

MINUTE ITEM
This Calendar Item No. C09
was approved as Minute Item
No. 9 by the State Lands
Commission by a vote of 3
to 0 at its 4/26/89
meeting.

CALENDAR ITEM

C09

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04/26/89
WP 5650 PRC 5650
N. Smith

ASSIGNMENT, AMENDMENT, AND RENT REVIEW OF LEASE
PRC 5650 GENERAL LEASE - RIGHT-OF-WAY USE

ASSIGNOR: Sonoma Marina
P.O. Box 900
Watsonville, California 95077

ASSIGNEE: Granite Construction Company
dba Port Sonoma Marina
P.O. Box 900
Watsonville, California 95077

AREA, TYPE LAND AND LOCATION:
A 1.546-acre parcel of tide and submerged land
located in the Petaluma River, Marin and Sonoma
counties.

LAND USE: Use and maintenance of a 2 1/2" water main
extending from the North Marin County Water
District to the Port Sonoma Marina and public
access easement.

TERMS OF ORIGINAL LEASE:
Initial period: 49 years beginning April 1,
1979.
Surety bond: \$1,000.
Public liability insurance: Combined single
limit coverage of \$300,000.
Consideration: \$100 per annum; five-year
rent review.

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

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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. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Lease PRC 5650 was originally issued to Shellmaker Inc., by Commission approval on April 26, 1979; lease was assigned to Port Sonoma Marina Investors, Limited on May 7, 1984, and assigned to Sonoma Marina on October 23, 1986. On November 15, 1988, a Trustee's deed was executed between Fathom Investors and Granite Construction Company, granting the upland parcel to Granite.
2. The amendment to Lease PRC 5650 is for the public access easement for walking, sitting, viewing, fishing, and other related purposes, as required by the San Francisco Bay Conservation and Development Commission Permit 7-78 Amendment 8, dated March 3, 1988.
3. Lease PRC 5650 provides that the State may adjust the annual rental to a different amount for the five-year term following the fifth anniversary (and subsequent fifth anniversaries), and the new rental in accordance with 2 Cal. Code Regs. 2003, shall be \$2,340, beginning April 1, 1989; basis for increase is nine percent (9%) of appraised land value.
4. As to the lease assignment and rent review; pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt

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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. Code Regs. 15378.

5. As to the lease amendment; pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes there is no possibility that this project may have a significant effect on the environment.

Authority: 14 Cal. Code Regs. 15061(b)(3).

6. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.

APPROVALS OBTAINED:

San Francisco Bay Conservation and Development Commission.

EXHIBITS:

- A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE LEASE ASSIGNMENT AND RENT REVIEW; FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. AS TO THE LEASE AMENDMENT; FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. (14 CAL. CODE REGS. 15061(b)(3))

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3. AUTHORIZE APPROVAL OF THE ASSIGNMENT OF LEASE PRC 5650, GENERAL LEASE - RIGHT-OF-WAY USE FROM SONOMA MARINA TO GRANITE CONSTRUCTION COMPANY, EFFECTIVE NOVEMBER 5, 1988.
4. APPROVE AMENDMENT FOR PUBLIC ACCESS EASEMENT ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, EFFECTIVE NOVEMBER 5, 1988.
5. APPROVE SETTING THE NEW ANNUAL RENTAL FOR PRC 5650 AT \$2,340, EFFECTIVE APRIL 1, 1989.
6. ALL OTHER TERMS AND CONDITIONS OF SAID LEASE SHALL REMAIN IN FULL FORCE AND EFFECT.

EXHIBIT "A"

LAND DESCRIPTION

WP 5650

Two parcels of tide and submerged land, in the Petaluma River described as follows:

PARCEL 1

A strip of tide and submerged land 10 feet wide in the Petaluma River, located in Marin and Sonoma Counties, California, said strip lying 5 feet on each side of the following described centerline:

BEGINNING at a point on the southwesterly boundary of the lands of Shellmaker, Inc., as shown on Parcel Map No. 4704, recorded in Book 233 of Maps, Page 16, Sonoma County Records, bearing S 24°34'28" E 11.90 feet from a point designated "A", the intersection of said boundary with the southeasterly line of State Highway 37; thence S 45°00'22" W 1,039.18 feet to a point on the easterly side of the lands described as Parcel 3 in Deed to County of Marin, recorded in Book 1344 of Official Records, page 189, Marin County Records, and shown on Sheet 3 of Record of Survey Map recorded in Book 13 of Surveys, page 13, Marin County Records, said point bearing S 5°47'42" W 35.04 feet from the intersection of said line with said southeasterly line of State Highway 37, said point being the end of the above-described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water marks of the Petaluma River.

PARCEL 2

A parcel of filled tide and submerged land in the Petaluma River, Sonoma County, California described as follows:

BEGINNING at the point designated "A" in Parcel 1 above; thence along the southwesterly boundary of said Parcel Map No. 4704, S 24°34'38" E, 92.05 feet; thence S 72°30'49" E, 40.28 feet; thence S 41°29'47" E, 130.75 feet; thence S 53°43'09" E, 202.00 feet; thence leaving said boundary S 42°38'00" W, 140.23 feet; thence N 47°22'00" W, 460 feet to the southeasterly line of said State Highway 37, thence along said line N 45°38'00" E, 150.00 feet to the point of beginning.

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EXHIBIT "A" (cont'd)

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EXCEPTING THEREFROM any portion lying within Parcel 1 above.

Bearings in the above description are based on Parcel Map No. 4704, Book 233 of Maps, Page 16, Sonoma County Records.

END OF DESCRIPTION

REVISED DECEMBER 15, 1987, BY BIU 1.

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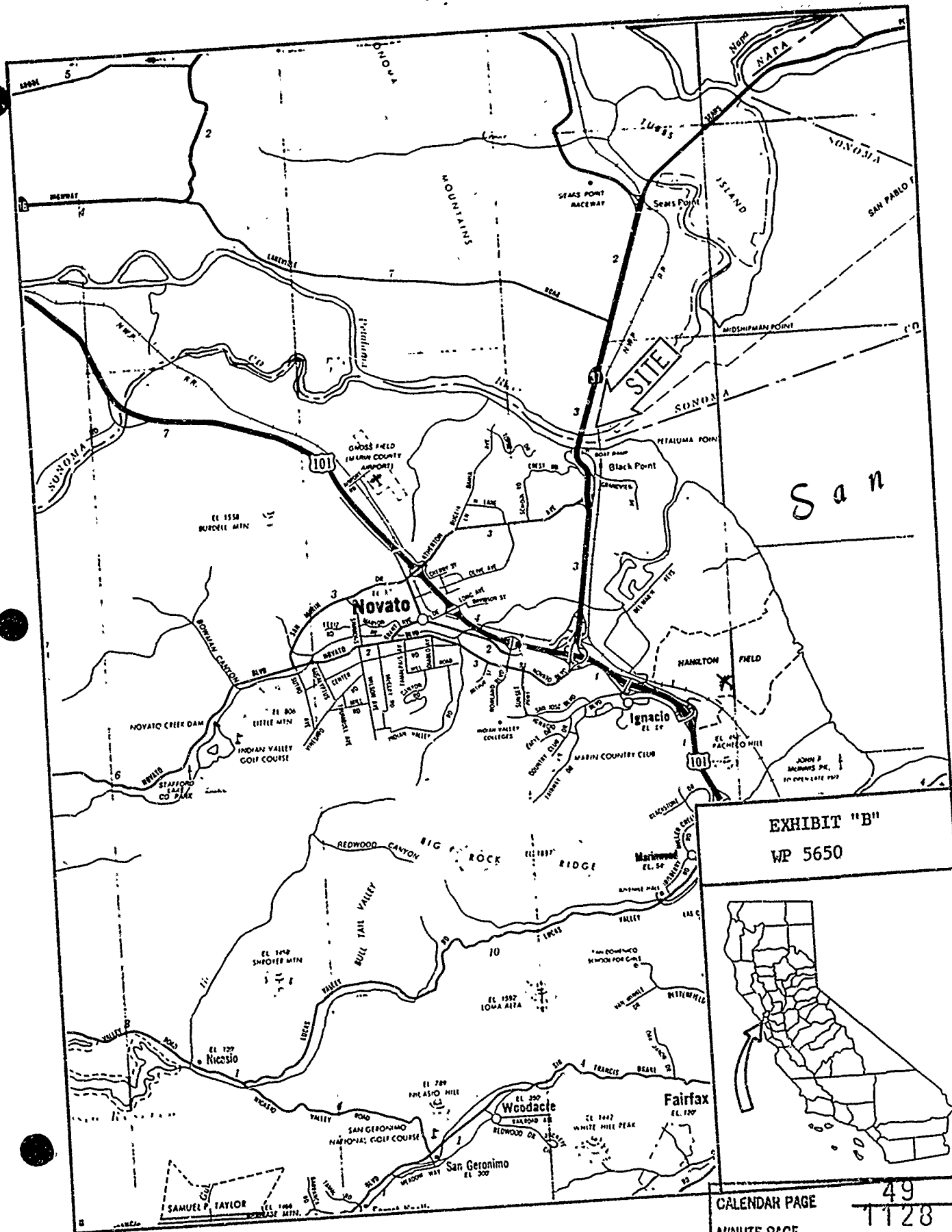


EXHIBIT "B"
WP 5650



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