

MINUTE ITEM

This Calendar Item No. C7  
was adopted as Minute Item  
No. 2 by the State Lands  
Commission by a vote of 3  
to 0 at its 1/31/85  
meeting.

CALENDAR ITEM

C07

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01/31/85  
WP 4082 PRC 4082  
WP 5792  
Gordon

ASSIGNMENTS AND TERMINATION OF  
GENERAL LEASES - COMMERCIAL USE  
PRC 4082.1 AND PRC 5792.1  
ISSUANCE OF GENERAL LEASE - COMMERCIAL USE

ASSIGNORS:

Harold Claude Taylor  
and Carol G. Taylor  
9732 Springfield Way  
Stockton, California 95212

ASSIGNEE/APPLICANT:

Horst Hanf  
P. O. Box 3178  
San Rafael, California 94912

GENERAL LEASE - COMMERCIAL USE PRC 4082.1:

AREA, TYPE LAND AND LOCATION:

A 4.591-acre parcel of tide and submerged land,  
located in the bed of Whiskey Slough, San  
Joaquin County.

LAND USE:

Operation and maintenance of a commercial  
marina.

TERM OF EXISTING LEASE:

Initial period: 35 years beginning January 1,  
1977.

Surety bond: \$5,000.

Public liability insurance: \$300,000/\$600,000  
per occurrence for bodily  
injury and \$100,000 for  
property damage.

CALENDAR ITEM NO. 007 (CONT'D)

CONSIDERATION: \$7,830 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

GENERAL LEASE - COMMERCIAL USE PRC 5792.1

AREA, TYPE LAND AND LOCATION: A 2.29-acre parcel of tide and submerged land, located in the bed of Whiskey Slough, San Joaquin County.

LAND USE: Operation and maintenance of a commercial marina.

TERMS OF EXISTING LEASE:  
Initial period 20 years beginning January 1, 1980.

Renewal options: One successive period of 13 years.

Surety bond: \$5,000.

Public liability insurance: \$300,000/\$600,000 per occurrence for bodily injury and \$100,000 for property damage, or combined single limit coverage of \$600,000.

CONSIDERATION: \$3,915 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

TERMS OF PROPOSED LEASE:  
Initial period: 35 years beginning January 1, 1985.

Surety bond: \$15,000.

Public liability insurance: Combined single limit coverage of \$1,000,000.

Special: 1. The lease agrees to terminate General Leases - Commercial Use, PRC 4082.1 and PRC 5792.1 effective January 1, 1985.

CALENDAR ITEM NO. C 0 7 (CONT'D)

2. The lease consents to lessee's subletting the lease premises for berthing or mooring purposes for terms of one year or less.

CONSIDERATION: \$11,745 per annum; 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 2003.

APPLICANT STATUS:

Applicant is Purchaser of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

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 transaction is occasioned by the sale of the upland and the marina facilities to applicant. The new lease terminates and replaces the two leases currently covering the existing facilities. It also extends the existing lease terms and increases the surety and public liability insurances coverages.
2. 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 as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

CALENDAR ITEM NO. C 0 7 (CONT'D)

3. 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 this activity is consistent with its use classification.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
3. APPROVE, EFFECTIVE JANUARY 1, 1985, THE ASSIGNMENTS OF GENERAL LEASES - COMMERCIAL USE, PRC 4082.1 AND PRC 5792.1, COVERING THE OPERATION AND MAINTENANCE OF A COMMERCIAL MARINA, FROM HAROLD CLAUDE TAYLOR AND CAROL G. TAYLOR TO HORST HANF.
4. AUTHORIZE TERMINATION OF GENERAL LEASES - COMMERCIAL USE, PRC 4082.1 AND PRC 5792.1 DATED OCTOBER 20, 1978 AND FEBRUARY 5, 1980, RESPECTIVELY, EFFECTIVE JANUARY 1, 1985, AND THE ISSUANCE TO HORST HANF OF A 35-YEAR GENERAL LEASE - COMMERCIAL USE BEGINNING JANUARY 1, 1985; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$11,745, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH PROVISION OF A \$15,000 SURETY BOND AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR OPERATION AND MAINTENANCE OF A COMMERCIAL MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

## EXHIBIT "A"

LAND DESCRIPTION

WP 4082/WP 5792

Two parcels of tide and submerged land in the bed of Whiskey Slough in San Joaquin County, California, located immediately adjacent to Roberts Island and more particularly described as follows:

PARCEL 1

BEGINNING at the intersection of the centerline of the McDonald Island Road with the ordinary high water line comprising the westerly boundary of Roberts Island (in projected Section 31, T2N, R5E, MDM) which intersection was designated the "point of commencement" in the deeds from Marie Pezzi, et al, to Harold Claude Taylor, et ux, dated June 27, 1962, recorded in Book 2570, pages 273 through 276 Official Records of San Joaquin County, California; thence from said point of beginning southerly along said ordinary high water line 1,280 feet, more or less, to the southerly boundary of the 4,287 acre parcel described in said deeds; thence, leaving said line, N 65° W, 150 feet; thence N 37° E, 450 feet; thence N 25° W, 200 feet; thence N 50° W, 450 feet; thence North 100 feet, more or less, to a point which bears S 87° W from said point of beginning hereof; thence N 87° E, 155 feet, more or less, to said point of beginning.

PARCEL 2

COMMENCING at the 1 inch by 2 foot iron pipe set on the west side of the levee crown, as shown on that map recorded in Record of Surveys, Volume 8, San Joaquin County Records, at Page 109; thence S 0° 20' 00" E 15.00 feet; thence S 89° 17' 00" W 21.00 feet, to a point on the east bank of Whiskey Slough and the TRUE POINT OF BEGINNING; thence leaving said east bank the following seven courses:

1. S 89° 33' 00" W 146.09 feet;
2. S 29° 11' 24" W 116.17 feet;
3. S 53° 12' 16" W 254.02 feet;
4. S 44° 48' 22" W 211.36 feet;
5. S 45° 33' 22" E 112.12 feet;
6. S 84° 23' 10" E 32.18 feet;
7. S 55° 44' 17" E 26.06 feet to a point on the easterly bank of Whiskey Slough; thence along said bank the following eight courses:
8. N 36° 22' 27" E 54.90 feet;
9. N 44° 50' 36" E 97.74 feet;
10. N 50° 24' 02" E 96.74 feet;
11. N 56° 23' 15" E 99.77 feet;
12. N 49° 26' 29" E 104.80 feet;
13. N 36° 37' 21" E 103.77 feet;
14. N 13° 41' 45" E 105.63 feet;
15. N 14° 08' 31" W 17.05 feet; to the point of beginning.

CALENDAR PAGE	35
MINUTE PAGE	40

EXCEPTING FROM above described Parcels 1 and 2 any portion thereof lying landward of the ordinary high water mark of Whiskey Slough.

END OF DESCRIPTION

REVISED DECEMBER 5, 1984, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

CALENDAR PAGE	36
MINUTE PAGE	41

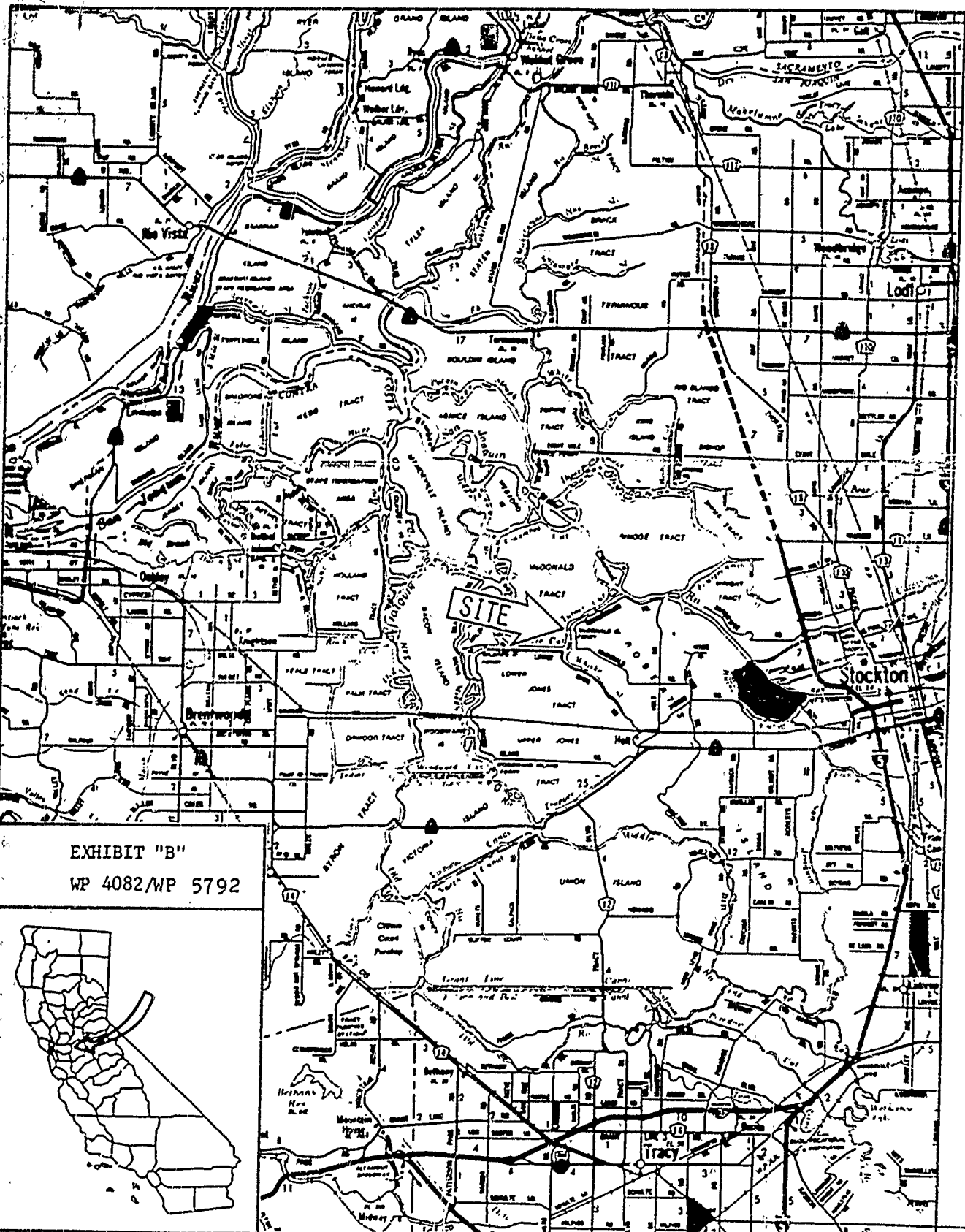


EXHIBIT "B"  
 WP 4082/WP 5792

