

# MINUTE ITEM

This Calendar Item No. 119  
was approved as Minute Item  
No. 19 by the State Lands  
Commission by a vote of 2  
to 0 at its 6/21/84  
meeting.

## CALENDAR ITEM

A 10

C 19

S 6

06/21/84  
PRC 6093  
Reese

### AUTHORIZE EXECUTION OF SUPPLEMENTARY LETTER OF UNDERSTANDING

#### LESSEE:

The Jolly Roger, Inc.  
17042 Gillette Avenue  
Irvine, California 92714

#### BACKGROUND:

On December 17, 1981, the Commission approved a General Lease - Commercial Use, for the construction of a restaurant. The first year's rental, during construction, was \$1,000. The second year's rental was a \$10,000 minimum against a percentage of gross income; the third year rental is an \$11,000 minimum against a percentage of gross income, etc.

#### CURRENT SITUATION:

Lessee has advised staff that CalTrans has constructed a barrier wall adjacent to I-5 that effectively obstructs the view of the leased land from the freeway. Therefore, the restaurant has not been constructed. Lessee is currently negotiating with CalTrans to remove a portion of the barrier wall or replace a portion of the wall with a tempered plastic material which would give visibility to the site. Inasmuch as the restaurant has not been constructed, due to circumstances beyond the lessee's control, staff recommends that a Supplemental Letter of Understanding (Lease Amendment) be executed, providing that the lease rental for the year January 1, 1984 to December 31, 1984 be reduced to \$1,000. Staff and the Lessee have agreed to change the limiting construction dates from September 1, 1982-August 31, 1983, to September 1, 1985-August 31, 1986. All other terms and conditions of Lease PRC 6093.1 will remain unchanged.

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 CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: 14 Cal. Adm. Code 15378.

AB 884.

N/A.

EXHIBITS:

- A. Legal Description.
- B. Site Map.
- C. Supplementary Letter of Understanding.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF 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. AUTHORIZE EXECUTION OF A SUPPLEMENTARY LETTER OF UNDERSTANDING (LEASE AMENDMENT) AS SHOWN IN EXHIBIT "C", AND AUTHORIZE A CHANGE OF LIMITING AND CONSTRUCTION DATES FROM SEPTEMBER 1, 1982-AUGUST 31, 1983, TO SEPTEMBER 1, 1985-AUGUST 31, 1986; ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 6093.1 REMAIN UNCHANGED.

EXHIBIT "A"

A parcel of land in the City of Sacramento, Sacramento County, California, being all that portion of the following described Parcel 1 and Parcel 2 lying waterward, westerly of, the ordinary high water line along the easterly bank of the Sacramento River.

PARCEL NO. 1

All that real property in the City of Sacramento, County of Sacramento, State of California, described as follows:

All that portion of the Tract of land designated "S. Masuhara 32.744 Acres" on that certain Record of Survey entitled "Portion of Swamp Land Survey no. 207, located in Section 26 and 27, T8N, R4E, MDM", recorded in the office of the Recorder of Sacramento County, March 3, 1960 in Book 15 of Surveys, Map No. 37, lying West of the center line of Riverside Boulevard, described as follows:

BEGINNING in the center line of said Riverside Boulevard and the Northeast corner of a parcel of land designated Beatrice Silva 0.393 Acres" on said Record of Survey, thence along said center line, North 23° 15' 25" East 235.87 feet and along the arc of a curve to the left with a radius of 960.00 feet, subtended by a chord bearing North 21° 47' 38" East 49.58 feet, to the North line of said "S. Masuhara 32.744 acres"; thence, North 75° 18' 45" West 359.81 feet, to the low water line of the Sacramento River; thence along said water line, South 15° 37' 55" East 173.27 feet and South 02° 55' 25" East 117.03, to the Northwest corner of said "Beatrice Silva 0.393 Acres"; thence South 69° 06' 05" East 196.74 feet, to the point of beginning

EXCEPTING THEREFROM all that portion lying Easterly of the line described as follows:

BEGINNING at a point on the West line of said Riverside Boulevard that bears South 06° 08' 49" West 1030.21 feet from an iron pipe marking the Southwest corner of the Sutter Grant as shown on the "Plat of Riverside Estates Unit No. 2", recorded on February 18, 1957, in Book 46 of Maps, Map no. 3, said point also being distant 208.46 feet Westerly, measured at right angles from the base line at Engineer's station "B" 253+50.60 of the Department of Public Works' Survey on Road 03-Sac-5 from Post Mile 15.1 to Post Mile 21.7; THENCE, from said point of beginning North 22° 35' 25" East 117.72 feet; thence North 09° 41' 18" East 40.38 feet; thence North 08° 42' 18" West 70.54 feet; thence North 05° 36' 50" East 30.07 feet; thence North 07° 58' 25" East 100.25 feet to a point that is 161.22 feet Westerly measured at right angles from said base line at Engineer's Station "B" 262+99.69

PARCEL NO. 2.

A parcel of land in the City of Sacramento, County of Sacramento, State of California described as follows:

BEGINNING at a point 619.08 feet South of and 291.06 feet West of an old sycamore stump, the remains of a tree marked for the Southwest corner of the Sutter Grant; thence South 65° 30' East 2634.72 feet; thence South 27° 45' West 840.84 feet to a point in Mungers Lake; thence North 53° 15' West 2163.48 feet to a fence on South line of Flower Gardens; thence North 71° 30' West along the said fence and across levee 343.20 feet to Sacramento River; thence up stream North 23° 30' East 217.80 feet; thence North 14° 30' West 257.40 feet to point of beginning, and being a portion of the land conveyed by George H. Clark to Manuel F. Silveria, Manuel G. Rose and Antone F. Silveria by deed dated March 15, 1902.

EXCEPTING THEREFROM the following three parcels:

(1) All that portion of the above described land lying Easterly of the center line of Riverside Boulevard, as said Riverside Boulevard is shown on that survey entitled "Portion of Swamp Land Survey No. 207 located in Sections 26 & 27, Township 8 North, Range 4 East, MDM" recorded in the office of the County Recorder of Sacramento County on March 3, 1960 in Book 15 of Surveys, Map No. 37.

(2) All that portion of the above described land lying Southerly of the Northerly line of that certain parcel entitled "S. Masuhara, 32.744 Acres", on that certain survey entitled "Portion of Swamp Land Survey No. 207 located in Sections 26 & 27, Township 8 North, Range 4 East, MDM", recorded in the office of the County Recorder of Sacramento County on March 3, 1960 in Book 15 of Surveys, Map No. 37.

(3) All that portion of the above described land lying easterly of the following described line:

BEGINNING at a point on the West line of said Riverside Boulevard that bears South 06° 08' 49" West 1030.21 feet from an iron pipe marking the Southwest corner of the Sutter Grant as shown on the "Plat of Riverside Estates Unit No. 2", recorded on February 18, 1957, in Book 46 of Maps, Map No. 3, said point also being distant 208.46 feet Westerly, measured at right angles from the base line at Engineer's Station "B" 259+50.50 of the Department of Public Works' Survey on Road 03-Sac-5 from Post Mile 15.1 to Post Mile 21.7; THENCE, from said point of beginning North 22° 35' 25" East 117.72 feet; thence North 09° 41' 18" East 40.38 feet; thence North 08° 42' 18" West 70.54 feet; thence North 05° 35' 50" East 30.07 feet; thence North 07° 58' 25" East 100.25 feet to a point that is 161.22 feet Westerly measured at right angles from said base line at Engineer's Station "C" 262+99.69.

END OF DESCRIPTION

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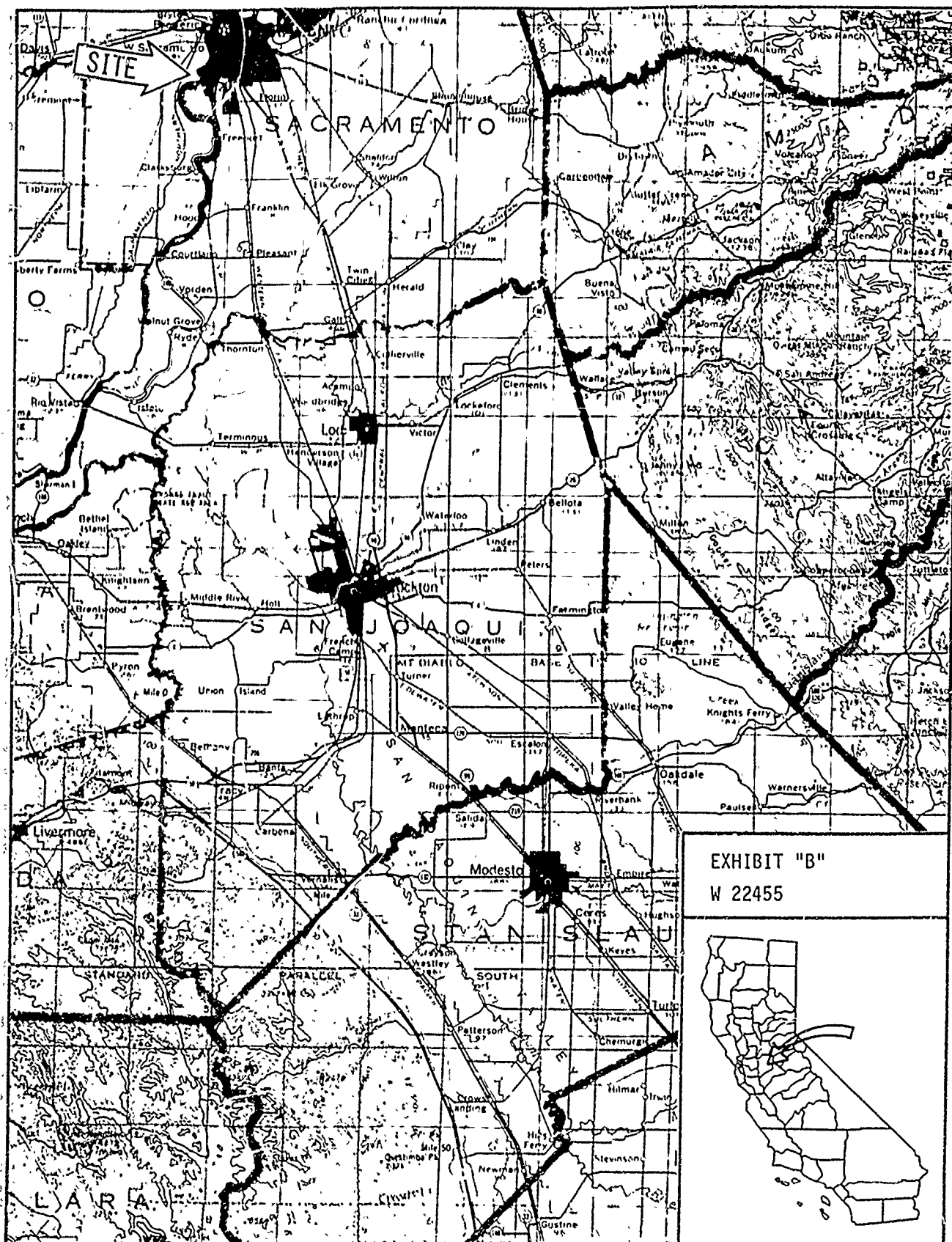


EXHIBIT "B"  
W 22455

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# EXHIBIT "C"

STATE OF CALIFORNIA

STATE LANDS COMMISSION

KENNETH CORY, Controller

LEO T. MCCARTHY, Lieutenant Governor

JESSIE HUIF, Director of Finance

GEORGE DEUKMEJIAN, Governor

EXECUTIVE OFFICE

1907 - 13th Street

Sacramento, California 95814

CLAIRE T. DEORICK

Executive Officer



STATE OF CALIFORNIA

STATE LANDS COMMISSION

Lease No. PRC 6093.1, Public Resources Code Series

## SUPPLEMENTARY LETTER OF UNDERSTANDING

This letter shall be deemed a part of said Lease as if fully set forth therein, effective upon execution on behalf of the State Lands Commission of the State of California.

Notwithstanding the Special Provisions contained in Section 2 of PRC 6093.1, dated June 14, 1982; the annual rental, for the Lease year January 1, 1984 - December 31, 1984, shall be \$1,000.00. The annual rental on January 1, 1985 and every January 1st thereafter, shall be in accordance with the Special Provisions contained in Section 2, of PRC 6093.1. All other terms and conditions of PRC 6093.1 remain unchanged.

The Jolly Roger Inc.

State of California

STATE LANDS COMMISSION

BY: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ACKNOWLEDGEMENT

Execution of this letter  
was authorized by the State  
Lands Commission  
on \_\_\_\_\_.

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