

MINUTE ITEM

This Calendar Item No. C03 was approved as Minute Item No. 03 by the California State Lands Commission by a vote of 3 to 0 at its 04-07-03 meeting.

**CALENDAR ITEM
C03**

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S 6

PRC 6427

04/07/03
WP 6427.1
D. Jones

APPROVAL OF SUBLEASE

LESSEE/SUBLESSOR:

Riverbank Holding Company, LLC
P. O. Box 340658
Sacramento, California 95834

SUBLESSEE:

Dana Hamilton and Steven Pagano,
dba River City Surveys
1401 Garden Highway, Suite #100 and #125
Sacramento, California 95833

AREA, LAND TYPE, AND LOCATION:

LEASE: Five acres, more or less, of tide and submerged lands in the Sacramento River, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

LEASE: The continued use and maintenance of an existing commercial marina, restaurant and floating offices.

SUBLEASE: Office use for public trust related services including marine surveys for pre-purchase, sale or insurance, fuel analysis, oil analysis, cleaning, bottom cleaning and diving services.

TERM:

LEASE: 25 years, beginning September 1, 2002.

SUBLEASE: 5 years, beginning April 15, 2003.

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CONSIDERATION:

LEASE: A minimum annual rental of \$41,658, paid quarterly, against a percentage of gross receipts:

- 6% of gross income for the berthing, mooring of boats;
- 1.5% of gross income for the operation of restaurants and bars;
- 0.5% of the total sales price derived from boat sales and servicing of new and used yachts, boats, personal watercraft and related equipment by Lessee or sublessees of Lessee regularly engaged in the business of selling boats on or by consignment;
- 25% of gross income from coin operated vending and electronic game machines; and
- 10% of all other Gross Income generated from the Lease Premises.

OTHER PERTINENT INFORMATION:

1. On July 12, 1984, the Commission issued a 20-year General Lease – Commercial Use to Riverbank Holding Company, LLC (Riverbank) for a commercial marina, floating restaurant, harbor master office, boat sales office, debris deflector and appurtenant facilities. The term was extended to terminate on December 31, 2025.

On October 1, 2002, the Commission terminated the existing lease and issued a new lease to Riverbank for a term of 25 years. At that time, it also endorsed four subleases with public trust-related tenants. The subleases for two of these tenants, Diversified Restaurant Concepts (Building 1401, #125) used by the River City Queen as an office, and Diversified Restaurant Concepts, Inc. (Building 1401, #100) used by Woody's Corporation as an office, will be terminated, and Riverbank is leasing the office space to River City Surveys (Building 1401, #100 and #125). River City Surveys services include marine surveys for pre-purchase, sale or insurance, fuel analysis, oil analysis, cleaning, bottom cleaning and diving services. Staff has reviewed these subleases and has concluded its lease terms are consistent with the master lease.

2. 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 it is not a "project" as defined by the CEQA and the State CEQA guidelines.

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Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060(c)(3) and 15378.

3. 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.

EXHIBITS:

- A. Lease Description
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) 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 BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE, BY ENDORSEMENT, A SUBLEASE FROM RIVERBANK HOLDING COMPANY, LLC TO DANA HAMILTON AND STEVEN PAGANO, DBA RIVER CITY SURVEYS OF A PORTION OF LEASE NO. PRC 6427.1, MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; SAID

CALENDAR ITEM NO. C03 (CONT'D)

SUBLEASE ON FILE IN THE OFFICE OF THE STATE LANDS
COMMISSION AND BY REFERENCE MADE A PART HEREOF.

RIVERBANK LEASE

A PARCEL OF TIDE AND SUBMERGED LAND LYING IN THE SACRAMENTO RIVER, ADJACENT TO SWAMP AND OVERFLOWED LAND SURVEYS NO. 184 AND 907, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING AT THE NORTHEASTERLY CORNER OF THAT PARCEL OF LAND DESCRIBED AS PARCEL B OF THAT CERTAIN CERTIFICATE OF COMPLIANCE, RECORDED APRIL 2, 1985 IN BOOK 85-04-02, PAGE 1162, OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE EAST LINE OF SAID PARCEL AND ITS PROLONGATION SOUTH 00° 23' 30" WEST 327.42 FEET; THENCE LEAVING THE PROLONGATION OF SAID LINE SOUTH 23° 01' 00" WEST 92.38 FEET; THENCE NORTH 66° 59' 00" WEST 291.84 FEET; THENCE NORTH 70° 04' 56" WEST 638.52 FEET; THENCE NORTH 76° 10' 55" WEST 654.86 FEET TO A POINT FROM WHICH THE NORTHWEST CORNER OF LOT A OF THAT CERTAIN MAP RECORDED IN BOOK 226 OF MAPS, MAP NO. 1, IN THE OFFICE OF THE RECORDER OF SAID COUNTY BEARS THE FOLLOWING TWO COURSES: (1) NORTH 13° 49' 05" EAST 223.76 FEET; (2) NORTH 78° 54' 49" WEST 523.95 FEET; THENCE FROM SAID POINT, NORTH 13° 49' 05" EAST 223.76 FEET TO THE NORTHERLY LINE OF SAID LOT A, ALSO BEING THE SOUTHERLY RIGHT OF WAY OF GARDEN HIGHWAY; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY SOUTH 78° 54' 49" EAST 1498.29 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION THEREOF LYING LANDWARD OF THE ORDINARY HIGH WATER MARK OF THE SACRAMENTO RIVER.

ALSO EXCEPTING THEREFROM ANY PORTION OF LOT A OF THAT CERTAIN MAP RECORDED IN BOOK 226 OF MAPS, MAP NO. 1, IN THE OFFICE OF THE RECORDER OF SAID COUNTY AND PARCEL B OF THAT CERTAIN CERTIFICATE OF COMPLIANCE, RECORDED APRIL 2, 1985 IN BOOK 85-04-02, PAGE 1162 OF OFFICIAL RECORDS OF SAID COUNTY.

END OF DESCRIPTION

PREPARED FROM RECORD DATA BY JTS ENGINEERING CONSULTANTS, INC.


L.A. KNEEDLER, L.S. 4380 11-17-97 Date
License Expires 9-30-2001



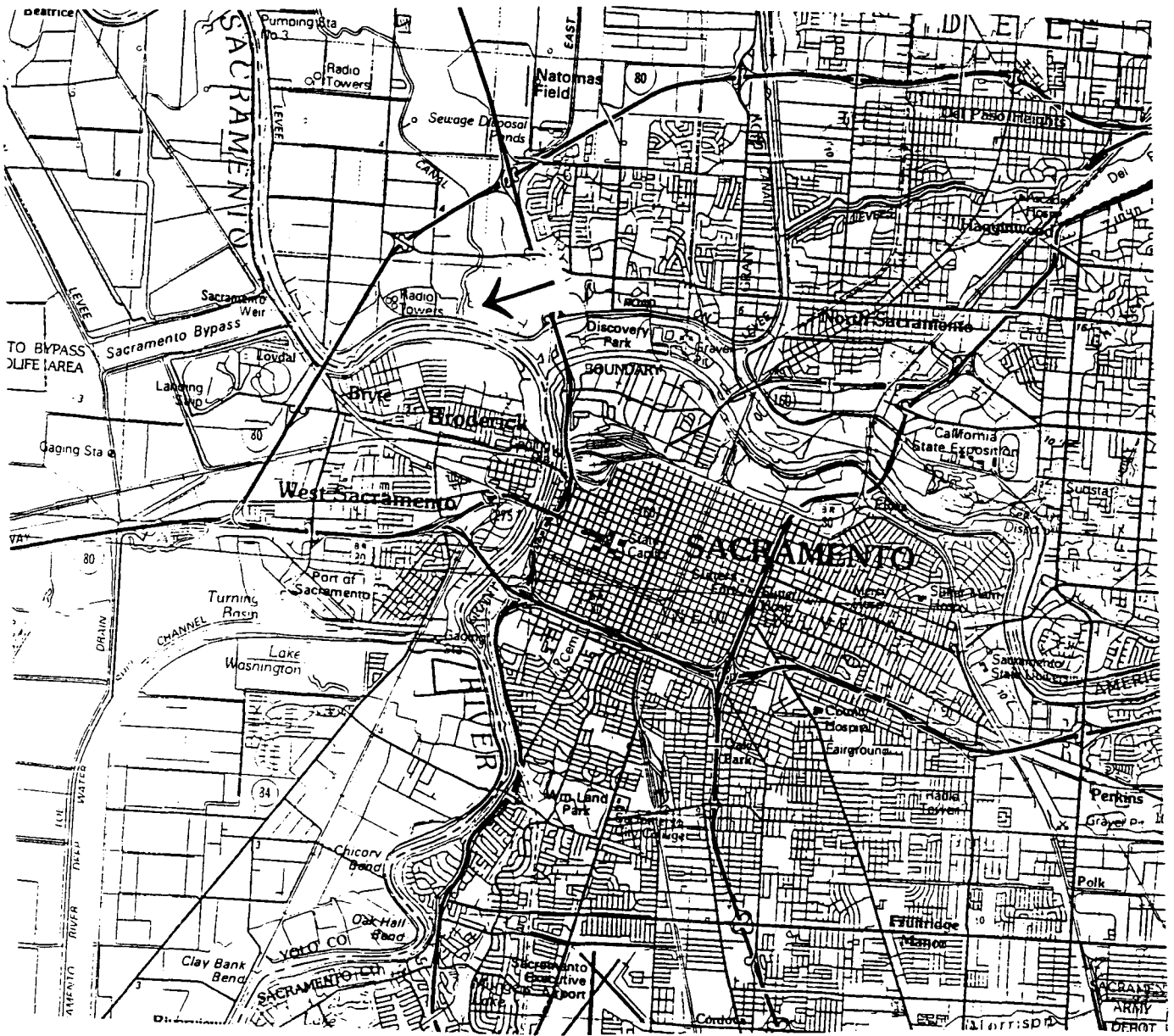
This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties, and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or other property.

Exhibit A
PRC 6427.1

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QUAD: USGS



This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties, and is not intended to be, nor shall it be construed as, a waiver or limitation of any state interest in the subject or other property.

EXHIBIT B
PRC 6427.1

Dj 8/29/02

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