

MINUTE ITEM

This Calendar Item No. C8
was approved as Minute Item
No. 8 by the State Lands
Commission by a vote of 3
to 0 at its 1-21-88
meeting.

CALENDAR ITEM

A 4
S 5

C 8

02/21/88
PRC 6372
Maricle

AMENDMENT OF GENERAL LEASE - COMMERCIAL USE

APPLICANT: Gene K. and Carrol A. Cartwright
1045 South River Road
West Sacramento, California 95691

AREA, TYPE LAND AND LOCATION:
1.77 acres, tide and submerged land, Sacramento
River, Yolo County.

LAND USE: Commercial Marina.

TERMS OF ORIGINAL LEASE:

Initial period: 14 years beginning
November 1, 1984.

Surety bond: \$5,000.

Public liability insurance: Combined single
limit coverage of \$500,000.

CONSIDERATION: Five percent of the gross income derived from
the rental of docks and moorings; three percent
of the gross income derived from the operation
of the snack shed; ten percent of the gross
income derived from sources exclusive of those
described above; a minimum annual rental of
\$972 for the period of November 1, 1984 through
October 31, 1986 and a minimum annual rental of
\$2,450 thereafter; five-year rent review.

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. 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.

2. The Lessee has requested a change in the existing rental structure in Lease PRC 6372. The staff and the Applicant, upon review, have agreed to the following fixed schedule and amounts:

PERIOD	RENT
Nov. 1, 1984 thru Oct. 31, 1985	\$972 (Fixed)
Nov. 1, 1985 thru Oct. 31, 1986	\$972 (Fixed)
Nov. 1, 1986 thru Oct. 31, 1987	\$1,500 (Fixed)
Nov. 1, 1987 thru Oct. 31, 1988	\$2,000 (Fixed)
Nov. 1, 1988 thru Oct. 31, 1989	\$2,500 (Fixed)

Effective November 1, 1989, the rental structure will return to a minimum rent against a percentage of the gross, whichever is greater, in line with the provisions of the present agreement.

3. It came to light during recent discussions held with the Lessee that his present recollection of the 1984 lease negotiations differs from that of the staff, in connection with the construction of new marina facilities, and has resulted in an apparent difference of opinion regarding the specific rental to be paid to the State.
4. The staff has concluded that the Lessee believed the immediate execution of the lease was necessary to allow construction of the marina expansion, with the understanding that the percentage-of-gross

provisions could be later reconsidered once the marina facilities were constructed and put into active operations.

5. In the interest of resolving what appears to be a genuine difference of opinion regarding rental consideration, the staff believes that the lessee's request is reasonable and that it should be allowed.

APPROVALS OBTAINED:
None.

FURTHER APPROVALS REQUIRED:
None.

EXHIBITS: A. Rental Schedule.
 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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AUTHORIZE ISSUANCE TO GENE K. AND CARROL A. CARTWRIGHT OF AN AMENDMENT TO LEASE PRC 6372, PROVIDING FOR A CHANGED RENTAL SCHEDULE AS SHOWN ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF, AND FURTHER PROVIDING THAT THE BALANCE OF SAID LEASE SHALL REMAIN IN FULL FORCE AND EFFECT

EXHIBIT "A"

RENTAL SCHEDULE - PRC 6372

I)	PERIOD	RENT
	Nov. 1, 1984 thru Oct. 31, 1985	\$972 (Fixed)
	Nov. 1, 1985 thru Oct. 31, 1986	\$972 (Fixed)
	Nov. 1, 1986 thru Oct. 31, 1987	\$1,500 (Fixed)
	Nov. 1, 1987 thru Oct. 31, 1988	\$2,000 (Fixed)
	Nov. 1, 1988 thru Oct. 31, 1989	\$2,500 (Fixed)

II) NOVEMBER 1, 1989, TO TERMINATION:

RENTAL STRUCTURE TO RETURN TO A MINIMUM RENT AGAINST A PERCENTAGE OF THE LESSEE'S GROSS INCOME, WHICHEVER IS GREATER, ACCORDING TO THE TERMS OF LEASE PRC 6372.

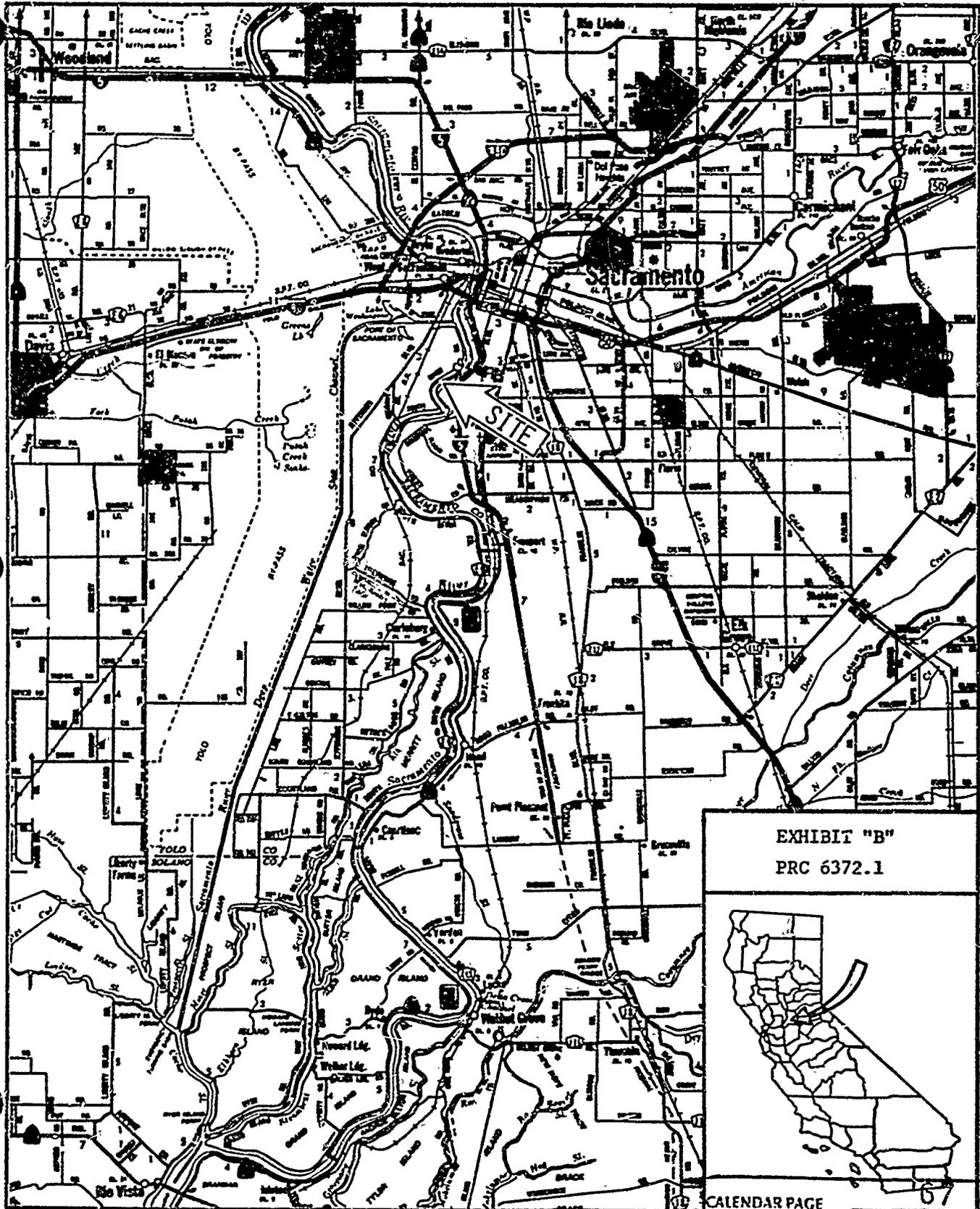


EXHIBIT "B"
 PRC 6372.1



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