

MINUTE ITEM

16

09/26/85
WP 194
Lane

TERMINATION OF EXISTING LEASE
ACCEPTANCE OF QUITCLAIM DEED
AUTHORIZE A GENERAL PERMIT - PUBLIC AGENCY USE
AND AUTHORIZATION OF A SUBLEASE

Calendar Item 16, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 16.

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CALENDAR ITEM

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WP 194

Lane

TERMINATION OF EXISTING LEASE, ACCEPTANCE OF
QUITCLAIM DEED, AUTHORIZE A GENERAL PERMIT -
PUBLIC AGENCY USE AND AUTHORIZATION OF A SUBLEASE

TERMINATING LESSEE:

Arena Cove Sport Center
P. O. Box 6759
Incline Village, Nevada 89450

APPLICANT:

City of Point Arena
P. O. Box 67
Point Arena, California 95468

SUBLESSEE:

State of California
Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

AREA, TYPE LAND AND LOCATION:

A 0.946-acre parcel of tide and submerged land
located in the Pacific Ocean at Point Arena,
Mendocino County.

LAND USE:

Construction and operation of a public fishing
pier.

TERMS OF ORIGINAL LEASE

Initial period: Ten years beginning
October 28, 1975

Renewal options: One successive period of ten
years.

Surety bond: \$5,000.

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

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Consideration: \$550 per annum five-year
rent review.

TERMS OF PROPOSED LEASE:

Initial period: 30 years beginning July 1,
1985.

Public liability insurance: Combined single
limit coverage of \$1,000,000
or an acceptable substitute
thereof.

CONSIDERATION: The public use and benefit; with the State
reserving the right at any time to set a
monetary rental if the Commission finds such
action to be in the State's best interest.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal Adm. Code 2003.

APPLICANT STATUS:

Applicant is acquiring the upland by
Condemnation.

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 824

12/24/85.

OTHER PERTINENT INFORMATION:

1. The existing Point Arena Cove pier was
originally constructed subsequent to State
Lands Commission. Authorization on
April 28 1950 and was used as a fish
receiving station until 1983, when a storm
caused irreparable damage. Because the
lessee was unwilling to rebuild despite the
local residents need for such a facility,
an ad hoc committee was formed to acquire
needed funds to rebuild. At this point the
funds have been received from Federal and

CALENDAR ITEM NO. 16 (CONT'D)

State Agencies for construction of a new facility and acquisition of a 1.38-acre upland parcel. Construction of the facility is slated for November 1985 or as weather permits. The proposed lease requires the Applicant to remove the present hazardous structure. The project funds provide for that activity.

Because Wildlife Conservation Board is funding \$250,000, a sublease to the Department of Fish and Game is required pursuant to Section 1348 and 1350 of the Fish and Game Code. The requirement is for a 25-year sublease to cover the lease use area shown on Exhibit "A" for fishery and habitat protection.

Also, the State is named as a party to litigation filed by the City of Point Arena to condemn the upland parcel by eminent domain. The primary reason is the involved tide and submerged lands are subject to Tidelands Survey No. 115 which may be an invalid sale per People vs. Morrill, 26 Cal 336.

2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Adm. Code 2954 is not applicable.

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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 as a categorical exempt project. The project is exempt under Class 2, Replacement or Reconstruction, 2 Cal. Adm. Code 2905(b).

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

APPROVALS OBTAINED:

California Coastal Commission, Department of Fish and Game, United States Army Corps of Engineers.

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 AS A CATEGORICAL EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION, 2 CAL. ADM. CODE 2905(b).
2. FIND THAT THE SIGNIFICANT ENVIRONMENTAL VALUES ORIGINALLY IDENTIFIED PURSUANT TO P.R.C. 6370, ET SEQ., ARE NOT WITHIN THE PROJECT SITE AND WILL NOT BE AFFECTED BY THE PROPOSED PROJECT.
3. AUTHORIZE THE TERMINATION OF LEASE PRC 194 GENERAL LEASE INDUSTRIAL USE, BEGINNING ON OCTOBER 28, 1975 AND ACCEPTANCE OF A QUIETENANCE DEED THEREOF, EFFECTIVE JUNE 30, 1985.
4. AUTHORIZE ISSUANCE TO CITY OF POINT ARENA OF A 30-YEAR GENERAL PERMIT - PUBLIC AGENCY USE BEGINNING JULY 1, 1985; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000 OR ACCEPTABLE SUBSTITUTE THEREOF; FOR CONSTRUCTION AND OPERATION OF A PUBLIC FISHING PIER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
5. AUTHORIZE THE CITY OF POINT ARENA TO ENTER INTO A 25-YEAR SUBLEASE WITH DEPARTMENT OF FISH AND GAME FOR FISHERY AND HABITAT PROTECTION ON THE LANDS AS DESCRIBED ON EXHIBIT "A".

Exhibit "A"

LAND DESCRIPTION

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A parcel of tide and submerged land situated in Arena Cove, County of Mendocino, State of California, being located in Section Eleven (11), as projected, of T12N, R17W, M.D.M., said land being particularly described as follows:

COMMENCING at a 3/4" diameter iron pipe monument in the center of the railway track leading from Point Arena Cove wharf to warehouse, from which monument a 3/4" diameter iron pipe bears S 64° 08' E, 376.02 feet distant, and also from which monument the corner common to Sections 11, 12, 13 and 14, T12N, R17W, M.D.M., bears S 50° 39' 30" E, 1958.26 feet distant; thence from said point of commencement, N 53° 13' E, 89.04 feet to a point from which a 10" galvanized boat spike, near the North-east corner of the Coast Guard Boat House, bears N 5° 45' W, 38.00 feet distant; thence S 84° 15' W, 130.00 feet, more or less, to a point on the ordinary high water mark of the Pacific Ocean, being the TRUE POINT OF BEGINNING; thence from said true point of beginning

- 1) S 83° 17' W, 385 feet
- 2) S 06° 43' E, 105 feet
- 3) N 83° 17' E, 400 feet,

more or less, to the ordinary high water mark of the Pacific Ocean; thence northerly along said ordinary high water mark to the point of beginning.

END OF DESCRIPTION

REVIEWED JUNE 26, 1985 BY BOUNDARY SERVICES UNIT, M.L. SHAFER, SUPERVISOR

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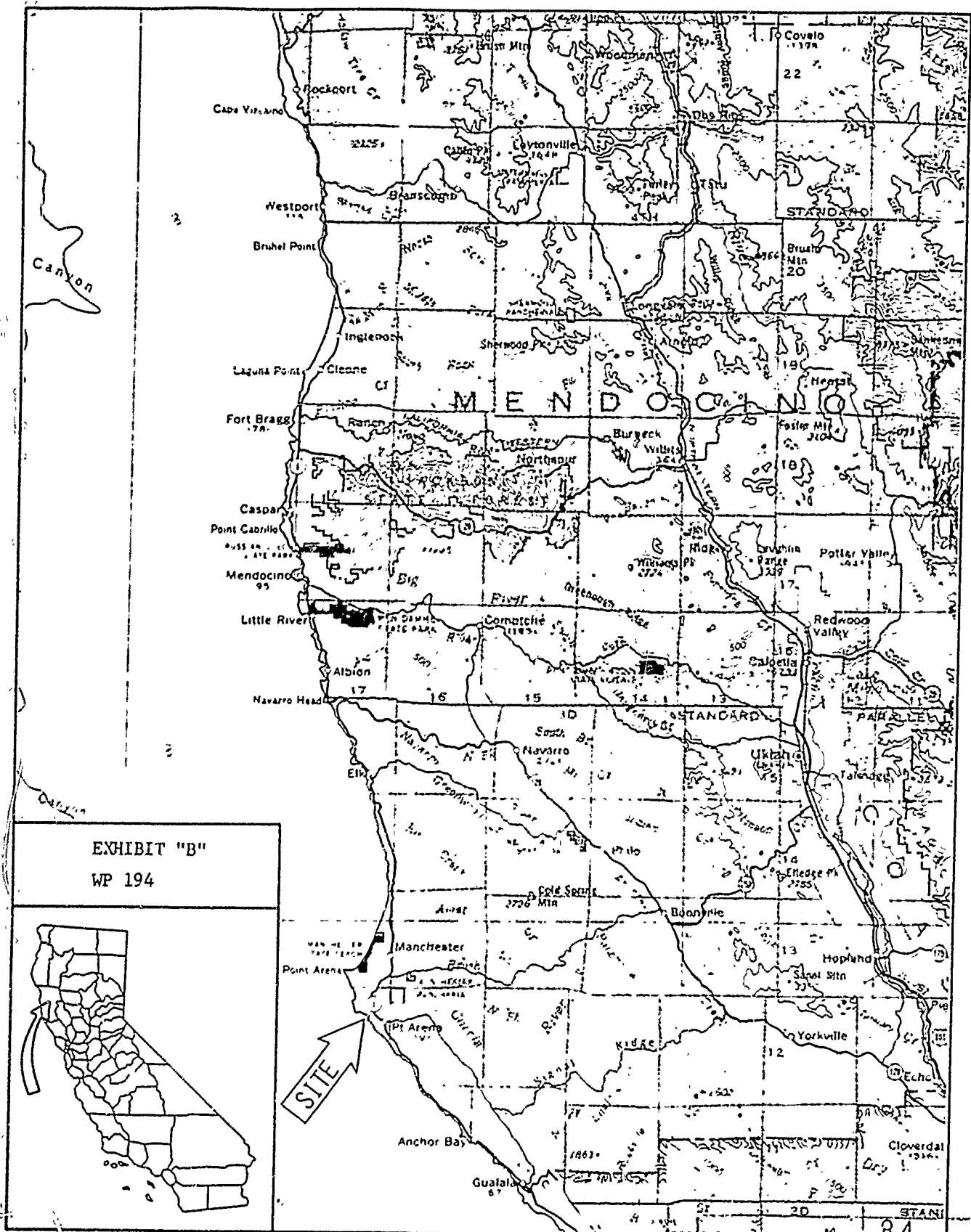


EXHIBIT "B"
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