

MINUTE ITEM

This Calendar Item No. 16
was approved as Minute Item
No. 16 by the State Lands
Commission by a vote of 4
to 0 at its 12/23/86
meeting.

MINUTE ITEM:

16

12/23/86
WP 2587
Night

**GENERAL LEASE - COMMERCIAL USE
RIVER BANK VILLAGE**

Executive Officer Dedrick submitted for the record a December 17, 1986 letter from Riverbank Holding Company requesting the Commission to approve a 90-day extension before taking any action on Calendar Item 16.

Executive Officer Dedrick indicated staff recommended acceptance of the letter and asked the Commission to withhold action on Calendar Item 16 for a period not to exceed 90 days.

Mr. Thomas Westley, representing Riverbank Holding Company, indicated his concurrence with the staff recommendation.

Upon motion duly made and carried, the Commission granted the applicant a 90-day extension.

Attachment: Calendar Item 16.

CALENDAR ITEM

16

A 10

S 6

12/23/86
MP 2587
Night

GENERAL LEASE - COMMERCIAL USE

APPLICANT: River Bank Village, A California
Limited Partnership
c/o Riverbank Holding Company
Attn: Mr. Thomas Westley
1361 Garden Highway
Sacramento, California 95833

AREA, TYPE LAND AND LOCATION: Approximately 1.02-acre parcel of tide and submerged land, located in the Sacramento River, Sacramento County.

LAND USE: Existing berthing, marina operation, presently in trespass.

CONSIDERATION: Rental has yet to be agreed upon. If the application is not acted upon by the Commission, an AB 884 extension may be needed to allow time to negotiate that matter.

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

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has 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.

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AB 884:

03/09/87.

OTHER PERTINENT INFORMATION:

1. Chronology

- a. The present improvements were originally authorized under Lease PRC 2065, which expired December 31, 1959.
- b. Under Minute Item 10, May 24, 1960, the Commission authorized a new Lease, PRC 2587 (for the subject area), beginning April 4, 1960, to James A. Lloyd and Kenneth W. Hill. (15 years) (0.64 acre)
- c. Under Minute Item No. 24, September 25, 1967, the Commission authorized an assignment of Lease PRC 2587, to Robert G. Hussey.
- d. The lease expired May 31, 1975, and has never been renewed. During attempted settlement, and subsequent litigation, the land area claim was increased to 1.29 acres.
- e. By Grant Deed recorded April 26, 1985, the adjacent upland parcel was acquired by The River Bank Village, A California Limited Partnership.

2. Present Situation

- a. The existing improvements are in operation without a permit or lease.
- b. The applicant has a completed application.
- c. 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, if the Commission decides to authorize a lease

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to the applicant, 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 and 14 Cal. Adm. Code 15300.

3. The following additional factors are relevant to the Commission in its decision-making process:

- a. As reported in Calendar Item 59, October 23, 1986, Riverbank Holding Company, four of whose principals have an interest in the River Bank Village, A California Limited Partnership has breached its Lease PRC 6427.1 in several ways, some of which have been corrected. The lease premises under that lease are adjacent and upstream of the lands which are the subject of this application. In April, 1986, Riverbank Holding Company requested an extension of its lease premises under PRC 6427 into the Village Marina area for expansion of the Riverbank Marina. That request has since been dropped, and replaced by the existing application.
- b. Riverbank Holding Company and the Commission staff have a disagreement over the interpretation of the Rental Provisions of the lease. It is the State's position that River Bank Village, A California Limited Partnership owes a total of \$52,027.66. They have paid \$24,273.38, leaving a difference of \$27,754.28 in dispute.
- c. The Commission's authority includes the lawful ability to require site clearance, if it deems such action to be prudent.

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- d The State of California, its officers, agents and employees would be named as additional insured on certificates of coverage to be provided to the Commission by the applicant if a lease is authorized.
4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBIT:

A. Location Map.

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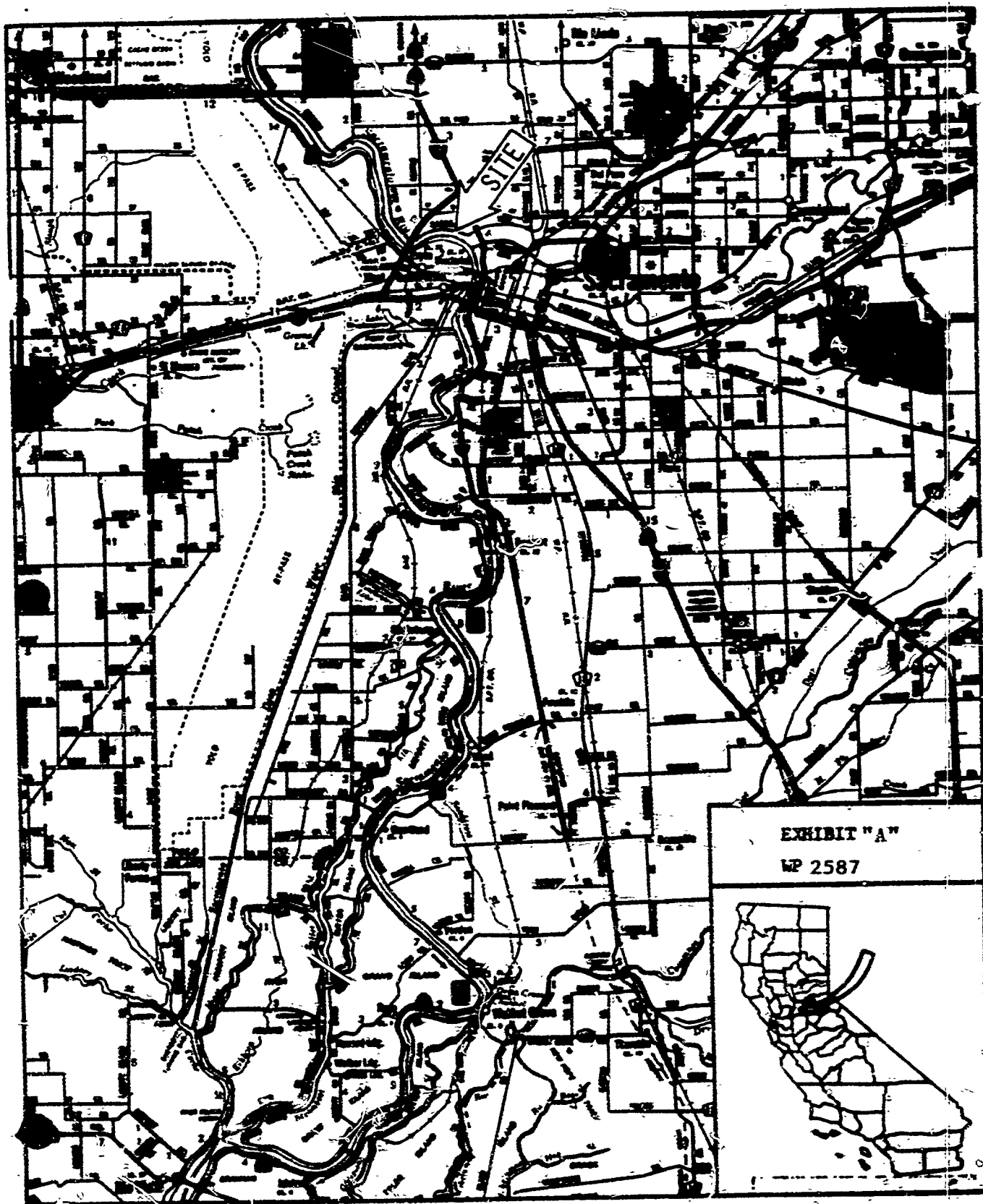


EXHIBIT "A"

WP 2587



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