSIDERATION: \$1232 as rental for the period of January 1,
1979 to December 31, 1980. Beginning January 1,
1981, 5% of Gross income from berthing,
and boat launching, on State land, plus
1 cent per gallon up to and including 100,000
gallons and 1½ cents per gallon over 100,000
gallons against a \$616 minimum annual rental

A 3

S 1

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paid in advance on January 1 of each year of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2005.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is lessee of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

OTHER PERTINENT INFORMATION:

1. The current Lessee, Kenneth E. and Ursula E. Grimes, have sold their commercial boating facility on the Sacramento River and adjacent Butte Slough, near Meridian, Colusa County, covered by lease PRC 2220.1 to Mark and Patricia Nugent, dba Ward's Boat Landing.

2. Originally the lease was to be assigned from the Grimes to the Nugents. The assignment was approved by the Commission on February 22, 1979 (Minute Item No. C1).

Subsequent to this approval the area to be leased was increased to include the area occupied within Butte Slough and the rental changed from a fixed annual rent to a rent based upon a percent of the gross income.

3. The current Lessee wishes to terminate and quitclaim their interest in Lease PRC 2220.1 to the new owners, Mark and Patricia Nugent. The proposed lease will be effective January 1, 1979.

4. Applicant has a valid lease from Roger C. Wilbur for use of the adjacent uplands for term of 10 years. Language has been incorporated within the lease document to assure that the Lessee maintains a valid upland lease during the term of the proposed State's lease.

5. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(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.
6. 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.

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 ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. AUTHORIZE ACCEPTANCE OF A QUITCLAIM DEED FROM KENNETH E. AND URSULA E. GRIMES FOR THE 1.01-ACRE PARCEL OF SUBMERGED LAND IN THE SACRAMENTO RIVER AND BUTTE SLOUGH NEAR MERIDIAN, COLUSA COUNTY AS DESCRIBED IN THE QUITCLAIM DEED ON FILE WITH THE OFFICE OF THE STATE LANDS COMMISSION; SAID QUITCLAIM TO BE EFFECTIVE DECEMBER 31, 1978.
3. AUTHORIZE RECISSION OF PRIOR AUTHORIZATION FOR APPROVAL OF AN ASSIGNMENT OF LEASE PRC 2220.1 AS GRANTED BY MINUTE ITEM NO. C-1 ON FEBRUARY 22, 1979.
4. FIND THAT GRANTING OF A REPLACEMENT LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
5. AUTHORIZE ISSUANCE TO MARK AND PATRICIA NUGENT OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE FROM JANUARY 1, 1979; IN CONSIDERATION OF: A) RENT FOR THE FIRST TWO YEARS IN THE AMOUNT OF \$1232; B) ANNUAL RENT THEREAFTER

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TO BE \$616 AGAINST 5% OF GROSS INCOME DERIVED FROM
BERTHING AND BOAT LAUNCHING ON STATE LAND PLUS 1 CENT
A GALLON OF FUEL SALES UP TO AND INCLUDING 100,000
GALLONS AND 1½ CENTS PER GALLON THEREAFTER; PROVISION
OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY
INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000
FOR OPERATION AND MAINTENANCE OF AN EXISTING COMMERCIAL
MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED
AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

WP 2220

Two (2) parcels of submerged land lying in the bed of the Sacramento River and Butte Slough, in Section 35, T16N, R1W, MDM, Colusa and Sutter Counties, California, being more particularly described as follows:

PARCEL 1

BEGINNING at the point of intersection of the left bank of the Sacramento River with the right bank of Butte Slough; thence northwesterly along the left bank of the Sacramento River 700 feet; thence southwesterly at right angles to said left bank 60 feet; thence southeasterly parallel to and 60 feet distant from said left bank 700 feet, more or less, to a point 60 feet distant and at right angles to said left bank and the point of beginning; thence northeasterly 60 feet to the point of beginning.

EXCEPTING THEREFROM any lands above the ordinary high water mark.

PARCEL 2

BEGINNING at the point of intersection of the left bank of the Sacramento River with the right bank of Butte Slough; thence northeasterly along the right bank of Butte Slough 260 feet; thence southeasterly at right angles to said right bank 95 feet; thence southwesterly at right angles and parallel to said right bank 65 feet; thence northwesterly at right angles 80 feet; thence southwesterly at right angles and parallel to said right bank 195 feet; thence northwesterly at right angles 20 feet to the point of beginning.

INCLUDING a ramp extending southeasterly into the southwesterly portion of Parcel 2 above, said ramp being 180 feet long with a variable width.

EXCEPTING THEREFROM any lands above the ordinary high water mark.

END OF DESCRIPTION

PREPARED JUNE 20, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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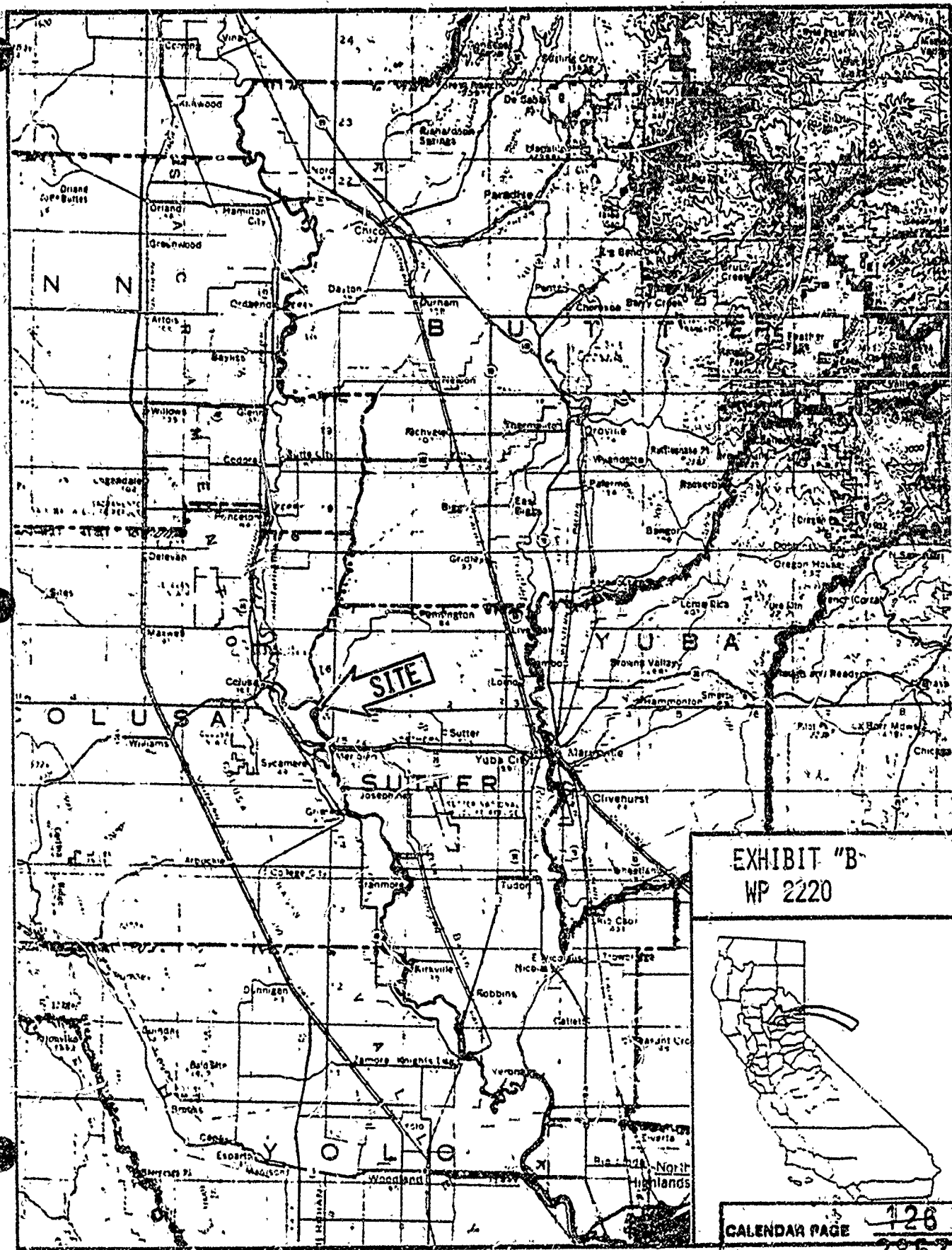
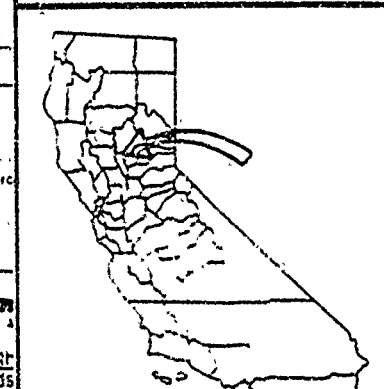


EXHIBIT "B"
WP 2220



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