

MINUTE ITEM

This Calendar Item No. 02
was approved as Minute Item
No. 2 by the State Lands
Commission by a vote of 3
to 0 at its 10/7/88
meeting.

CALENDAR ITEM

A 4, 10, 26

C 02

S 5

10/07/88
PRC 2363 PRC 5512
PRC 2761 PRC 6917
PRC 4221
PRC 5349

J. Ludlow

RENT REVIEWS/CONTINUATIONS

The leases set forth on the attached Exhibit "A" provide that the State may adjust the annual rental to a different amount effective on each fifth anniversary or subsequent anniversary following the fifth anniversary of the lease.

Staff has reviewed the leases in accordance with the Commission's rental regulations (2 Cal. Adm. Code 2003) and is recommending that the Commission take the action indicated for the items listed on Exhibit "A". Staff has notified the lessees of the changes to rentals as recommended herein within the time limits prescribed under the leases and has afforded each lessee the opportunity to comment on the proposed change.

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.
2. Regarding Item B, the lessee in lease PRC 2761 (Dorn) waited until the proposed rental increase had been fully negotiated and resolved before tendering payment for the rental period extending from July 1, 1988 through June 30, 1989. Negotiations with him had advanced beyond the rental anniversary date, and the lessee stated that it was reasonable, in his opinion, to

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hold up payment until the rental dispute was settled and the amount thereof brought to final resolution. Under these circumstances, staff concurs with the lessee and believes it is appropriate for the Commission to waive any interest and penalty for the period covering July 1, 1988 through June 30, 1989, which might otherwise be due and payable under the terms of lease PRC 2761.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

EXHIBITS: A. Lessees.
 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 BECAUSE IT IS NOT A PROJECT AS DEFINED IN P.R.C. 21065, AND 14 CAL. ADM. CODE, SECTION 15378.
2. REGARDING LEASE PRC 2761, WAIVE ANY PENALTY AND INTEREST COVERING THE PERIOD JULY 1, 1988 THROUGH JUNE 30, 1989, WHICH MIGHT OTHERWISE BE DUE AND PAYABLE UNDER THE TERMS OF SAID LEASE.
3. APPROVE THE CHANGES/CONTINUATIONS TO ANNUAL RENTALS FOR THE LEASES LISTED ON THE ATTACHED EXHIBIT "A".

EXHIBIT "A"

RENT REVIEW/CONTINUATIONS FOR CALENDAR OF OCTOBER 1988

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LEASE NUMBER	LESSEE	TYPE OF LEASE AND LOCATION	OLD RENT PER ANNUM	NEW RENT PER ANNUM	BASIS FOR CHANGE	EFFECTIVE DATE	NEGOTIATOR
<u>Item A</u>							
RC 2363.1	Leroy E. Borba and Ginger A. Borba 1628 West Bowman Road French Camp, CA 95231	Non-Commercial Lease, San Joaquin River near French Camp, San Joaquin County	\$184.80	\$184.80	No change Benchmark appraisal	02/24/89	Gordon
<u>Item B</u>							
RC 2761.1	Dale Dorn, dba Boon-Dox Liquor & Deli P.O. Box 296 Walnut Grove, CA 95690	General Lease - Commercial Use, Sacramento River at Walnut Grove, Sacramento County	\$360	\$495	Fair Rental appraisal	02/01/89	Maricle
<u>Item C</u>							
RC 4221.1	Lincoln Chan P.O. Box 276 Courtland, CA 95615	General Lease - Right-of-Way Use, Hensley Slough near Courtland, Sacramento County	\$100	\$100	No Change, minimum rental for this type of lease	03/01/89	Maricle
<u>Item D</u>							
RC 5349.1	Nelson C. Barry 465 California Street San Francisco, CA 94104	General Permit - Recreational Use, Georgiana Slough, Sacramento County	\$125	\$136.50	Benchmark appraisal	03/23/89	Maricle
RC 5512.1	Sacramento Yacht Club, Inc. P.O. Box 773 West Sacramento, CA 95691	General Permit - Recreational Use, Sacramento River, Yolo County	\$1,890	\$2,730	Fair Rental appraisal	11/16/88	Maricle

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EXHIBIT "A"

RENT REVIEW/CONTINUATIONS FOR CALENDAR OF OCTOBER 1988

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LEASE NUMBER	LESSEE	TYPE OF LEASE AND LOCATION	OLD RENT PER ANNUM	NEW RENT PER ANNUM	BASIS FOR CHANGE	EFFECTIVE DATE	NEGOTIATOR
tem F BC 6917.1	Herman Ehlers & Sons, Inc. 530 South Mills Avenue Lodi, CA 95240	General Permit- Recreational Use, White Slough, San Joaquin County	\$126	\$146.58	Benchmark appraisal	04/15/89	Gordon

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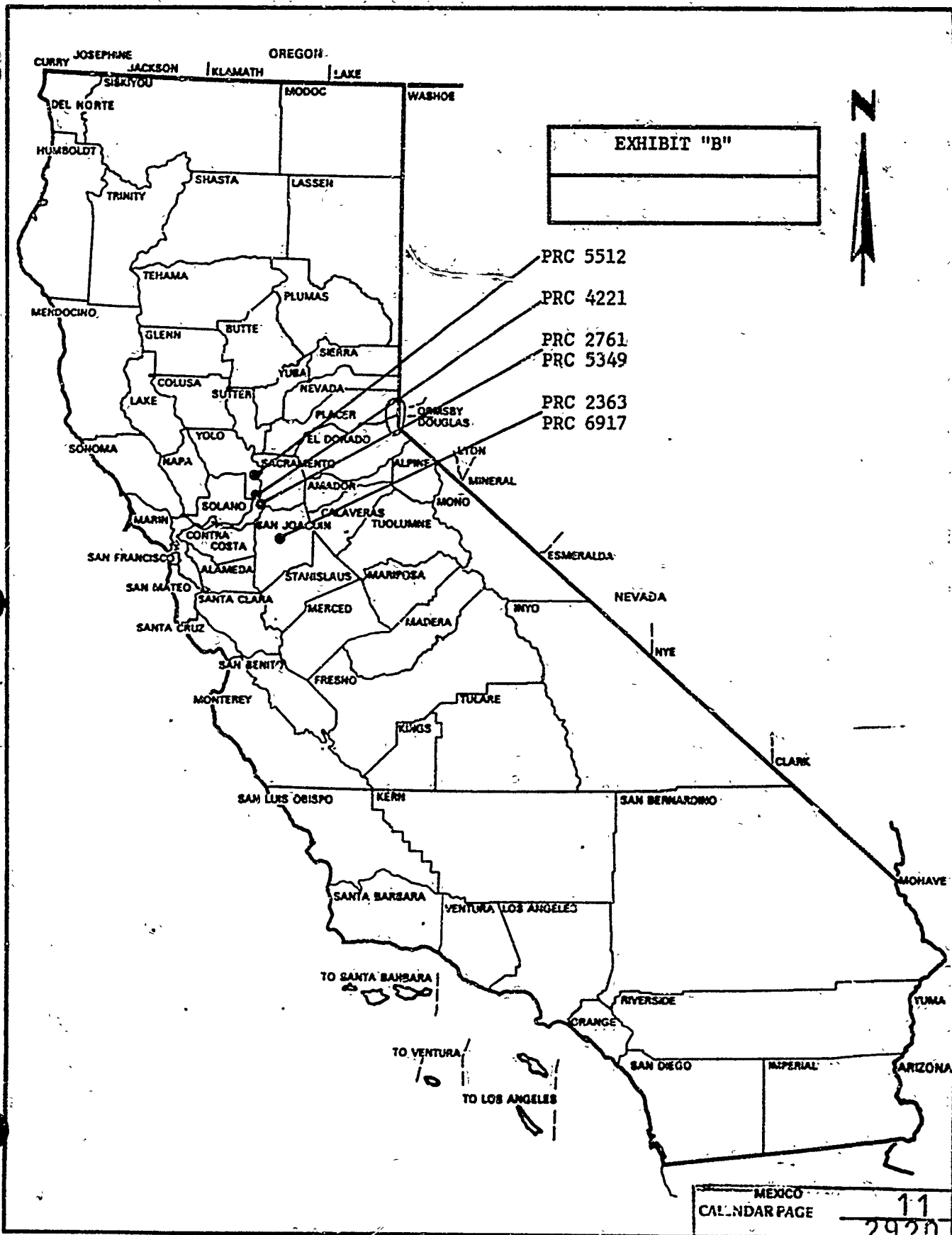


EXHIBIT "B"

