

MINUTE ITEM

This Calendar Item No. 29
was approved Minute Item
No. 29 by the State Lands
Commission by vote of 3
0 at its 9/29/81
meeting.

CALENDAR ITEM

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9/29/81
WP 1809
Reese
PRC 1809

GENERAL LEASE - COMMERCIAL USE

APPLICANT: Mildred H. McLeod,
Hardy H. and Rosemarie O. Golston
dba Rodgers Point Marina
111 Fulton Shipyard Road
Antioch, California 94509

AREA, TYPE LAND AND LOCATION:
A 3.518-acre parcel of tide and submerged
land in the San Joaquin River, at Antioch,
Contra Costa County.

LAND USE: Operation and maintenance of a commercial
marina.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from October 1,
1956.
Renewal option: one successive period
of ten years.
Surety bond: \$10,000.
Public liability insurance: \$500,000 per
occurrence for bodily
injury and \$50,000 for
property damage.
Consideration: \$663.71 per annum; five-year
review.

TERMS OF PROPOSED REPLACEMENT LEASE:

Initial period: 30 years from October 1,
1981.
Surety bond: \$10,000.
Public liability insurance: Combined single
limit coverage of \$500,000.

CONSIDERATION: For the period of October 1, 1981 through
September 30, 1982:

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Three percent of the Gross Income derived from the rental of boat docks and moorings with a minimum of \$1,000 paid in advance on October 1, 1981;

For the period of October 1, 1982 through September 30, 1983:

Four percent of the Gross Income derived from the rental of boat docks and moorings with a minimum of \$1,500 paid in advance on October 1, 1982;

For the period of October 1, 1983 through the remainder of the term of the lease, notwithstanding Paragraph 2(b) of Section 4:

Five percent of the Gross Income derived from the rental of boat docks and moorings with a minimum of \$2,000 paid in advance on October 1, 1983 and on October 1 of every year thereafter for the remainder of the term of the lease, notwithstanding Paragraph 2(b) of Section 4;

One cent per gallon of fuel sold during the reporting period to a maximum of 100,000 gallons and one and one-half cents per gallon thereafter with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2005 and 2006.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

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

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

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Due to the current poor condition of the marina and the possible sale of

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the marina within the next one to two years, staff is recommending the Commission approve a sliding rent scale. This will give the lessee a better opportunity to renovate the marina. If a sale is consummated staff will renegotiate the rental schedule at that time.

2. An EIR is not required. This transaction is within the purview of 14 Cal. Adm. Code 15101, which exempts existing private structures.
3. 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.

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. FIND THAT GRANTING OF THE REPLACEMENT LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.F.C.
3. AUTHORIZE ISSUANCE TO MILDRED H. McLEOD, HARDY H. AND ROSEMARIE O. GOLSTON, dba RODGERS POINT MARINA OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE FROM OCTOBER 1, 1981; IN CONSIDERATION OF THE FOLLOWING:

FOR THE PERIOD OF OCTOBER 1, 1981 THROUGH SEPTEMBER 30, 1982:

THREE PERCENT OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORINGS WITH A MINIMUM OF \$1,000 PAID IN ADVANCE ON OCTOBER 1, 1981;

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FOR THE PERIOD OF OCTOBER 1, 1982 THROUGH SEPTEMBER 30, 1983:

FOUR PERCENT OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORINGS WITH A MINIMUM OF \$1,500 PAID IN ADVANCE ON OCTOBER 1, 1982;

FOR THE PERIOD OF OCTOBER 1, 1983 THROUGH THE REMAINDER OF THE TERM OF THE LEASE, NOTWITHSTANDING PARAGRAPH 2(b) OF SECTION 4:

FIVE PERCENT OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORINGS WITH A MINIMUM OF \$2,000 PAID IN ADVANCE ON OCTOBER 1, 1983 AND ON OCTOBER 1 OF EVERY YEAR THEREAFTER FOR THE REMAINDER OF THE TERM OF THE LEASE, NOTWITHSTANDING PARAGRAPH 2(b) OF SECTION 4;

ONE CENT PER GALLON OF FUEL SOLD DURING THE REPORTING PERIOD TO A MAXIMUM OF 100,000 GALLONS AND ONE AND ONE-HALF CENTS PER GALLON THEREAFTER, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$10,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR AN EXISTING COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

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A parcel of tide and submerged land in the bed of the San Joaquin River, Contra Costa County, State of California, more particularly described as follows:

BEGINNING at the northwest corner of that certain parcel of land described in that deed recorded October 29, 1925, in Volume 8, Page 185, of Official Records, in the Office of the County Recorder of Contra Costa County; thence along the northerly boundary of said parcel the following two courses:

1. N 72° 45' E 223.59 feet;
2. S 82° 15' E 354.98 feet; thence the following six courses:

3. North 106.42 feet;
4. N 90° W 109.99 feet;
5. North 250.00 feet;
6. S 86° W 238.33 feet;
7. S 71° W 230.06 feet;
8. South 293.33 feet to the point of beginning.

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

END OF DESCRIPTION

REVISED SEPTEMBER 3, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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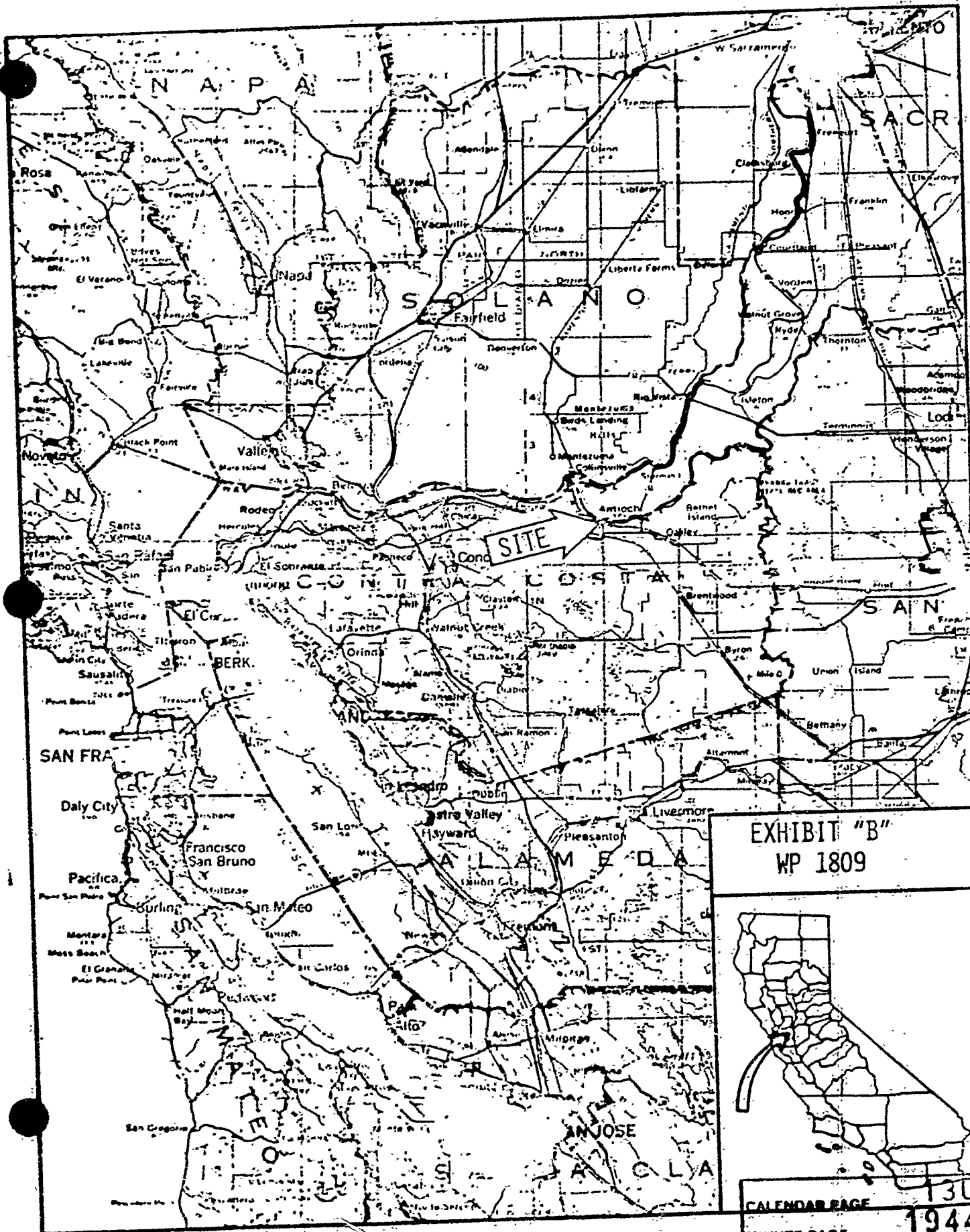


EXHIBIT "B"
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