

**CALENDAR ITEM
C76**

A 9

12/05/12
PRC 5210.1
AD 604
V. Caldwell
J. Frey

S 6

**CONSIDER APPROVAL OF A BOUNDARY LINE AND TITLE SETTLEMENT
AGREEMENT BETWEEN THE CALIFORNIA STATE LANDS COMMISSION AND
151 BRANNAN ISLAND ROAD, LLC INVOLVING CERTAIN PARCELS OF LAND
LOCATED ALONG THE RIGHT BANK OF THE MOKELUMNE RIVER IN
SACRAMENTO COUNTY AND AMENDMENT OF LEASE**

PARTIES:

State of California, acting by and through the State Lands Commission

151 Brannan Island Road, LLC dba Lighthouse Marina

LESSEE:

151 Brannan Island Road, LLC dba Lighthouse Marina

SECURED PARTY LENDER:

Lighthouse Resort First Mortgage Investors LP
747 Garden Street
Santa Barbara, CA 93101

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Mokelumne River, on Andrus Island, adjacent to 151 Brannan Island Road, city of Isleton, Sacramento County.

AUTHORIZED USE:

Operation, use, and maintenance of an existing commercial marina known as Lighthouse Marina consisting of covered and uncovered berths, dock, walkways, pilings, boat launch ramp, and restaurant with a bar; and bank protection.

LEASE TERM:

21 years, beginning January 1, 2010.

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CONSIDERATION:

Commercial Marina: Minimum annual rent of \$4,400, against five percent of the gross annual income derived from the berthing, docking, and mooring of boats, three percent of the gross annual income derived from the restaurant and bar, and 10 percent of all other gross annual income generated on the Lease Premises; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Bank Protection: The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

PROPOSED TITLE SETTLEMENT AND TRUST TERMINATION AGREEMENT

BACKGROUND:

The proposed Boundary Line and Title Settlement Agreement (the Settlement Agreement) arises out of a dispute over a Dredger Cut Parcel adjacent to the Lessee's property on Andrus Island and its intersection with the Mokelumne River; the location of the ordinary high watermark (OHWM) on the right bank of the Mokelumne River; and the existence of a public trust interest within Lighthouse Marina. These lands are referred to as the Subject Property.

The portion of Andrus Island on which the Subject Property is located was surveyed as Swamp and Overflowed (S&O) Lands Survey 752 in 1861 and first patented in 1873. After numerous conveyances, title to Lighthouse Marina is now held by 151 Brannan Island Road, LLC. Adjacent to a portion of Lighthouse Marina is a Dredger Cut Parcel created when the levees for Andrus Island were constructed.

Title to this Dredger Cut Parcel was first litigated in 1947 and again in 1949. In the first litigation (the State was not a party to it) the court found that the Dredger Cut Parcel and an adjacent berm island were part of S&O Lands Survey 752. In the second litigation, the State was a named defendant and claimed the berm island and the Dredger Cut Parcel as sovereign lands. The court ruled against the State affirming its prior finding that the berm island was a part of S&O Lands Survey 752 and that the Dredger Cut Parcel was also a part of S&O Lands Survey 752 and not a channel of the Mokelumne River. Thus, the court found that the State had no ownership interest in either parcel. However, the court did

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find that the State had an easement for commerce, navigation, and fisheries over the Dredger Cut Parcel. Absent from the court's ruling was a description of the line separating the interests of the plaintiffs from the interests of the State where the Dredger Cut Parcel intersected the Mokelumne River.

Also at issue is the location of the OHWM on the right bank of Andrus Island where the Lighthouse property is sited.

Finally, the Commission entered into a lease effective January 1, 2010 with 151 Brannan Island Road, LLC for land in the bed of the Mokelumne River. The leased land included submerged lands adjacent to the Lighthouse property and the Dredger Cut Parcel and are used for a marina and restaurant.

PROPOSED TITLE SETTLEMENT:

The Parties to the proposed Settlement Agreement are the State of California, acting by and through the State Lands Commission (Commission) and 151 Brannan Island Road, LLC (Brannan Island). The purpose of the Settlement Agreement is to settle title disputes concerning the Subject Property and confirm those parcels subject to the Public Trust and owned by the Commission and those parcels which are free of the Public Trust interest. Upon execution and approval of the proposed Settlement Agreement, the interests of the Parties will be configured as shown on Exhibit C to this agenda item.

Specifically, the key terms of the proposed Settlement Agreement provide that:

1. The location of the ordinary high water mark will be established as an agreed common boundary line on the right bank of the Mokelumne River adjacent to the Lighthouse Parcel (See Exhibit D) and its extension across the Dredger Cut Parcel (See Exhibit E) at its intersection with the Mokelumne River thereby delineating the boundary of the State Parcel (See Exhibit F) on the right bank of the River.
2. The Commission will quitclaim any interest it has in the Lighthouse Parcel and the Dredger Cut Parcel landward of the agreed common boundary line reserving back to itself, however, its Public Trust easement for commerce, navigation and fisheries in the Dredger Cut Parcel.
3. Brannan Island will quitclaim to the State all of its right, title and interest in the bed of the Mokelumne River waterward of the agreed common boundary line reserving back to itself its leasehold interest in the bed of the Mokelumne River.

CALENDAR ITEM NO. **C76** (CONT'D)

4. Brannan Island will grant to the State a perpetual Public Trust easement for commerce, navigation and fisheries over the Dredger Cut Parcel.
5. Finally the Commission and Brannan Island will execute an amendment to PRC 5210.1 to amend the land description so that it conforms to that established in the Settlement Agreement.

LEGAL REQUIREMENTS:

Pursuant to Public Resources Code (PRC) section 6307, the Commission is authorized, under certain limited circumstances, to exchange lands and terminate the State's public trust interests pursuant to a title settlement agreement. The Commission, in order to comply with Article X, Section 3 of the California Constitution and to approve the proposed Settlement Agreement, must make the following requisite findings pursuant to PRC section 6307:

1. The exchange is for one or more of the following purposes:
 - a. To improve navigation or waterways;
 - b. To aid in reclamation or flood control;
 - c. To enhance the physical configuration of the shoreline or trust land ownership;
 - d. To enhance public access to or along the water;
 - e. To enhance waterfront and near-shore development or redevelopment for public trust purposes;
 - f. To preserve, enhance, or create wetlands, riparian, or littoral habitat, or open space; and/or
 - g. To resolve boundary or title disputes.
2. The lands or interests in lands to be acquired in the exchange will provide a significant benefit to the public trust;
3. The exchange does not substantially interfere with public rights of navigation and fishing;
4. The monetary value of the lands or interests in lands received by the trust in exchange is equal to or greater than that of the lands or interests in land given by the trust in exchange;
5. The lands or interests in land given in exchange have been cut off from water access and are in fact no longer tidelands or submerged lands or navigable waterways and are relatively useless for public trust purposes; and,
6. The exchange is in the best interest of the state.

CALENDAR ITEM NO. C76 (CONT'D)

STAFF ANALYSIS AND RECOMMENDATION:

Commission staff has conducted a study and investigation of the boundary and title evidence of the Subject Property, thoroughly examining historical maps, aerial photos, hydrological data, and other evidence concerning the area in an effort to determine the location and extent of sovereign property interests.

The evidence shows that the Mokelumne River is a navigable tidally influenced river and was historically located adjacent to and within the Subject Property. Portions of the Subject Property were patented as S&O lands. In prior litigation the Commission argued that the Dredger Cut Parcel was a part of the Mokelumne River and was sovereign land. However, the courts ruled against the Commission and established that the Commission did not have a fee interest in the Dredger Cut Parcel but that it did have an easement for commerce, navigation and fisheries. Research shows that the court failed to set a common boundary between the Dredger Cut Parcel and the bed of the Mokelumne River.

Brannan Island contends that it is the successor in interest to the original patentees of that portion of the Subject Property known as the Dredger Cut Parcel and the Lighthouse Parcel and it holds title to these Parcels free of any State interest. There is a bona fide dispute between the Commission and Brannan Island as to the existence, extent, nature, and location of their respective rights, title and interests in the Subject Property.

Staff recommends the Commission approve the proposed Settlement Agreement for several reasons. The Settlement Agreement is for the purpose of resolving a boundary dispute between the Parties and will assure public access to the Dredger Cut Parcel, thereby providing a significant benefit to the public trust.

The Settlement Agreement does not substantially interfere with public rights of navigation and fishing because it will not affect lands within the current bed of the Mokelumne River. The Settlement Agreement also establishes the location of the OHWM on the right bank of the River, thus defining the interests of the Parties and thereby protecting navigation and fisheries from encroachment by interests inconsistent with the Public Trust.

The Lighthouse Parcel has been cut off from water access and is in fact no longer tidelands or submerged lands or a navigable waterway by virtue of having been filled or reclaimed and leveed, and is relatively useless for Public Trust purposes.

CALENDAR ITEM NO. **C76** (CONT'D)

In the interest of settlement, the Parties conducted independent studies and evaluations of their respective factual and legal positions relating to the disputed title claims.

Appraisals and property interest evaluation studies reviewed or completed by Commission staff have shown that the monetary value of the State Parcel and the easement for commerce, navigation, and fisheries in the Dredger Cut Parcel are equal to or greater than the monetary value of the State's interests to be terminated in the Lighthouse Parcel.

Since litigation of this matter would likely be extremely protracted and costly with uncertain results, the Parties to the Settlement Agreement consider it expedient, necessary, and in the best interests of the State and Brannan Island to resolve this dispute through the proposed Settlement Agreement thereby avoiding the substantial costs and uncertainties of litigation.

As described in the preceding paragraphs, the facts support each of the necessary findings the Commission must make, including that this Agreement is in the best interests of the State. Commission staff and the Attorney General's Office have reviewed the proposed Settlement Agreement and believe all necessary legal elements have been met. Staff therefore recommends the Commission approve the Settlement Agreement, in substantially the form on file at the Commission's Sacramento Office, and authorize its execution and the execution and recordation of all documents necessary to implement it.

PROPOSED AMENDMENT:

Lease No. PRC 5210.1 currently includes the Dredger Cut Parcel and authorizes the 41 covered berths located on it. In order to conform the Lease land description in the Settlement Description with that in the Lease, it is necessary to amend Section 1, Land Use or Purpose and Authorized Activities and Improvements, to delete the 41 covered berths; and replace Section 3, Description of Lease Premises, of the Lease with a new Section 3, Amended Land Description of Leased Lands, and delete Exhibit D, Site and Location Map, in its entirety and replace it with the new Site and Location Map.

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

CALENDAR ITEM NO. **C76** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On December 17, 2009, the Commission authorized a General Lease – Commercial Use to 151 Brannan Island Road, LLC for the operation, use, and maintenance of an existing commercial marina known as Lighthouse Marina. That lease will expire on December 31, 2030.
3. The Commission also authorized on December 17, 2009, an Agreement and Consent to Encumbrancing of Lease in favor of Lighthouse Resort First Mortgage Investors LP, as the Secured-Party Lender, for a loan not to exceed \$3,000,000. Per the Agreement, staff received written consent from the Secured-Party Lender to execute the Boundary Line and Title Settlement Agreement and amend the Lease.
4. In the course of negotiations of the Lease, questions were raised regarding the extent of private and public ownership of the lands described in Section 3 of the Lease. To resolve these questions, Lessor and Lessee agreed to investigate the property rights of each of them and to enter into a title settlement agreement which will memorialize the findings and conclusions. The subject Settlement Agreement is the result of that investigation. Lessee is requesting to amend this Lease to reflect the findings and conclusions of the title settlement agreement.
5. **Boundary Line and Title Settlement Agreement:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a statutorily exempt project. The project is exempt because it involves settlement of title and boundary problems.

Authority: Public Resources Code section 21080.11 and California Code of Regulations, Title 14, section 15282, subdivision (f).
6. **Lease Amendment:** The staff recommends that the Commission find that the subject lease amendment does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

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

CALENDAR ITEM NO. **C76** (CONT'D)

EXHIBITS:

- A. Land Description of the Subject Property
- B. Plat of Subject Property
- C. Plat of Final Settlement
- D. Land Description of the Lighthouse Parcel
- E. Land Description of the Dredger Cut Parcel
- F. Land Description of State Parcel
- G. Amended Land Description of Leased Lands
- H. New Site and Location Map PRC 5210.1

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Boundary Line and Title Settlement Agreement: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a statutorily exempt project pursuant to Public Resources Code section 21080.11 and California Code of Regulations, Title 14, section 15282, subdivision (f), settlement of title and boundary problems.

Lease Amendment: Find that the subject lease amendment is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Find that the proposed Title Settlement and Public Trust Termination Agreement is in the best interests of the Parties and the public to resolve this dispute between the State and 151 Brannan Island Road, LLC over title to the properties described in Exhibits D, E, and F and to avoid the anticipated costs, time requirements, and uncertainties of litigation.
2. Find that, with respect to the Title Settlement and Public Trust Termination Agreement:

CALENDAR ITEM NO. **C76** (CONT'D)

- a. The Settlement Agreement is for the purpose of resolving a boundary and title dispute and will enhance public access to, and along, the Mokelumne River.
 - b. The Settlement Agreement does not substantially interfere with public rights of navigation and fishing.
 - c. The monetary value of the lands or interests in the State Parcel and the Dredger Cut Parcel received by the State are equal to or greater than that of the State's interests in the Lighthouse Parcel.
 - d. The Lighthouse Parcel is cut off from water access and is in fact no longer tidelands or submerged lands or a navigable waterway by virtue of having been filled or reclaimed, and is relatively useless for Public Trust purposes.
 - e. The Settlement Agreement is in the best interests of the State of California.
 - f. The termination of the Public Trust in the Public Trust Termination Parcel shall be effective upon the execution of the Settlement Agreement and its recordation in the Official Records for Sacramento County.
3. Approve and authorize the execution, acknowledgment, and recordation of the Boundary Line and Title Settlement Agreement and associated deeds and acceptances on behalf of the Commission, in substantially the form of the copy of such agreement on file with the Commission.
 4. Authorize and direct the staff of the Commission and the California Attorney General to take all necessary or appropriate actions on behalf of the California State Lands Commission, including the execution, acknowledgment, acceptance, and recordation of all documents as may be necessary or convenient to carry out the Boundary Line and Title Settlement Agreement; and to appear on behalf of the Commission in any legal proceedings relating to the subject matter of the Settlement Agreement.
 5. Authorize the Amendment of Lease No. PRC 5210.1, a General Lease – Commercial Use, effective December 5, 2012, to amend Section 1, Land Use or Purpose and Authorized Activities and Improvements, to delete the 41 covered berths; and replace Section 3 Description of Lease Premises, of the Lease with a new

CALENDAR ITEM NO. **C76** (CONT'D)

Section 3, Amended Land Description of Leased Lands as described in Exhibit G; and delete Exhibit D, Site and Location Map, in its entirety and replace it with the new Site and Location Map, substantially in the form of Exhibit H, (for reference purposes only) attached and by this reference made a part thereof; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 5210 - AD 604

LAND DESCRIPTION

LIGHTHOUSE & STATE PARCELS

Three parcels of land situate in and or adjacent to the bed of the Mokelumne River, Sacramento County and being more particularly described as follows:

PARCEL 1 – Lighthouse Parcel

A parcel of land designated as "Property One" as described in Exhibit A in that certain Corporation Grant Deed recorded on December 15, 2009 from Equity Bancorp Inc., a California corporation to 151 Brannan Island Road LLC, a California Limited Liability Company in Book 20091215, Page 0843 Official Records of Sacramento County.

PARCEL 2 – Dredger Cut Parcel

A parcel of land situate at the southerly end of Andrus Island, being a portion of Swamp and Overflowed Lands Survey 752 patented June 17, 1873, Sacramento County, California, described as follows:

Bounded on the northwest by the Mokelumne River. Bounded on the northeast by that "berm" as described in Amended Judgment filed July 24, 1952, Book 117, Page 519, Official Records, County of Sacramento. Bounded on the southeast by the northeasterly prolongation of the southeasterly line of "Parcel A" as shown on that Parcel Map filed for record in Book 8, Page 18 of Parcels Maps, Sacramento County Records. Bounded on the southwest by the northeasterly line of "Parcel A" of said map

PARCEL 3 – State Parcel – Mokelumne River

A parcel of tide and submerged land situate in the bed of the Mokelumne River near the confluence with the San Joaquin River at the south end of Andrus Island, Sacramento County, California, described as follows:

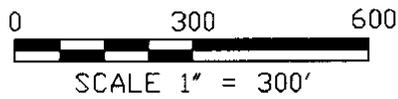
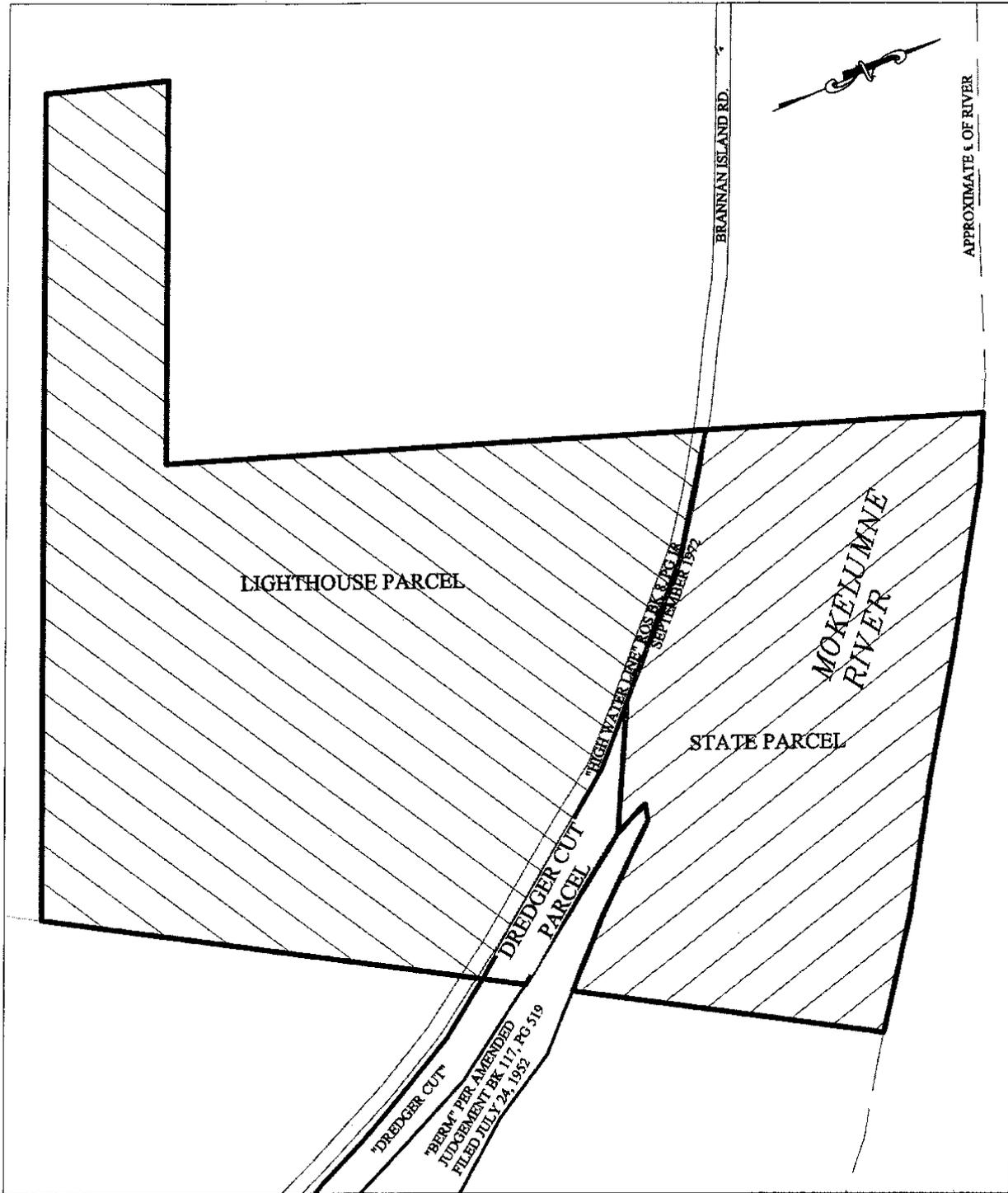
Bounded on the northeast by the centerline of the Mokelumne River. Bounded on the southeast by the northeasterly prolongation of the southeasterly line of "Parcel A" as shown on that Parcel Map filed for record in Book 8, Page 18 of Parcels Maps, Sacramento County Records. Bounded on the northwest by the northeasterly prolongation of the northwesterly line of "Parcel A" of said map. Bounded on the southwest by the ordinary high water mark of said River.

EXCEPTING THEREFROM any portion of that "berm" as described in Amended Judgment filed July 24, 1952, Book 117, Page 519, County of Sacramento.

END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Staff
October 18th, 2012.





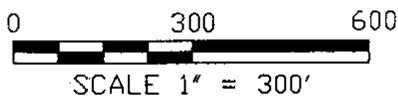
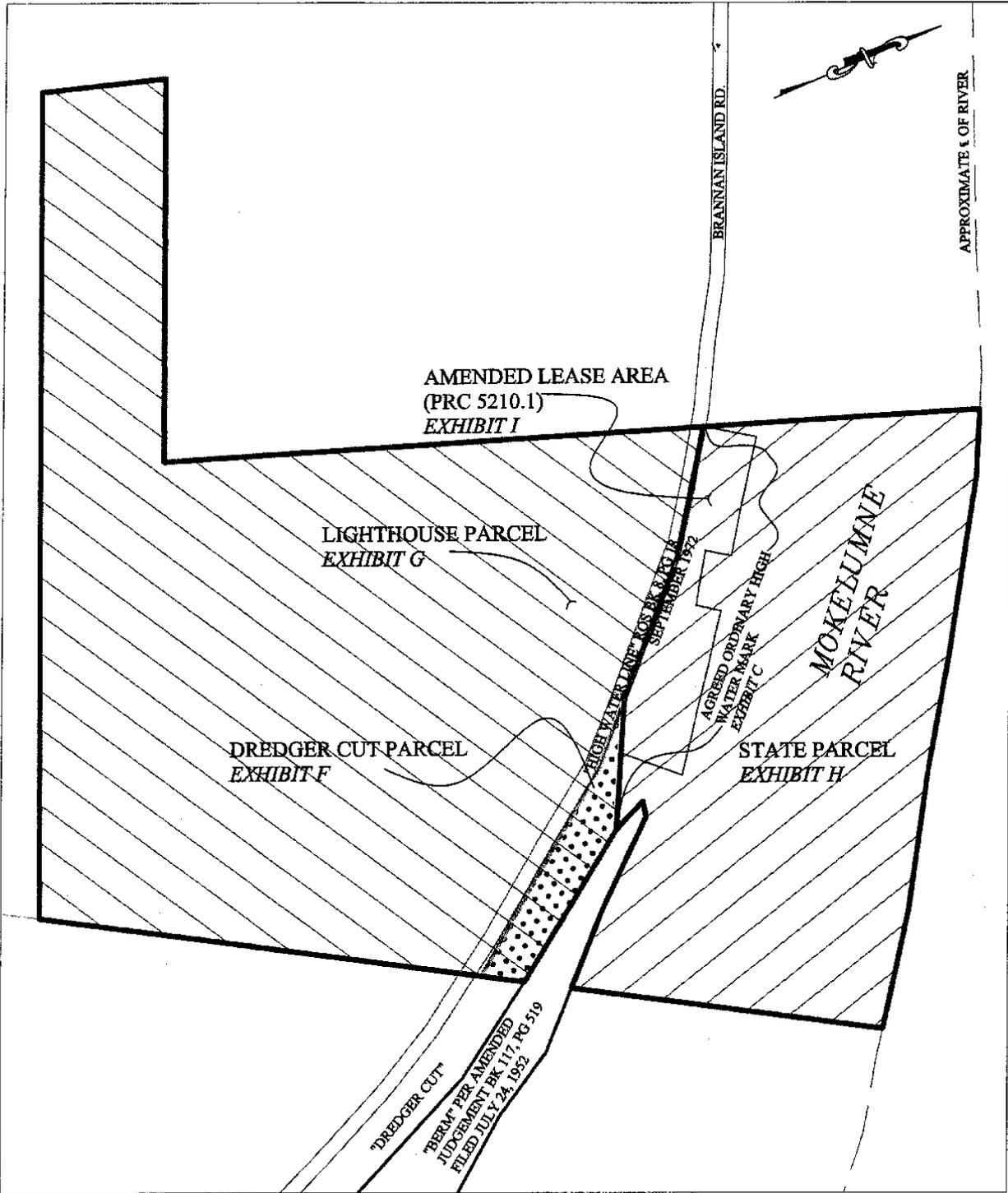
**EXHIBIT B -
PRC 5210 - AD 604**

MJF 10/18/12

PLAT OF SUBJECT PROPERTY
APN 156-0110-070 7 156-0110-044
SACRAMENTO CO.

CALIFORNIA STATE
LANDS COMMISSION





**EXHIBIT C -
PRC 5210 - AD 604**

MJF 10/18/12

**PLAT OF FINAL CONFIGURATION
OF INTERESTS
SACRAMENTO CO.**

**CALIFORNIA STATE
LANDS COMMISSION**



EXHIBIT D

PRC 5210 - AD 604

LAND DESCRIPTION

LIGHTHOUSE PARCEL

A parcel of land situate adjacent to the bed of the Mokelumne River, Sacramento County and being more particularly described as follows:

All of Parcel A and the Northerly 252.90' measured at right angle of Parcel C as shown on that certain map entitled "Property of Deolinda Pereira" recorded in Book 8 of Parcel Maps, at Page 18 in the County of Sacramento.

EXCEPTING any portion of the above described property lying waterward of the following described line:

COMMENCING at a $\frac{3}{4}$ " Iron Pipe tagged RCE 8714, on the northwesterly line of "Parcel A" as shown on that Parcel Map filed for record in Book 55, Page 2 of Parcel Maps, being set in the same position as an Iron Pipe tagged LS 1818, Sacramento County Official Records which bears N 09°35'45.7" W 2083.60 feet from USC&GS triangulation station "Andrus Island SW Steel Pole" having CCS27, Zone 2 coordinates of X(E) = 2,124,486.96 feet, Y(N) = 157,457.15 feet; thence along the northwesterly line of "Parcel A" of said map N 31°15'11" E 22.96 feet to the northerly corner of "Parcel A" of said map; thence continuing along the southeasterly line of that certain "Parcel A" as shown on that Parcel Map entitled "Property of Deolinda Pereira" and herein described as "Parcel A" (2) filed for record in Book 8, Page 18 of Parcel Maps, Sacramento County Records N 31°15'11" E 98.37 feet to the most easterly corner of said "Parcel A" (2) also being the POINT OF BEGINNING; thence along the northeasterly line of said "Parcel A" (2), also being the "High Water Line", of said Parcel Map N 37°01'49" W 489.68 feet; thence N 46°08'49" W 148.29 feet; thence continuing along said "High Water Line" also being a portion of that "Agreed Ordinary High Water Mark" per "Exhibit D" of AD 604, N 46°08'49" W 306.95 feet; thence continuing along said line N 55°25'51" W 273.49 feet to the most northerly corner of said "Parcel A" (2).

END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Staff
October 18th, 2012.



EXHIBIT E

PRC 5210 - AD 604

LAND DESCRIPTION

DREDGER CUT PARCEL

A parcel of tide and submerged land situate in the bed of a "dredger cut" adjacent to the Mokelumne River near the confluence with the San Joaquin River at the south end of Andrus Island, Sacramento County, California, described as follows:

COMMENCING at a $\frac{3}{4}$ " Iron Pipe tagged RCE 8714, on the northwesterly line of "Parcel A" as shown on that Parcel Map filed for record in Book 55, Page 2 of Parcel Maps, being set in the same position as an Iron Pipe tagged LS 1818, Sacramento County Official Records which bears N 09°35'45.7" W 2083.60 feet from USC&GS triangulation station "Andrus Island SW Steel Pole" having CCS27, Zone 2 coordinates of X(E) = 2,124,486.96 feet, Y(N) = 157,457.15 feet; thence along the northwesterly line of "Parcel A" of said map N 31°15'11" E 22.96 feet to the northerly corner of "Parcel A" of said map; thence continuing along the southeasterly line of that certain "Parcel A" as shown on that Parcel Map entitled "Property of Deolinda Pereira" and herein described as "Parcel A" (2) filed for record in Book 8, Page 18 of Parcel Maps, Sacramento County Records N 31°15'11" E 98.37 feet to the most easterly corner of said "Parcel A" (2), also being the POINT OF BEGINNING; thence along the northeasterly line of said "Parcel A", also being the "High Water Line", of said Parcel Map N 37°01'49" W 489.68 feet; thence N 46°08'49" E 148.29 feet; thence leaving said line S 62°52'29" E 267.23 feet to a point on that "berm" as described in Amended Judgment filed July 24, 1952, Book 117, Page 519, Official Records, County of Sacramento; thence along the southwesterly line of said berm S 35°21'10" E 362.94 feet; thence leaving said "berm" S 31°15'11" W 88.67 feet to the POINT OF BEGINNING.

END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Staff
October 18th, 2012.



EXHIBIT F

PRC 5210 - AD 604

LAND DESCRIPTION

STATE PARCEL

A parcel of tide and submerged land, situate in the bed of the Mokelumne River near the confluence with the San Joaquin River at the south end of Andrus Island, Sacramento County, California, described as follows:

Bounded on the northeast by the centerline of the Mokelumne River. Bounded on the southeast by the northeasterly prolongation of the southeasterly line of "Parcel A" as shown on that Parcel Map filed for record in Book 8, Page 18 of Parcel Maps, Sacramento County Official Records. Bounded on the northwest by the northeasterly prolongation of the northwesterly line of "Parcel A" of said map. Bounded on the southwest by the ordinary high water mark of said river as described in the following line:

COMMENCING at a $\frac{3}{4}$ " Iron Pipe tagged RCE 8714, on the northwesterly line of "Parcel A" as shown on that Parcel Map filed for record in Book 55, Page 2 of Parcel Maps, being set in the same position as an Iron Pipe tagged LS 1818, Sacramento County Official Records which bears N 09°35'45.7" W 2083.60 feet from USC&GS triangulation station "Andrus Island SW Steel Pole" having CCS27, Zone 2 coordinates of X(E) = 2,124,486.96 feet , Y(N) = 157,457.15 feet; thence along the northwesterly line of "Parcel A" of said map N 31°15'11" E 22.96 feet to the northerly corner of "Parcel A" of said map; thence continuing along the southeasterly line of that certain "Parcel A" as shown on that Parcel Map entitled "Property of Deolinda Pereira" and herein described as "Parcel A" (2) filed for record in Book 8, Page 18 of Parcel Maps, Sacramento County Records N 31°15'11" E 98.37 feet to the most easterly corner of said "Parcel A" (2); thence continuing along the prolongation of said line N 31°15'11" E 185.57 feet to a point on the northeasterly line of that "berm" as described in Amended Judgment filed July 24, 1952, Book 117, Page 519, County of Sacramento, also being the POINT OF BEGINNING; thence along said berm the following four (4) courses:

- 1) N 45°00'00" W 171.61 feet;
- 2) N 41°00'00" W 210.00 feet;
- 3) N 77°00'00" W 32.54 feet;
- 4) S 22°26'00" W 80.04 feet;

thence leaving said "berm" N 62°52'29" W 267.23 feet to a point on the northeasterly line of said "Parcel A" (2); thence along said northeasterly line N 46°08'49" W 306.95 feet; thence continuing along said line N 55°25'49" W 273.49 feet to the most northerly corner of said "Parcel A" (2).

EXCEPTING THEREFROM any portion lying within the "berm" as described in Amended Judgment filed July 24, 1952, Book 117, Page 519, Official Records, County of Sacramento.

END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Staff
October 18th, 2012.



EXHIBIT G

PRC 5210 - BLA 604

AMENDED LAND DESCRIPTION

OF LEASED LANDS IN SLC LEASE PRC 5210.1

A parcel of tide and submerged land, in the bed of the Mokelumne River near the confluence with the San Joaquin River at the south end of Andrus Island, Sacramento County, California, described as follows:

COMMENCING at a $\frac{3}{4}$ " Iron Pipe tagged RCE 8714, on the northwesterly line of "Parcel A" as shown on that Parcel Map filed for record in Book 55, Page 2 of Parcel Maps, being set in the same position as an Iron Pipe tagged LS 1818, Sacramento County Official Records which bears N 09°35'45.7" W 2083.60 feet from USC&GS triangulation station "Andrus Island SW Steel Pole" having CCS27, Zone 2 coordinates of X(E) = 2,124,486.96 feet, Y(N) = 157,457.15 feet ; thence along the northwesterly line of "Parcel A" of said map N 31°15'11" E 22.96 feet to the northerly corner of "Parcel A" of said map; thence continuing along the southeasterly line of that certain "Parcel A" as shown on that Parcel Map entitled "Property of Deolinda Pereira" and herein described as "Parcel A" (2) filed for record in Book 8, Page 18 of Parcel Maps, Sacramento County Records N 31°15'11" E 98.37 feet to the most easterly corner of said "Parcel A" (2); thence along the northeasterly line of said "Parcel A" (2), also being the "High Water Line", of said Parcel Map N 37°01'49" W 489.68 feet; thence continuing along said line N 46°08'49" W 148.29 feet to the POINT OF BEGINNING; thence N 46°08'49" W 306.95 feet; thence N 55°25'49" W 273.49 feet to the most northerly corner of said "Parcel A" (2); thence leaving said line N 34°34'11" E 109.69 feet; thence along the following seven (7) courses:

- 1) S 54°59'42" E 248.20 feet;
- 2) S 35°00'18" W 54.29 feet;
- 3) S 57°19'13" E 113.01 feet;
- 4) N 36°35'38" E 51.02 feet;
- 5) S 53°24'22" E 344.52 feet;
- 6) S 43°23'46" W 132.77 feet;
- 7) N 62°52'29" W 110.97 feet to the POINT OF BEGINNING.

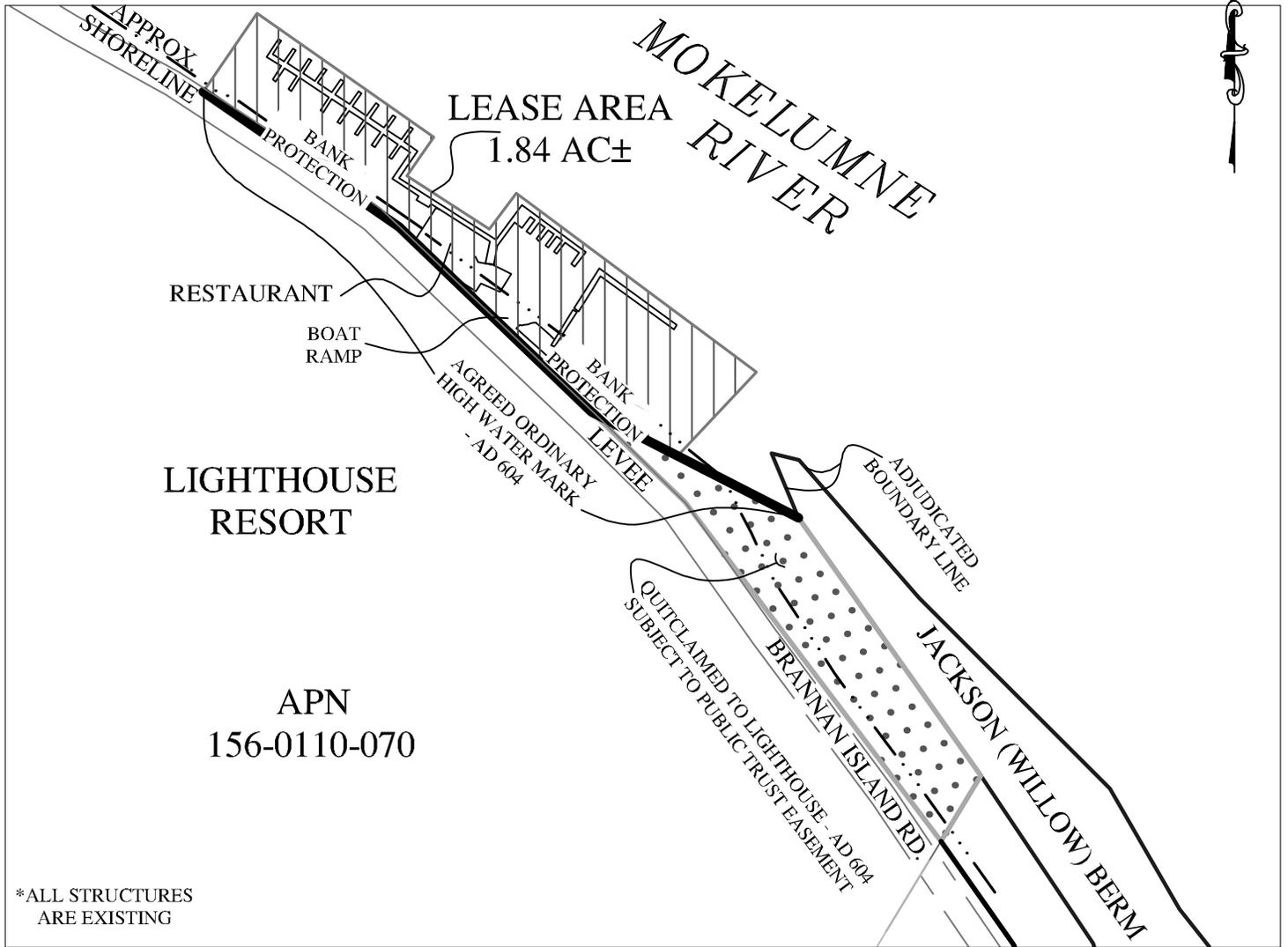
END OF DESCRIPTION

Prepared by the California State Lands Commission Boundary Staff
October 18th, 2012.



NOT TO SCALE

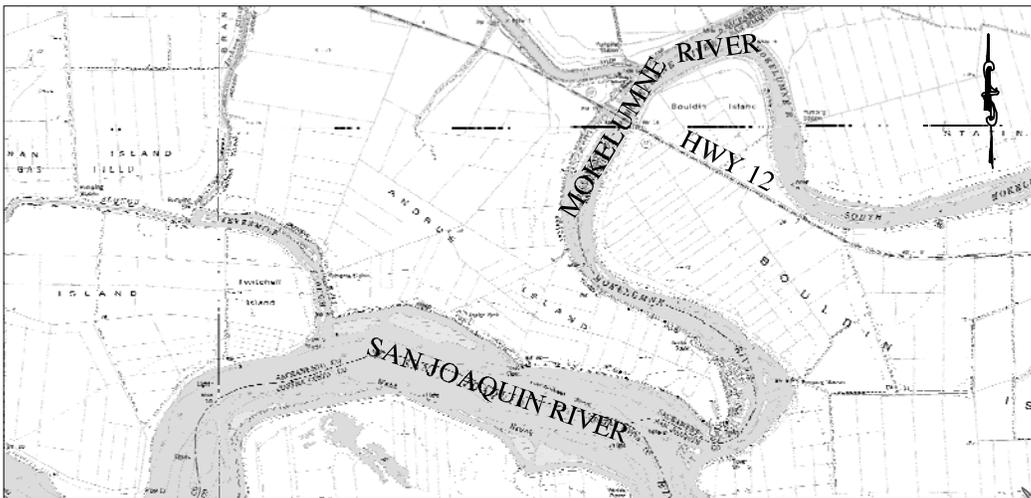
SITE



LIGHTHOUSE MARINA, 151 BRANNAN ISLAND RD., ISLETON

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit H

WP 5210.1
 LIGHTHOUSE MARINA
 151 BRANNAN ISLAND RD LLC
 APN 156-0110-070
 GENERAL LEASE -
 COMMERCIAL USE
 SACRAMENTO CO.



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.