

MINUTE ITEM

This Calendar Item No. C3  
was approved as Minute Item  
No. 3 by the State Lands  
Commission by a vote of 3  
to 0 at its 9/23/82  
meeting.

CALENDAR ITEM

C 0 3

9/23/82  
WP 1987  
Reese  
PRC 1987

TERMINATION OF ORIGINAL LEASE PRC 1987.1  
AND APPROVAL OF A REPLACEMENT  
GENERAL LEASE - INDUSTRIAL USE

APPLICANT: Rice Grower's Association of America  
P. O. Box 958  
Sacramento, California 95804

AREA, TYPE LAND AND LOCATION:  
A 0.38-acre parcel of tide and submerged  
land in the Sacramento River, West Sacramento,  
Yolo County.

LAND USE: Existing wharfage and loading facilities.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from August 21,  
1967.

Renewal options: Two successive periods  
of ten years each.

Surety bond: \$1,000.

Consideration: \$100.

TERMS OF FIRST TEN-YEAR RENEWAL AND AMENDMENT:

Initial period: Ten years from August 21,  
1972.

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Consideration: \$500 per annum; five-year  
rent review.

Original land description increased. All other terms and  
conditions of the original lease remained in full force  
and effect.

TERMS OF PROPOSED REPLACEMENT LEASE:

Initial period: 30 years from August 21,  
1982.

Surety bond: \$5,000.

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

CONSIDERATION: \$1,080 per annum, with the State reserving  
the right to fix a different rental on  
each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

Nine percent of appraised value, pursuant  
to 2 Cal. Adm. Code 2003.

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. Staff contacted the lessee with the  
suggestion of a replacement thirty-year  
industrial lease at this time. Lessee  
agreed and has executed the replacement  
lease reflecting a new term, rental  
and the currently approved lease format.
2. Section 2 of the proposed replacement  
lease provides for volumetric rental  
if applicable, if the Federal Courts  
in the current litigation (WOGA; et  
al. v. Kenneth Cory, et al., United

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State District Court, Eastern District,  
Civil No. 5-76-513 PCW find the State's  
volumetric rental regulations to be  
lawful.

3. This project is exempt from CEQA because it is an existing facility.

Authority: P.R.C. 21084, 14 Cal. Adm.  
Code 15100 et seq., and 2 Cal. Adm.  
Code 2905.

4. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in use category "B" which authorizes Limited Use. The project as proposed will not have a 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 2905; AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.
2. AUTHORIZE TERMINATION OF ORIGINAL LEASE PRC 1987.1, EFFECTIVE AUGUST 20, 1982, AND ISSUANCE TO RICE GROWER'S ASSOCIATION OF AMERICA OF A 30-YEAR GENERAL LEASE - INDUSTRIAL USE, FROM AUGUST 21, 1982; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,080, 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 A PUBLIC LIABILITY INSURANCE, COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR EXISTING WHARFAGE AND LOADING FACILITIES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 1987

Those parcels of tide and submerged lands adjacent to the west bank of the Sacramento River, Yolo County, State of California, described as follows:

PARCEL A

COMMENCING at the southwest corner of Swamp and Overflowed Survey No. 770 of said Yolo County patented March 21, 1866, in Book 2, page 231; thence S 80° 46' E 1377.0 feet; thence S 27° 32' W 896.88 feet to the centerline of a county road; thence S 81° 04' E 967.4 feet to a point, said point being the POINT OF BEGINNING; thence N 42° 36' E 180 feet; thence S 47° 24' E 25 feet to a point in said Sacramento River; thence N 42° 36' E 55 feet; thence S 47° 24' E 50 feet; thence S 42° 36' W 185.0 feet; thence N 81° 04' W 90 feet to the true point of beginning.

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

PARCEL B

COMMENCING at the southwest corner of the above-mentioned Swamp and Overflowed Survey No. 770; thence S 80° 46' E 1377.0 feet; thence S 27° 32' W 896.88 feet to the centerline of said county road; thence S 81° 04' E 967.4 feet more or less to a point on the ordinary high water mark; thence S 42° 36' W 365 feet more or less to a point, said point being the POINT OF BEGINNING; thence S 47° 24' E 25 feet to a point in said Sacramento River; thence S 42° 36' W 83 feet; thence N 47° 24' W 25 feet; thence N 42° 36' E 83 feet to the true point of beginning.

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

END OF DESCRIPTION

REVIEWED FEBRUARY 11, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNIK, SUPERVISOR.

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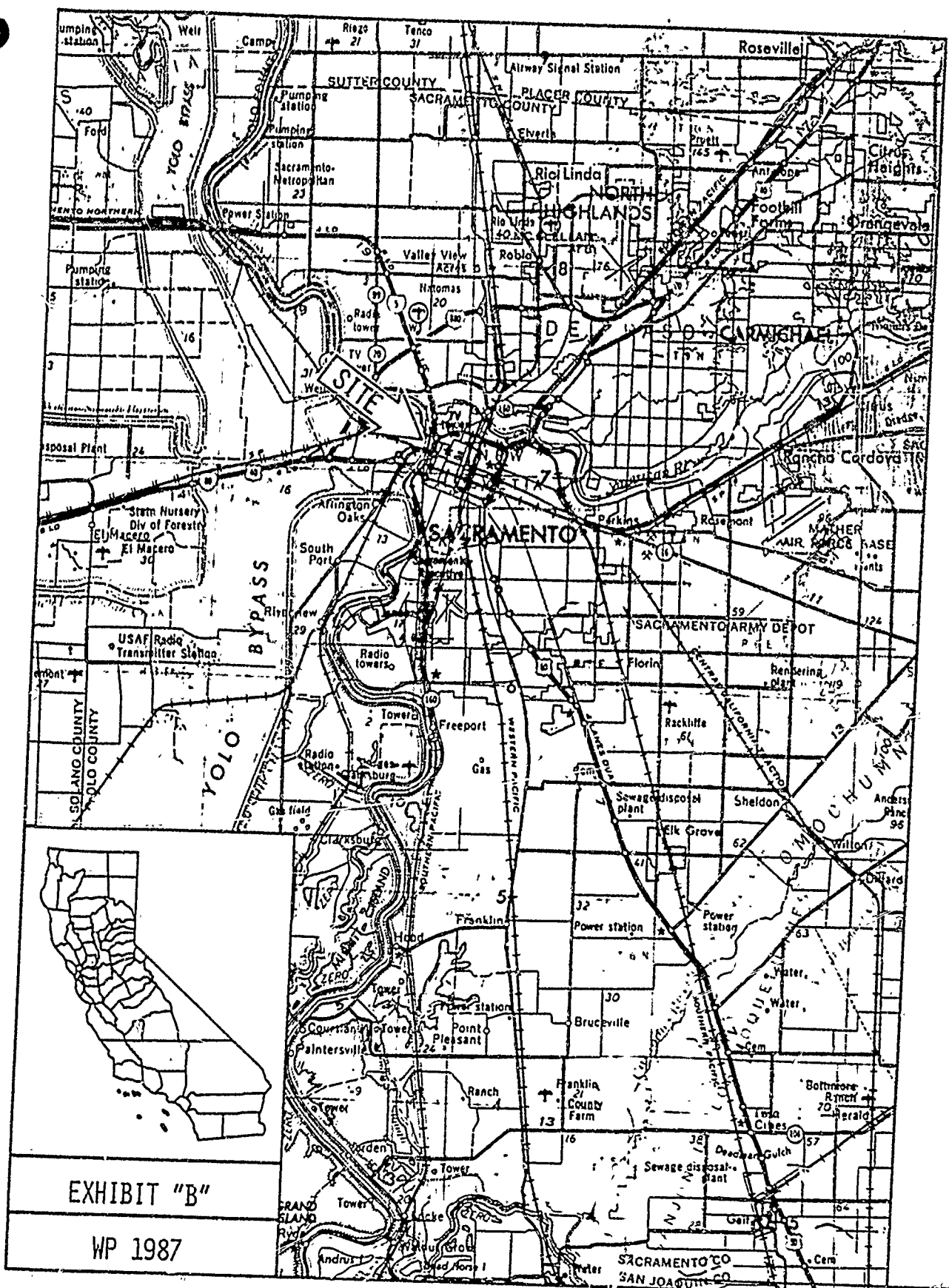


EXHIBIT "B"

WP 1987

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