

MINUTE ITEM

This Calendar Item No. 23
was approved as Minute Item
No. 23 by the State Lands
Commission by a vote of 3
to 0 at its 12/17/81
meeting.

CALENDAR ITEM

23

12/17/81
WP 4049
Reese
PRC 4049

RENTAL SETTLEMENT AGREEMENT AND ISSUANCE
OF A GENERAL LEASE - COMMERCIAL USE

APPLICANT: F. Roy Gustavson, dba Owl Harbor
1550 Twitchell Island Road
Isleton, California 95640

AREA, TYPE LAND AND LOCATION:
A 6.198-acre parcel of tide and submerged
land located in Seven Mile Slough, Sacramento
County.

LAND USE: Commercial marina.

TERMS OF PROPOSED LEASE:

Initial period: 30 years from November 9,
1978.

Surety bond: \$5,000.

Public liability insurance: Combined single
limit coverage of \$500,000.

CONSIDERATION: Five percent of the gross income derived
from the rental of boat docks and moorings
with a minimum of \$3,000 paid in advance.
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.

Filing fee and the rental settlement amount
of \$1,464 have been received.

STATUTORY AND OTHER REFERENCES:

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

A 4

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CALENDAR ITEM NO. 23 (CONTD)

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

AB 884: 10/30/82.

OTHER PERTINENT INFORMATION:

1. Staff and proposed lessee have agreed that as settlement for the occupation of State-owned tide and submerged land for the period November 9, 1978 through November 8, 1981 to pay the sum of \$1,464 dollars.
2. 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.
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. 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. 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.

CALENDAR ITEM NO. 23 (CONTD)

3. ACCEPT AS RENTAL FOR THE PRIOR UNAUTHORIZED OCCUPATION OF THE PREMISES DESCRIBED IN EXHIBIT "A" THE SUM OF \$1,464.
4. AUTHORIZE ISSUANCE TO F. ROY GUSTAVSON, dba OWL HARBOR OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE FROM NOVEMBER 9, 1978; IN CONSIDERATION OF FIVE PERCENT OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORINGS WITH A MINIMUM OF \$3,000 PAID IN ADVANCE; ONE CENT PER GALLON OF FUEL SOLD DURING THE REPORTING PERIOD TO MAXIMUM OF 100,000 GALLONS AND ONE AND ONE-HALF CENTS PER GALLON THEREAFTER; SAID RENTAL TO BE EFFECTIVE BEGINNING NOVEMBER 9, 1981; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR EXISTING COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

Land Description

WP 4049

A parcel of tide and submerged land in the State-owned bed of Seven Mile Slough, Sacramento County, California, in projected Section 10, T3N, R3E, MDM, described as follows:

A strip of tide and submerged land 120 feet wide bounded on the south by the left bank of said Seven Mile Slough, bounded on the east by, and extending westerly 2700 feet from a line which bears S 30° W from a point designated "AC", said point being a boat nail and C.S.L.C. tag set in a plank at the southeast corner of a wooden bridge as shown on that certain map entitled "Record of Survey of Owl Island" prepared by the State Lands Commission and filed in Book 27 of Surveys, Page 9, Sacramento County Recorder's Office.

Said point "AC" has California Coordinate System, Zone 2 coordinates of $x = 2,109,928.45$ and $y = 163,841.63$.

EXCEPTING THEREFROM any portion lying waterward of the ordinary high water mark of Seven Mile Slough.

END OF DESCRIPTION

PREPARED OCTOBER 27, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

CALENDAR PAGE	57
MINUTE PAGE	2717

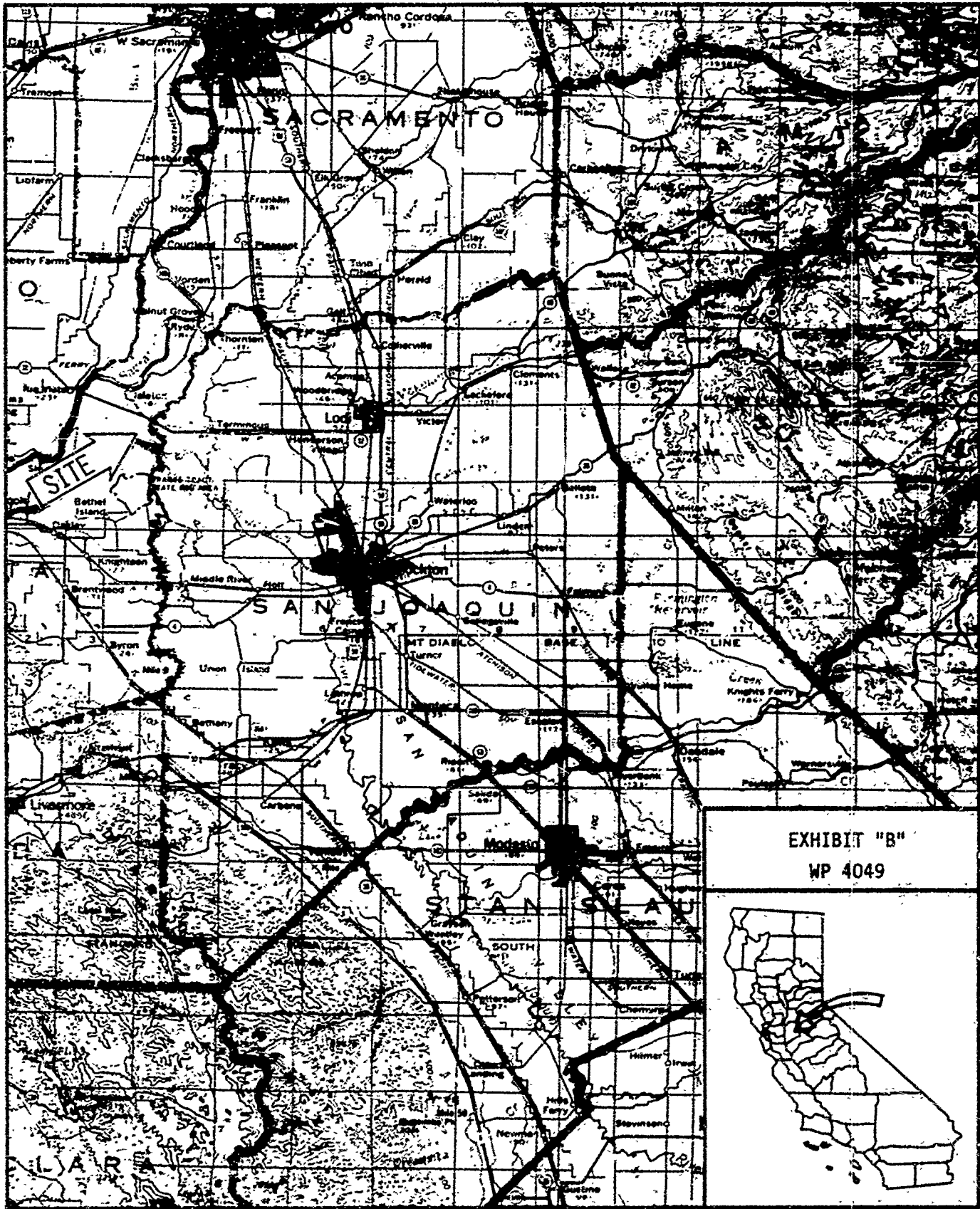


EXHIBIT "B"
WP 4049

CALENDAR PAGE	98
ROUTE PAGE	2718