

MINUTE ITEM

This Calendar Item No. C9
was approved as Minute Item
No. 9 by the State Lands
Commission by a vote of 3
to 0 at its 5-28-81
meeting.

CALENDAR ITEM

MC09

5/81
WP 5792
Gordon

ASSIGNMENT OF GENERAL LEASE
COMMERCIAL USE
PRC 5792.1

ASSIGNOR: Harold C. and Carol G. Taylor
9732 Springfield Way
Stockton, California 95212

ASSIGNEE: Recreation and Marina Properties, Inc.,
Jerry C. Graham and Betty A. Graham
12988 West McDonald Road
Stockton, California 95206

AREA, TYPE LAND AND LOCATION:
A 2.29-acre parcel of tide and submerged
lands in the bed of Whiskey Slough, San Joaquin
County.

LAND USE: Construction and maintenance of a commercial
marina.

TERMS OF EXISTING LEASE:

Initial period: 20 years from January 1,
1980.

Renewal options: one successive period
of 13 years.

Surety bond: \$5,000.

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

CONSIDERATION: \$225 per annum for the first two years
and \$916 per annum thereafter, with the
State reserving the right to fix a different
rental on each fifth anniversary from January 1,
1982.

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PREREQUISITE TERMS, FEES AND EXPENSES:

Assignee holds an interest in the upland pursuant to a conditional sale contract.

Filing fee and processing costs have been received.

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. This transaction is occasioned by conveyance of an interest in the upland pursuant to an Executory Agreement for the Purchase and Sale of Property dated April 10, 1980. Assignor reserves a security interest in the real and personal property subject to said agreement. Upon timely completion of the conditions of the agreement, assignor will issue a grant deed to assignee.

2. Assignors have filed with staff an express statement objecting to the words and phrases in the Commission's assignment document which bind the assignors, for the remaining term of the lease, to the faithful performance of any and all future obligations in the same degree as the effective lessee. Assignors desire to be released from this liability.

By the act of entering into said agreement, assignees bind themselves to the obligations of the original lessees. Staff considers assignees to be capable of fulfilling the obligations of the lease, and recommends that assignors be released from said liability.

3. This activity is exempt from CEQA because it does not constitute a project; PRC 21065, 14 Cal. Adm. Code 15037 and 15060, and 2 Cal. Adm. Code 2903(d).

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4. This activity 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 has coordinated this project with those agencies and organizations which nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

EXHIBIT: A. 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 PROVISION OF P.R.C. 21065, 14 CAL. ADM. CODE 15037 AND 15060, AND 2 CAL ADM. CODE 2903(d).
2. FIND THAT APPROVAL OF THE ASSIGNMENT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE, EFFECTIVE MAY 28, 1981, THE RELEASE OF HAROLD C. TAYLOR AND CAROL G. TAYLOR, AS ASSIGNORS, FROM ANY FUTURE LIABILITY UNDER GENERAL LEASE COMMERCIAL USE PRC 5792.1.
4. APPROVE, EFFECTIVE MAY 28, 1981, THE ASSIGNMENT OF GENERAL LEASE - COMMERCIAL USE PRC 5792.1, COVERING CONSTRUCTION AND MAINTENANCE OF A COMMERCIAL MARINA, FROM HAROLD C. TAYLOR AND CAROL G. TAYLOR TO RECREATION AND MARINA PROPERTIES, INC., JERRY C. GRAHAM AND BETTY A. GRAHAM.

