

**MINUTE ITEM**

**26**

WORK ORDER: PRC 4082

CALENDAR DATE: May 12, 1997

NEGOTIATOR: D Jones

**TIKI LAGUN, LTD., A CALIFORNIA LIMITED PARTNERSHIP**

**PULLED PRIOR TO COMMISSION MEETING**

**Item attached**

CALENDAR PAGE	<del>000645</del>
MINUTE PAGE	

**CALENDAR ITEM**

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CALENDAR PAGE	_____
MINUTE PAGE	<b>000646</b>

**CALENDAR ITEM**

**C26**

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05/12/97

PRC 4082.1

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D. Jones

**AMENDMENT OF LEASE**

**LESSEE:**

Tiki Lagun, Ltd., a California Limited Partnership  
834 Francisco Boulevard West  
San Rafael, California 94901

**AREA, LAND TYPE, AND LOCATION:**

Eight acres, more or less, of tide and submerged land in Whiskey Slough, near the City of Stockton, San Joaquin County.

**AUTHORIZED USE:**

Approximately 252 berths (3 covered boathouses), gas dock with gas pump, and ancillary facilities.

**LEASE TERM:**

35 years, beginning January 1, 1985.

**CONSIDERATION:**

The annual rent consists of a "minimum annual rent" and "percentage rent" beginning January 1, 1996. For the period January 1, 1996, through December 31, 1996, the minimum rental shall be \$8,775; for the period January 1, 1997, through December 31, 1997, the minimum annual rent shall be \$5,000; for the period of January 1, 1998, through December 31, 1998, the minimum annual rent shall be \$10,000; and for the period beginning January 1, 1999 and thereafter, the minimum annual rental shall be \$20,054 against a percentage of gross receipts, whichever is greater. The minimum annual rent shall be paid on a monthly basis.

**PROPOSED AMENDMENT:**

1. On April 1, 1996, the Tiki Lagun commercial marina was substantially damaged by a severe windstorm (tornado). Two of the three existing covered boathouses within the lease premises were damaged beyond repair.

The Commission approved the reconstruction of the marina at its August 21, 1996, meeting. The lease description consists of Parcels 1, 2 and 3.

**CALENDAR ITEM NO. C26 (CONT'D)**

During the reconstruction, the marina was inadvertently constructed approximately five feet outside of the approved lease premises described in Parcel 1 of the lease description. The purpose of this Amendment is to amend the lease description to coincide with the marina facilities as constructed. Parcels 2 and 3 remain unchanged. All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the original lease premises and has the consent of the adjoining upland owner for the five foot extension in front of the adjoining property.
2. An inadvertent error was made to the lease description described as Exhibit A dated August 1, 1996, which was attached to Minute Item C24 approved by the Commission at its August 21, 1996, meeting - see Exhibit C herein.

This Calendar Item will rescind the August 1, 1996, lease description and replace it with the corrected description which will be amended into the August 21, 1996, Minute Item C24; said corrected description is attached hereto as Exhibit A dated August 2, 1996.

This Calendar Item will then rescind Exhibit A dated August 2, 1996 and replace it with the attached Exhibit B dated March 19, 1997, which Exhibit B describes the lease premises as approved at this Commission meeting.

3. The August 21, 1996, Commission action approved the reconstruction of this marina under a Categorical Exemption, Class 2, Replacement-Reconstruction, under Title 14, California Code of Regulations section 15302. This action seeks to amend the lease area to coincide with the as-built drawings of the marina facilities.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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 the CEQA and the State CEQA Guidelines.

**CALENDAR ITEM NO. C26 (CONT'D)**

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Sections 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, as proposed, is consistent with its use classification.

**APPROVALS OBTAINED:**

U.S. Army Corps of Engineers, California State Department of Fish and Game, State Reclamation District, County of San Joaquin.

**EXHIBITS:**

- A. Lease Description dated August 2, 1996 (corrected description amended into August 21, 1996 Minute Item C24).
- B. Lease Description dated March 19, 1997.
- C. Lease Description dated August 1, 1996 - incorrect description - replaced by Lease Description dated August 2, 1996 (Exhibit A above).
- D. Site Map.
- E. Location Map.

**PERMIT STREAMLINING ACT DEADLINE:**

N/A.

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS SECTION 15378.

**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**CALENDAR ITEM NO. C26 (CONT'D)**

**AUTHORIZATION:**

1. AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 4082.1, A GENERAL LEASE - COMMERCIAL USE, OF TIDE AND SUBMERGED LANDS IN WHISKEY SLOUGH, SAN JOAQUIN COUNTY, AS FOLLOWS:
  - A. AMEND THE DESCRIPTION OF THE LEASE PREMISES, EFFECTIVE AUGUST 21, 1996, BY REPLACING THE DESCRIPTION ATTACHED HERETO AS EXHIBIT C WITH THE DESCRIPTION ATTACHED HERETO AS EXHIBIT A; BOTH EXHIBITS ARE BY THIS REFERENCE MADE A PART HEREOF;
  - B. AMEND THE DESCRIPTION OF THE LEASE PREMISES, EFFECTIVE APRIL 1, 1997, BY REPLACING THE DESCRIPTION ATTACHED HERETO AS EXHIBIT A WITH THE DESCRIPTION ATTACHED HERETO AS EXHIBIT B, BY THIS REFERENCE MADE A PART HEREOF;
  - C. ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.
  
2. AUTHORIZE THE AMENDMENT OF "AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE," APPROVED BY THE STATE LANDS COMMISSION ON AUGUST 21, 1996, AS FOLLOWS:
  - A. AMEND THE DESCRIPTION OF THE LEASE PREMISES, EFFECTIVE APRIL 1, 1997, BY REPLACING THE DECRPTION ATTACHED HERETO AS EXHIBIT A WITH THE DESCRIPTION ATTACHED HERETO AS EXHIBIT B.
  - B. ALL OTHER TERMS AND CONDITIONS OF THE "AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE" WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

### LAND DESCRIPTION

Three parcels of tide and submerged land in the bed of Whiskey Slough, situate within projected Section 31, Township 2 North, Range 5 East, Mount Diablo Base and Meridian, County of San Joaquin, State of California, located immediately adjacent to Reclamation District No. 684, commonly referred to as "Lower Roberts Island", and more particularly described as follows:

#### Parcel 1 (Amended 8/2/96)

BEGINNING at the intersection of the centerline of McDonald Island Road (Road No. 610) with the ordinary high water line along the easterly bank of Whiskey Slough and the westerly boundary of said Reclamation District No. 684, described in Parcel VI (Six) of that certain Quitclaim Deed recorded as Instrument Number 88066484, on August 9, 1988, San Joaquin County Records, said point being the TRUE POINT OF BEGINNING of the herein described parcel and bearing North 69°03'23" West 529.54 feet, more or less, from the intersection of the centerline of said McDonald Island Road with the westerly corner of the 169.88 acre parcel designated as Point "D", as shown in Book 17 of Surveys, at Page 15, San Joaquin County Records; thence leaving said ordinary high water line and continuing westerly along the southerly line of said Parcel VI (Six), South 87°00'00" West 155.00 feet to a point in the bed of Whiskey Slough, thence in a general southerly direction within said bed of Whiskey Slough the following seven (7) courses:

- 1) South 169.11 feet;
- 2) thence South 60°44'28" East 408.68 feet;
- 3) thence South 41°31'15" East 31.93 feet;
- 4) thence South 1°39'28" West 213.57 feet;
- 5) thence South 39°26'37" West 338.51 feet;
- 6) thence South 17°40'40" West 167.99 feet;
- 7) thence South 72° 18'27" East 144.19 feet,

to a point on the westerly prolongation of the southerly line of Parcel III (Three), described in said Instrument Number 88066484 as the line extending from Point "E" to Point "F" as shown on said Book 17 of Surveys, at Page 15; thence easterly along said westerly prolongation of the southerly line of Parcel III (Three), North 88°56'00" East 47.33 feet, more or less, to the ordinary high water line along said easterly bank of Whiskey Slough, said point designated as Point "F" on said Book 17 of Surveys, at Page 15, and bearing South 88°56'00" West 105.00 feet from Point "E" on said map; thence northerly along the ordinary high water line along said easterly bank of Whiskey Slough, 1400 feet, more or less, to the TRUE POINT OF BEGINNING of the herein described parcel.

Containing 5.7 acres, more or less, said acreage being determined by digitizing the edge of water as surveyed in 1985 by aerial photogrammetry.

Parcel 2

COMMENCING at the 1 inch by 2 foot iron pipe set on the west side of the levee crown, as shown on that map recorded in Record of Surveys, Volume 8, San Joaquin County Records, at Page 109; thence S 0°20'00" E, 15.00 feet; thence S 89°17'00" W, 21.00 feet to a point on the east bank of Whiskey Slough and the TRUE POINT OF BEGINNING; thence leaving said east bank the following seven courses:

1. S 89°33'00" W 146.09 feet;
2. S 29°11'24" W 116.17 feet;
3. S 53°12'16" W 254.02 feet;
4. S 44°48'22" W 211.36 feet;
5. S 45°33'22" E 112.12 feet;
6. S 84°23'10" E 32.18 feet;
7. S 55°44'17" E 26.06 feet to a point on the easterly bank of Whiskey Slough: thence along said bank the following eight courses:

8. N 36°22'27" E 54.90 feet;
9. N 44°50'36" E 97.74 feet;
10. N 50°24'02" E 96.74 feet;
11. N 56°23'15" E 99.77 feet;
12. N 49°26'29" E 104.80 feet;
13. N 36°37'21" E 103.77 feet;
14. N 13°41'45" E 105.63 feet;
15. N 14°08'31" W 17.05 feet; to the point of beginning.

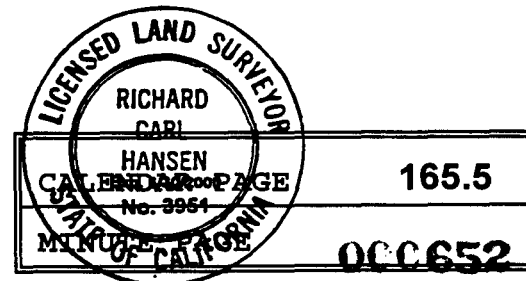
Parcel 3

BEGINNING at the intersection of the centerline of the McDonald Island Road with the ordinary high water line comprising the westerly boundary of Roberts Island (in projected Section 31, T2N. R5E, MDM) which intersection was designated the "point of commencement" in the deeds from Marie Pezzi, et al, to Harold Claude Taylor, et ux, dated June 27, 1962, recorded in Book 2570, pages 273 through 276, Official Records of San Joaquin County, California; thence from said point of beginning S 87° W, 155 feet; thence North 203.37 feet; thence N 62° E, 70.04 feet; thence S 45°33'22" E, 112.12 feet; thence S 84°23'10" E, 32.18 feet; thence S 55°44' 17" E, 26.06 feet; thence S 17°08'38" W, 137.94 feet to the point of beginning.

EXCEPTING FROM above described Parcels 1, 2 and 3 any portion thereof lying landward of the ordinary high water line along said easterly bank of Whiskey Slough

END OF DESCRIPTION

REVISED BY RICHARD HANSEN PLS 3951





### LAND DESCRIPTION

Three parcels of tide and submerged land in the bed of Whiskey Slough, situate within projected Section 31, Township 2 North, Range 5 East, Mount Diablo Base and Meridian, County of San Joaquin, State of California, located immediately adjacent to Reclamation District No. 684, commonly referred to as "Lower Roberts Island", and more particularly described as follows:

#### Parcel 1 (Amended 3/19/97)

BEGINNING at the intersection of the centerline of McDonald Island Road (Road No. 610) with the ordinary high water line along the easterly bank of Whiskey Slough and the westerly boundary of said Reclamation District No. 684, described in Parcel VI (Six) of that certain Quitclaim Deed recorded as Instrument Number 88066484, on August 9, 1988, San Joaquin County Records, said point being the TRUE POINT OF BEGINNING of the herein described parcel and bearing North 69°03'23" West 529.54 feet, more or less, from the intersection of the centerline of said McDonald Island Road with the westerly corner of the 169.88 acre parcel designated as Point "D", as shown in Book 17 of Surveys, at Page 15, San Joaquin County Records; thence leaving said ordinary high water line and continuing westerly along the southerly line of said Parcel VI (Six), South 87°00'00" West 155.00 feet to a point in the bed of Whiskey Slough, thence in a general southerly direction within said bed of Whiskey Slough the following seven (8) courses:

- 1) South 169.11 feet;
- 2) thence South 60°44'28" East 408.68 feet;
- 3) thence South 41°31'15" East 31.93 feet;
- 4) thence South 1°39'28" West 213.57 feet;
- 5) thence South 39°26'37" West 338.51 feet;
- 6) thence South 17°40'40" West 193.55 feet;
- 7) thence South 74°32'07" East 120.67 feet,
- 8) thence North 15°27'53" East 12.69 feet,

to a point on the westerly prolongation of the southerly line of Parcel III (Three), described in said Instrument Number 88066484 as the line extending from Point "E" to Point "F" as shown on said Book 17 of Surveys, at Page 15; thence easterly along said westerly prolongation of the southerly line of Parcel III (Three), North 88°56'00" East 47.33 feet, more or less, to the ordinary high water line along said easterly bank of Whiskey Slough, said point designated as Point "F" on said Book 17 of Surveys, at Page 15, and bearing South 88°56'00" West 105.00 feet from Point "E" on said map; thence northerly along the ordinary high water line along said easterly bank of Whiskey Slough, 1400 feet, more or less, to the TRUE POINT OF BEGINNING of the herein described parcel.

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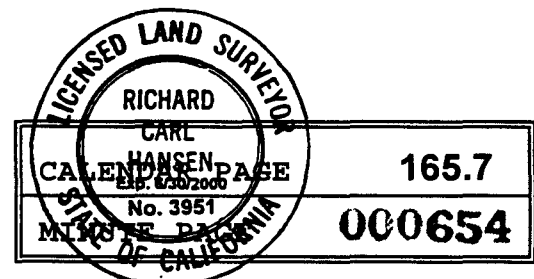
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EXCEPTING FROM above described Parcels 1, 2 and 3 any portion thereof lying landward of the ordinary high water line along said easterly bank of Whiskey Slough

END OF DESCRIPTION

REVISED BY RICHARD HANSEN PLS 3951



**LEGAL DESCRIPTION****Parcel Four  
Amended Lease**

San Joaquin County, California

A portion of tide and submerged land in the bed of Whiskey Slough, situate within projected Section 31, Township 2 North, Range 5 East, Mount Diablo Base and Meridian, County of San Joaquin, State of California, located immediately adjacent to Reclamation District No. 684, commonly referred to as "Lower Roberts Island", and more particularly described as follows:

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- 7) thence South 72°18'27" East 144.19 feet,

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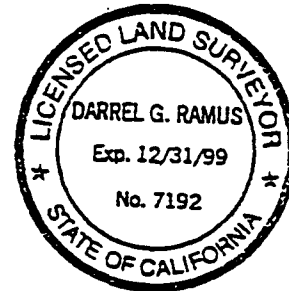
August 1, 1996

Whiskey Slough, said point designated as Point "F" on said Book 17 of Surveys, at Page 15, and bearing South 88°56'00" West 105.00 feet from Point "E" on said map; thence northerly along the ordinary high water line along said easterly bank of Whiskey Slough, 1400 feet, more or less, to the TRUE POINT OF BEGINNING of the herein described parcel.

Containing 5.7 acres, more or less, said acreage being determined by digitizing the edge of water as surveyed in 1985 by aerial photogrammetry.

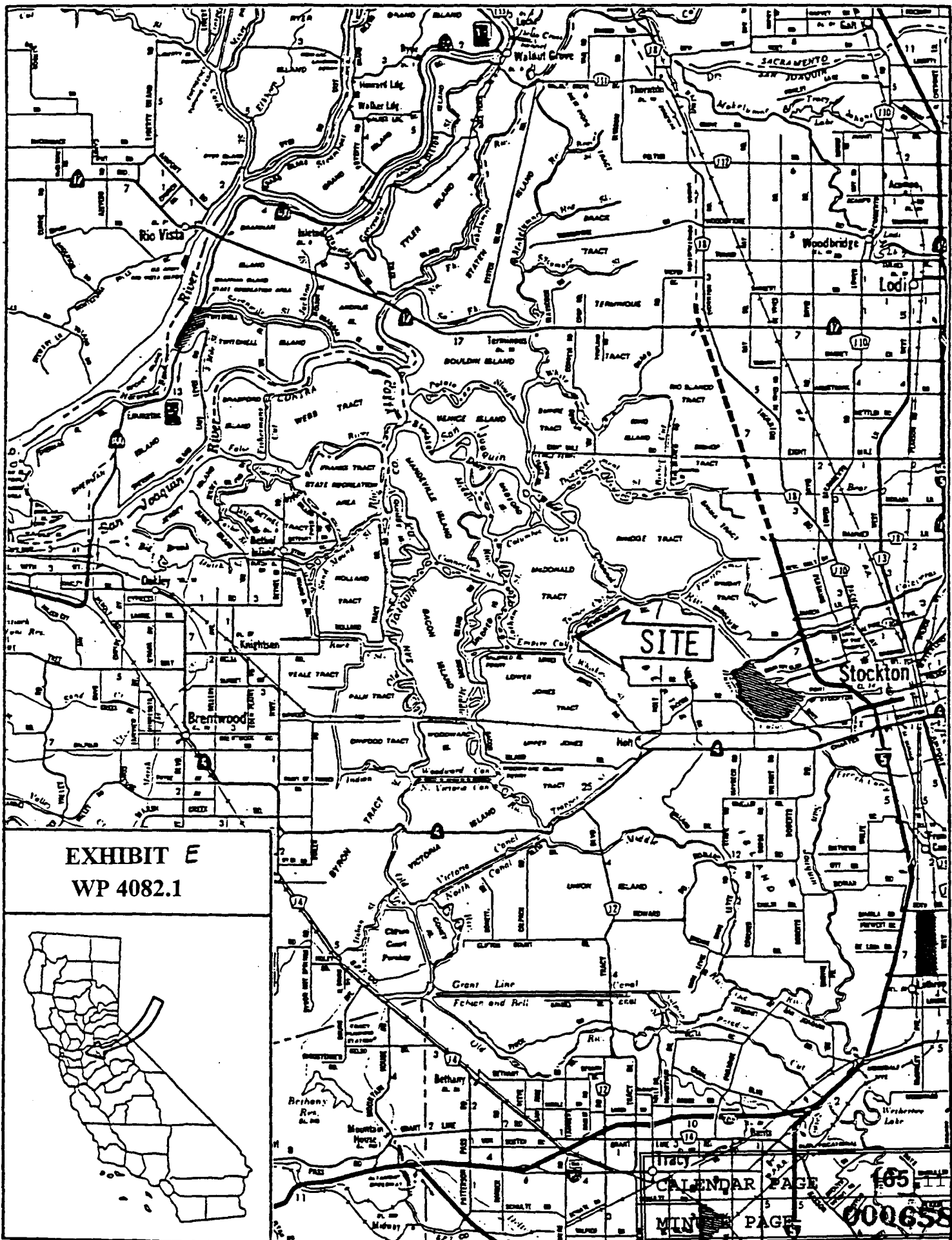
EXCEPTING FROM above described Parcel Four any portion thereof lying landward of the ordinary high water line along said easterly bank of Whiskey Slough.

End of Description.



*Darrel G. Ramus*





**EXHIBIT E**  
**WP 4082.1**

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