

MINUTE ITEM
This Calendar Item No. C33 was approved as
Minute Item No. 33 by the California State Lands
Commission by a vote of 3 to ~~4~~ at its
11-21-06 meeting.

CALENDAR ITEM

C33

A 8,15

11/21/06

S 5,14

PRC 6726.1

J. McComas

ASSIGNMENT AND AMENDMENT OF LEASE

LESSEE/ASSIGNOR:

Donald E. Deckert and Jennifer C. Deckert
dba New Hope Landing
P.O. Box 417
Thornton. CA 95686

ASSIGNEE:

Applegate Properties, Inc., a Nevada Corporation
P.O. Box 1100
Meadow Vista, CA 95722

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Mokelumne River, near Thornton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of existing marina facilities consisting of 396 lineal feet of outside dockage; 224 lineal feet of inside dockage; 71 lineal feet of inside/bulkhead dockage; 11 individual slips; and wooden bulkheads as shown on Exhibit A.

LEASE TERM:

25 years, beginning July 1, 1995.

CONSIDERATION:

A minimum annual rent of \$860 against five percent of gross income per year from berthing and ten percent of gross income per year for all other income, whichever is greater, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

AMENDMENT:

Add lease provisions that the Lessee must implement the Commission's "Best Management Practices for Marina Owners/Operators" and incorporate the

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Commission's "Best Management Practices for Berth Holders and Boaters", into Assignee/Lessee's berth rental agreements, including additional Best Management Practices (BMPs) the Commission subsequently deems Appropriate for either of the above categories. In addition to the inclusion of the BMPs for Berth Holders and Boaters into the berth rental agreements, the Lessee shall post such publications in prominent places within the lease Premises. The Lessee shall provide the Commission, on the first anniversary of the lease amendment and on each successive third anniversary thereafter, a report on compliance with all BMPs.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Assignee owns the uplands adjoining the lease premises.
2. On February 27, 1998, the Commission authorized a General Lease - Commercial Use with Donald E. Deckert and Jennifer C. Deckert dba New Hope Landing. That lease will expire on June 30, 2020. On May 25, 2005, Donald C. Deckert and Jennifer C. Deckert transferred ownership of the uplands to Applegate Properties, Inc., a Nevada Corporation. Applegate Properties, Inc., a Nevada Corporation, is now applying for an assignment of General Lease - Commercial Use No. PRC 6726.1. Applegate Properties, Inc. agrees to amend the lease to include "Best Management Practices for Marina Owners/Operators" and the Commission's "Best Management Practices for Berth Holders and Boaters". The effective date of the proposed assignment is May 25, 2005 and amendment will be October 12, 2006.
3. The Assignees have paid the rent since acquiring the upland property.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

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

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EXHIBIT:

- A. Site and Location Map

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.

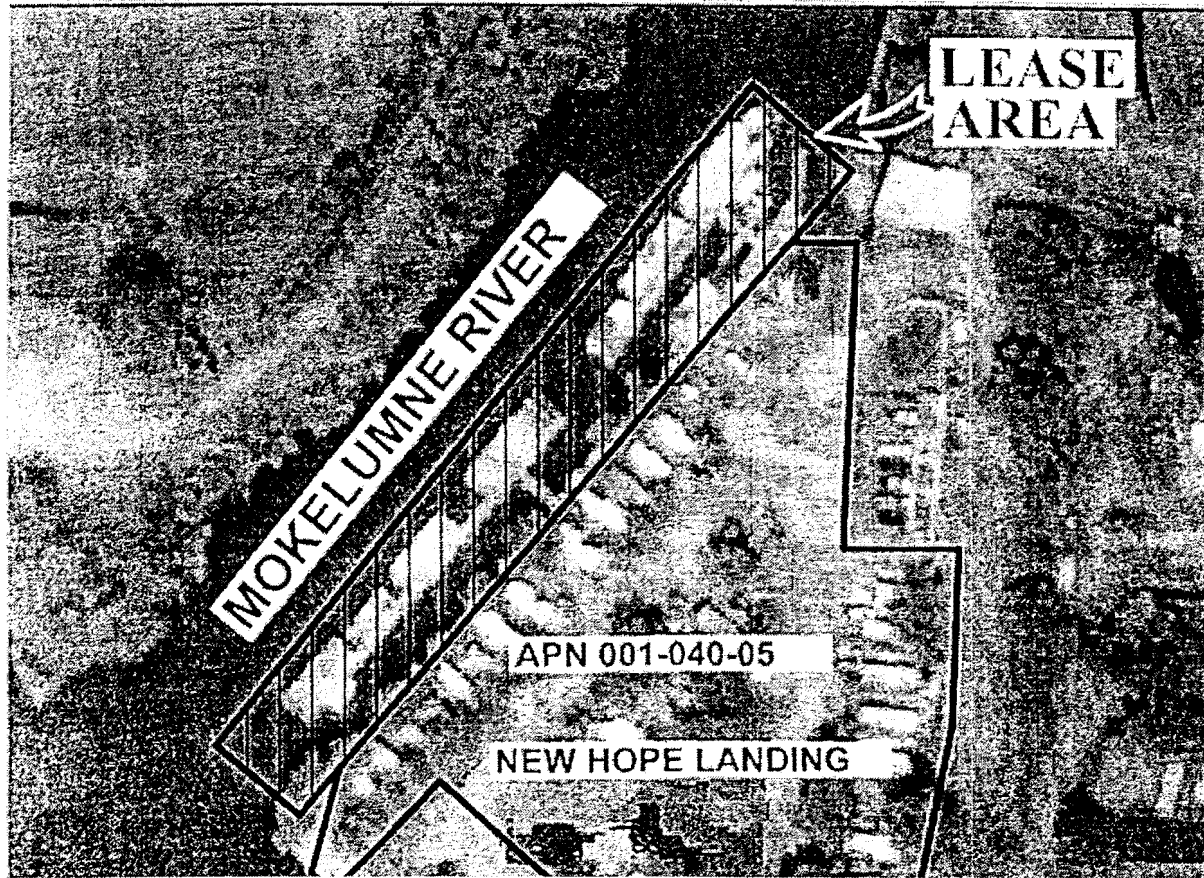
AUTHORIZATION:

1. AUTHORIZE THE ASSIGNMENT OF LEASE NO. PRC 6726.1, A GENERAL LEASE - COMMERCIAL USE, OF SOVEREIGN LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, FROM DONALD E. DECKERT AND JENNIFER C. DECKERT DBA NEW HOPE LANDING TO APPLGATE PROPERTIES, INC, A NEVADA CORPORATION; EFFECTIVE MAY 25, 2005.

2. AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 6726.1, A GENERAL LEASE – COMMERCIAL USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE OCTOBER 12, 2006, TO ADD PROVISIONS INVOLVING BEST MANAGEMENT PRACTICES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

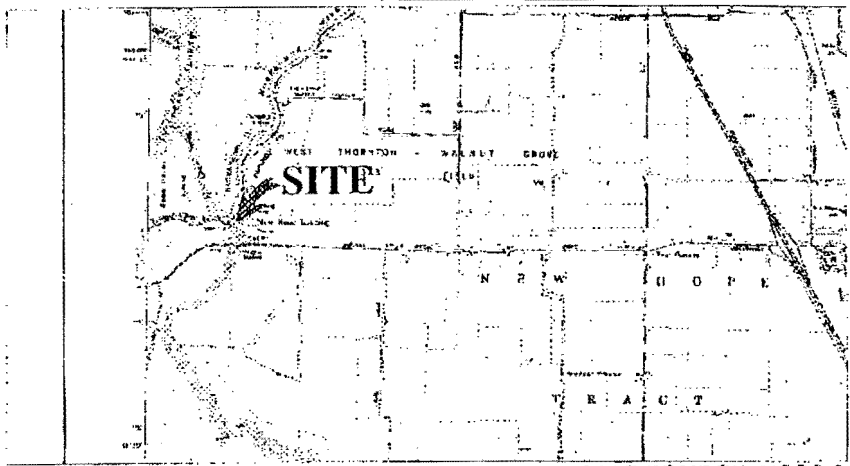
SITE



13945 W. WALNUT GROVE RD.
THORNTON, CA 95686

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 6726
APPLEGATE PROPERTIES INC.
APN 001-040-05
GENERAL LEASE
COMMERCIAL USE
THORNTON, SAN JOAQUIN CO.



PLS 5165D 88806

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the 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 any other property.

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