

**CALENDAR ITEM  
C25**

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06/01/09

S 4, 5

WP 7699.1

V. Caldwell

**REVISION OF RENT**

**LESSEE:**

Bradley H. Smith, Trustee of the Smith Family 2001 Trust, UTD August 13, 2001

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

Sovereign lands in the San Joaquin River, adjacent to 822 W. Brannan Island Road, near the city of Isleton, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing commercial marina with 12-covered berths, pilings, and a gangway as shown on Exhibit A.

**LEASE TERM:**

20 years, beginning July 19, 1993.

**CONSIDERATION:**

This lease provides that Lessor may modify the method, amount or rate of consideration periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be revised from an annual rent of \$1,267 per year against 0.5% (one half of one percent) of the total sales price derived from Boat Sales, to a Minimum Annual Rent of \$2,580 per year against 0.5% (one half of one percent) of the total sales price derived from Boat Sales, and 5% of gross income for boat berthing, effective July 19, 2009.

**OTHER PERTINENT INFORMATION:**

1. On July 19, 1993, the Commission authorized a General Lease – Commercial Use to Joe M. Cantrell and Iris Cantrell. The lease authorized a commercial marina operation known as Easy C's Boat Sales and Marina. The authorized improvements consisted of 14 covered berths and one uncovered dock with pilings and a gangway on a lease area of 0.62 acres.

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2. Subsequently, on April 9, 2002, the Commission authorized an assignment and amendment of the lease to Gail M. Frost and Kenneth Eugene Thomas. The amendment included modifying the lease area from 0.62 acres to 0.44 acres to resolve a question about the boundary of the State's jurisdiction. As a result, the two most landward covered berths and the uncovered dock are now excluded from the lease area, leaving the 12 covered berths (consisting of eight 50-foot berths and four 40-foot berths).
  
3. On December 9, 2004, the Commission authorized an assignment of the lease to Bradley H. Smith, Trustee of the Smith Family 2001 Trust, UTD August 13, 2001. The lease will expire on July 18, 2013.

**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:**

APPROVE THE REVISION OF ANNUAL RENT FOR LEASE NO. PRC 7699.1 TO A MINIMUM ANNUAL RENT OF \$2,580 AGAINST 0.05% OF THE TOTAL SALES PRICE DERIVED FROM BOAT SALES AND 5% OF GROSS INCOME FOR BOAT BERTHING, WHICHEVER IS GREATER, EFFECTIVE JULY 19, 2009.