

MINUTE ITEM

This Calendar Item No. C37 was approved as Minute Item No. 37 by the California State Lands Commission by a vote of 3 to 0 at its 2-17-05 meeting.

**CALENDAR ITEM
C37**

A	6		02/17/05
S	3	PRC 8594	W503.1561 D. Plummer G. Kato B. Stevenson A. Reynolds

AUTHORIZATION FOR LEASE BETWEEN WALDO POINT HARBOR, LLC AND THE STATE OF CALIFORNIA

APPLICANT:

Waldo Point Harbor, LLC
3 Harbor Drive
Sausalito, CA 94965

AREA, LAND TYPE, AND LOCATION:

Partially filled and unfilled sovereign lands at Waldo Point Harbor, in Richardson Bay, County of Marin.

BACKGROUND:

In 1992, the State Lands Commission authorized a settlement agreement in the case entitled Waldo Point Harbor v. State of California, et al. (Marin County Superior Court; Case No. 137916). This settlement agreement was subsequently amended. The amended settlement (and a reconfigured marina plan) were approved by the County of Marin on February 25, 2003. BCDC approved the settlement and plan on March 18, 2004, subject to various conditions. On April 5, 2004, the Commission approved an amendment to the Settlement Agreement and Land Exchange.

As a condition of the Settlement Agreement and Land Exchange and in conjunction with the BCDC permit, the property received by the State are to be used for public access, recreation, and preservation of open water under a lease between the State and Waldo Point Harbor, LLC. The lands to be leased to Waldo Point Harbor, LLC is marked as the hatched parcels on Exhibit A.

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LAND USE:

Public access: for walking, bicycling (shoreline path), public park to include public pier, landscaping, seating, signage, lighting, ten (10) public parking spaces, fencing, trash containers, and utilities.

Open water area is to be utilized for visual access and to be maintained as open water.

LEASE TERM:

Beginning April 1, 2005, with termination date to be March 18, 2024.

CONSIDERATION:

\$5,500 per annum until construction is completed, but not later than April 1, 2008; then rent will be \$17,300, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single limit coverage in an amount not less than \$2,000,000

Bond:

\$5,000

OTHER PERTINENT INFORMATION:

1. The lease is a condition pursuant to April 5, 2004, Commission action authorizing amendment to Settlement Agreement and Land Exchange in Case entitled Waldo Point Harbor v. State of California, et al. (Marin County Superior Court; Case no. 137916).
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 as a statutorily exempt project (Public Resources Code section 21080.11). The project is exempt because it involves settlements of title and boundary problems.

Authority: Public Resources Code section 21080.11

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APPROVALS OBTAINED:

San Francisco Bay Conservation and Development Commission (BCDC)
County of Marin

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers

EXHIBITS:

- A. Location map of Waldo Point Harbor, showing State Property to be leased to Waldo Point Harbor, LLC.

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, AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.

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.

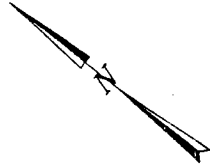
AUTHORIZATION:

AUTHORIZE ISSUANCE TO WALDO POINT HARBOR, LLC OF A GENERAL LEASE, BEGINNING APRIL 1, 2005, WITH TERMINATION DATE TO BE MARCH 18, 2024; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$5,500 UNTIL CONSTRUCTION IS COMPLETED, BUT NOT LATER THAN APRIL 1, 2008; THEN RENT IS TO BE \$17,300 PER ANNUM WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$2,000,000; FOR PUBLIC ACCESS: FOR WALKING, BICYCLING (SHORELINE PATH) PUBLIC

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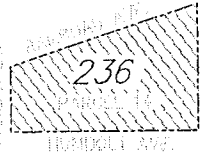
PARK TO INCLUDE PUBLIC PEIR, LANDSCAPING, SEATING, SIGNAGE, LIGHTING, TEN (10) PUBLIC PARKING SPACES, FENCING, TRASH CONTAINERS, AND UTILITIES) AND, AS TO OPEN WATER AREAS, FOR VISUAL ACCESS AND MAINTENANCE AS OPEN WATER, ALL ON LAND SHOWN BY HATCHED AREA ON EXHIBIT "A" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

NO SCALE



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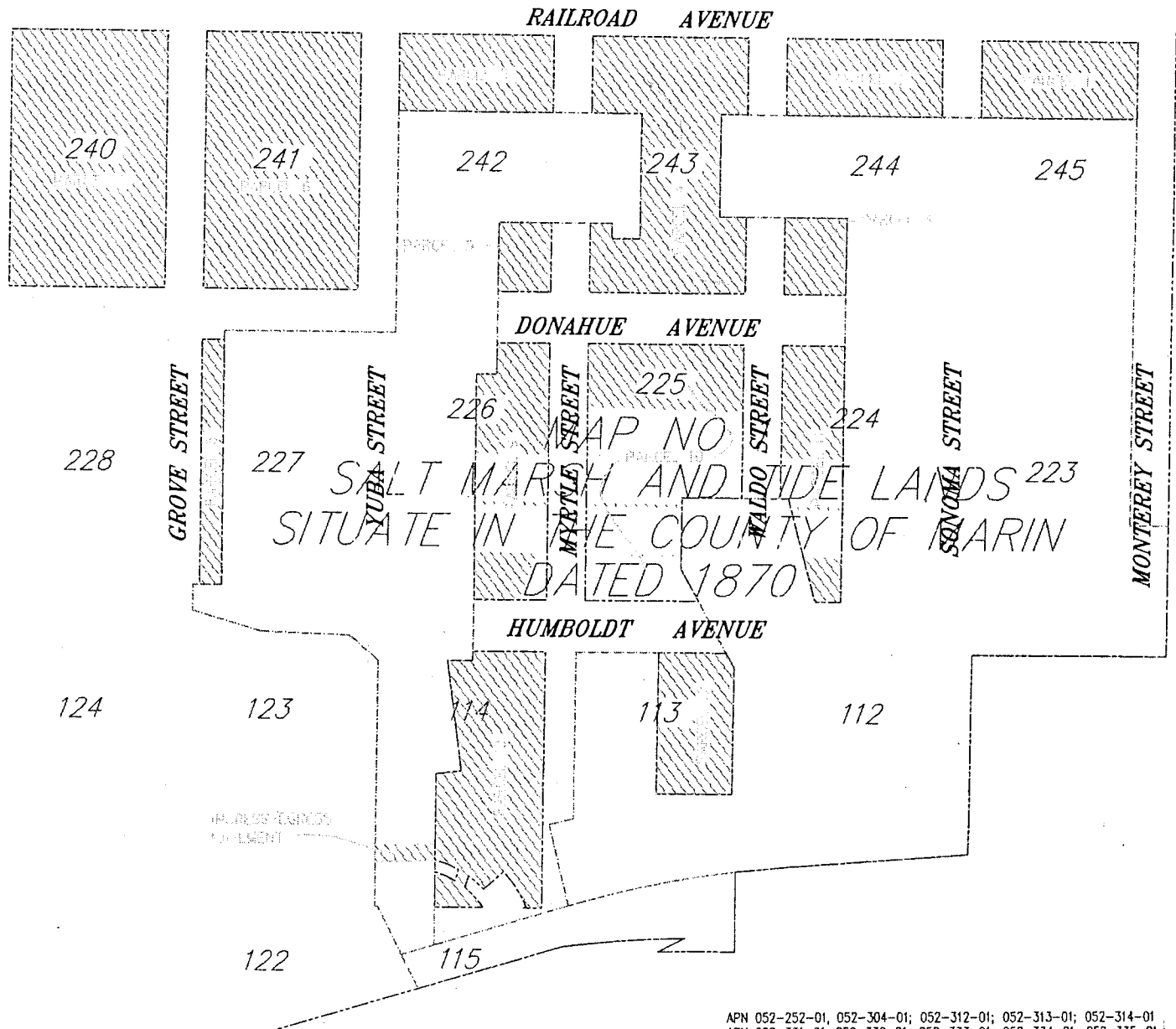
THIS MAP IS NOT MEANT TO BE A SUBSTITUTE FOR A SURVEY

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Exhibit A
Waldo Point Harbor
W503.1561

Hatched areas indicate State property to be leased to Waldo Point Harbor.



APN 052-252-01, 052-304-01; 052-312-01; 052-313-01; 052-314-01
 APN 052-331-01, 052-332-01; 052-333-01; 052-334-01; 052-335-01
 APN 052-336-01, 052-341-01; 052-342-01; 052-344-01; 052-345-01

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 to as a waiver or limitation of any state interest in the subject or any other property.

GK