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12/19/85

CALENDAR ITEM

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12/19/85
WP 4080
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ASSIGNMENT AND AMENDMENT OF
GENERAL LEASE - COMMERCIAL USE

ASSIGNORS: Darrell B. Hannan and Clyde E. Hogg
dba Turner Cut Resort
12888 West Neugebauer Road
Stockton, California 95206

ASSIGNEES: Darrell B. Hannan and
Florence M. Hannan
P. O. Box 1281
Santa Cruz, California 95061-1281

AREA, TYPE LAND AND LOCATION:
A 3.666 acre area of tide and submerged land in
Whiskey Slough and Turner Cut, a.k.a. Branch
Slough, near Stockton, San Joaquin County.

LAND USE: Operation and maintenance of an existing marina.

TERMS OF ORIGINAL LEASE:

Initial period: Nine years beginning
February 27, 1968.

Renewal options: One successive period of
40 years.

Surety bond: \$5,000.

Public liability insurance: \$200,000/\$600,000
per occurrence for bodily
injury and \$100,000 for
property damage.

Consideration: \$419.08 per annum; five-year
rent review.

CALENDAR ITEM NO. C 0 8 (CONT'D)

TERMS OF RENEWAL:

Initial period: 40 years beginning
February 27, 1977.

Surety bond: \$5,000.

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

Consideration: \$4,500 per annum; five-year
rent review.

TERMS OF PROPOSED AMENDMENT:

Initial period: 40 years beginning
February 27, 1977.

Surety bond: \$5,000.

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

Special:

1. The amendment increases
the area of use, annual
rental, and liability
insurance coverage.
2. The amendment also
restricts residential use of
the area and facilities.
3. All other terms and
conditions of the lease
remain in full force and
effect.

CONSIDERATION: \$8,286 for the period of February 27, 1982
through February 26, 1985 and \$6,599 per annum,
thereafter; 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.

CALENDAR ITEM NO. C 0 8 (CONT'D)

APPLICANT STATUS:

Applicant is owner 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:

02/04/86.

OTHER PERTINENT INFORMATION:

1. This transaction is occasioned by the conveyance of the assignors' interest in the upland to the assignees, and for the purpose of bringing additional existing boat berthing facilities under Commission authorization.

2. As to the assignment: 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.

3. As to the amendment: 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 8 (CONT'D)

4. 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 project is consistent with its use classification.

APPROVALS OBTAINED:

United States Army Corps of Engineers,
California Department of Fish and Game,
California Central Valley Regional Water
Quality Control Board, California Reclamation
Board and the County of San Joaquin.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE ASSIGNMENT: 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. AS TO THE AMENDMENT: 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 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
4. APPROVE, EFFECTIVE FEBRUARY 27, 1985, THE ASSIGNMENT OF GENERAL LEASE - COMMERCIAL USE, PRC 4080, COVERING OPERATION AND MAINTENANCE OF EXISTING MARINA FACILITIES, FROM DARRELL B. HANNAN AND CLYDE E. HOGG, DBA TURNER CUT RESORT, TO DARRELL B. HANNAN AND FLORENCE M. HANNAN.

CALENDAR ITEM NO. C 0 8 (CONT'D)

5. AUTHORIZE THE AMENDMENT OF GENERAL LEASE - COMMERCIAL USE PRC 4080 EFFECTIVE FEBRUARY 27, 1985, TO INCREASE THE AREA OF USE, THE ANNUAL RENTAL AND LIABILITY INSURANCE COVERAGE; IN CONSIDERATION OF \$0,286 AS RENT FOR THE PERIOD OF FEBRUARY 27, 1982 THROUGH FEBRUARY 26, 1985 AND ANNUAL RENT IN THE AMOUNT OF \$6,599, THEREAFTER; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH PROVISION OF A \$5,000 SURETY BOND; AND WITH PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR OPERATION AND MAINTENANCE OF EXISTING MARINA FACILITIES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
LAND DESCRIPTION

WP 4080

A parcel of tide and submerged land in the beds of Whiskey Slough and Turner Cut (AKA Branch Slough), San Joaquin County, California, said parcel being immediately beneath various covered berths, boat docks and associated water structures, together with areas of use, all being immediately adjacent to and northerly and westerly of that land described as Parcel 3 in the Grant Deed recorded in Book 3163, page 456, San Joaquin County Official Records.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of Whiskey Slough and Turner Cut (AKA Branch Slough).

END OF DESCRIPTION

REVIEWED JUNE 5, 1985 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

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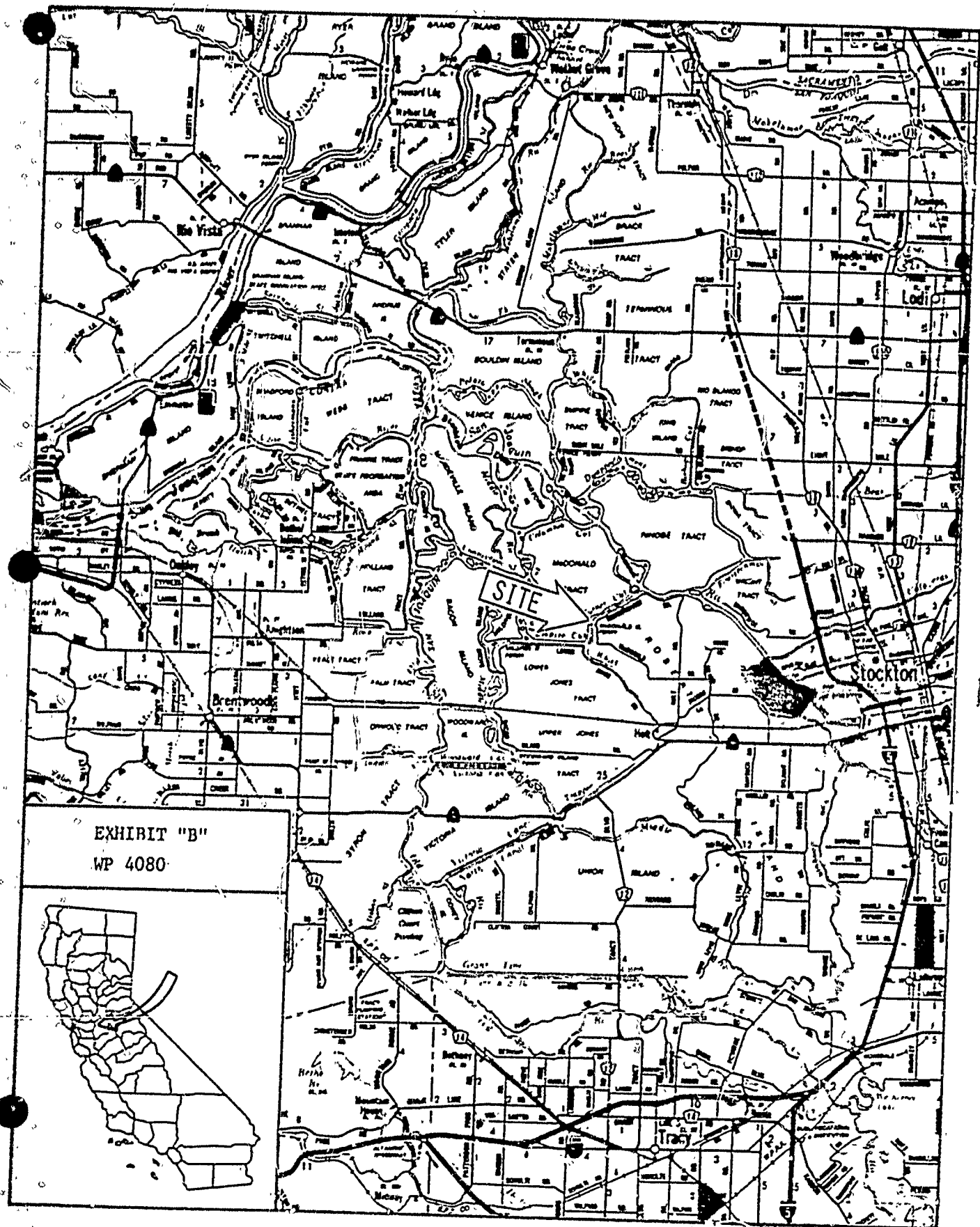


EXHIBIT "B"
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