

MINUTE ITEM

This Calendar Item No. C05
was approved as Minute Item
No. 5 by the State Lands
Commission by a vote of 3
to 0 at its 6/21/84
meeting.

CALENDAR ITEM

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06/21/84
WP 4485
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APPROVAL OF RENT REVISION AND
AMENDMENT TO GENERAL LEASE - COMMERCIAL USE

LESSEE:

4-Jay Investment, Inc.,
dba Rio Ramaza Marina
10000 Garden Highway
Sacramento, California 95837

AREA, TYPE LAND AND LOCATION:

A 3.50-acre parcel of tide and submerged land
in the Sacramento River near Verona, Sutter
County.

TERMS OF ORIGINAL LEASE:

Initial period: 20 years from August 1, 1979.

Surety bond: \$5,000.

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

Consideration: Five percent of gross revenue
derived from berthing,
launching and the merchandise
sold on State land, against a
\$1,500 minimum annual rental
paid in advance on August 1,
of each year of the lease;
one (1) cent per gallon of
fuel sold, up to and
including 100,000 gallons and
one and one-half (1-1/2)
cents per gallon thereafter.
Five-year rent review.

CALENDAR ITEM NO. **C05** CONT'D

FIRST AMENDMENT: Increased lease use area to 3.50 acres from 3.25 acres by Minute Item 7, April 29, 1981.

PROPOSED AMENDMENT: Decrease the land use area to 3.25 acres, the original lease area, all other terms and conditions to remain unchanged.
Five-year Rent Review: Minimum annual rental to be increased to \$1,700.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
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. This item is presented to request approval of two changes to the current lease:
 - a. Because the lessee removed a barge used as part of the marina facilities, it is recommended that the Commission approve an amendment to reduce the 3.50-acre lease area to the current 3.25 acres utilized.
 - b. Pursuant to a staff five-year rent review it is recommended that the annual minimum rental rate be increased to \$1,700, against five percent of gross income, effective on the fifth anniversary of the lease. Staff has notified the lessee of the change in the rental rate within the time limits prescribed under the lease and has afforded the lessee the opportunity to comment on the proposed change.

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the activity is consistent with its use classification.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

EXHIBITS: A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO AN AMENDMENT OF PRC 4485.1 TO 4-JAY INVESTMENT, INC., TO PROVIDE FOR A DECREASE IN THE LEASE USE AREA OF A 20-YEAR GENERAL LEASE - COMMERCIAL USE, FROM AUGUST 1, 1979; ALL OTHER TERMS AND CONDITIONS TO REMAIN UNCHANGED; FOR OPERATION AND MAINTENANCE OF AN EXISTING COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. APPROVE THE CHANGE TO THE ANNUAL MINIMUM RENTAL RATE OF PRC 4485.1 TO \$1,700, EFFECTIVE AUGUST 1, 1984, PURSUANT TO A FIVE-YEAR RENT REVIEW.

EXHIBIT "A"

LAND DESCRIPTION

PRC 4485.1

A parcel of tide and submerged land situated in the Sacramento River, Sutter County, State of California, at Mile 76.5, approximately 7 miles west of the town of Riego, being more particularly described as follows:

COMMENCING at the intersection of the northeasterly prolongation of the southeasterly right-of-way line of Garden Highway with the centerline of Riego Road, as shown on that unrecorded plat of survey by William H. Raupp, L.S. 2720, dated September, 1960, filed with the staff of the State Lands Commission, thence S 88° 07' 30" W 391 feet, more or less, to a point on the water line of the Sacramento River as shown on said map and the TRUE POINT OF BEGINNING; thence along said water line the following eleven courses:

1. S 28° 37' 45" W 34.82 feet;
2. S 30° 13' W 69.80 feet;
3. S 14° 10' W 66.00 feet;
4. S 27° 55' W 340.00 feet;
5. S 18° 50' W 90.00 feet;
6. S 42° 08' W 171.40 feet;
7. S 23° 27' W 401.00 feet;
8. S 30° 29' W 99.00 feet;
9. S 22° 31' W 185.00 feet;
10. S 35° 22' W 81.00 feet;
11. S 29° 09' W 50.00 feet; thence leaving said water line the following four courses:

12. S 88° 07' 30" W 90.00 feet;
13. N 25° 10' E 828.00 feet;
14. N 28° 34' 31" E 710.22 feet;
15. N 88° 07' 30" E 90.00 feet to the point of beginning.

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

END OF DESCRIPTION

REVISED MAY 24, 1984 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR

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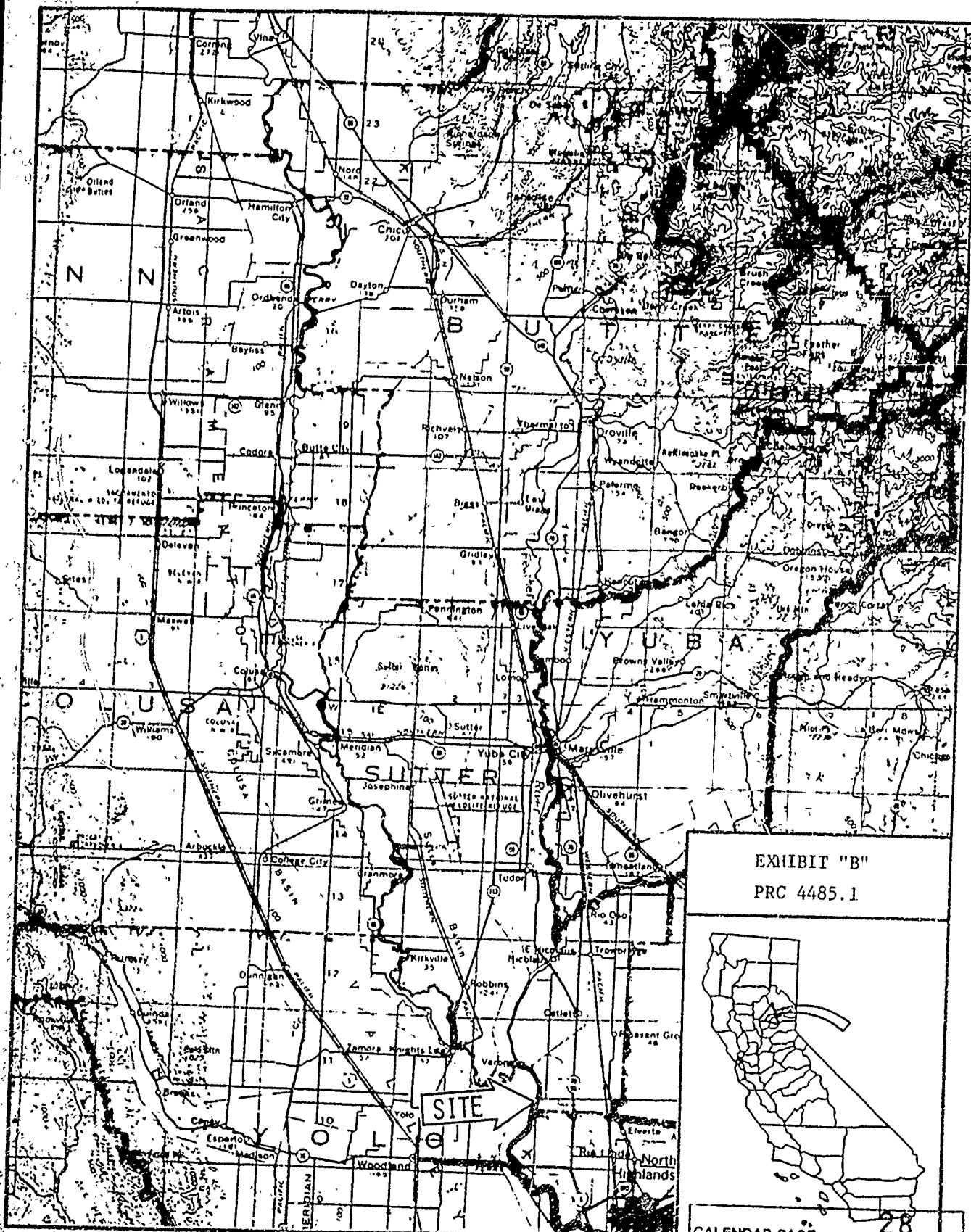


EXHIBIT "B"

PRC 4485.1



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