

**CALENDAR ITEM
C32**

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06/19/14
PRC 2175.1
J. Sampson

GENERAL LEASE – COMMERCIAL USE

APPLICANT:

Lovey's Landing, LLC

AREA, LAND TYPE, AND LOCATION:

1.168 acres, more or less, of sovereign land located in the Sacramento River adjacent to 3474 North Meridian Road, Meridian, Sutter County.

AUTHORIZED USE:

Operation, use, and maintenance of an existing commercial marina, known as Lovey's Landing, consisting of three docks each with two dock fingers, three gangways, multiple cable anchors, bracing, a fuel pump, and a launch rail.

LEASE TERM:

25 years, beginning January 1, 2013.

CONSIDERATION:

\$1,115 per year, with the rent adjusted annually using the Consumer Price Index (CPI) established by the California Department of Industrial Relations' "California Consumer Price Index (1955-2011) All Items 1982-1984 = 100"; and the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$2,000,000 per occurrence.

Bond:

\$10,000

Other:

This lease contains provisions that the Lessee must implement the Commission's "Best Management Practices for Marina Owners/Operators" and encourage implementation of the Commission's "Best Management Practices for Berth Holders / Boaters" including additional Best Management Practices (BMPs) the Commission subsequently deems

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appropriate for either of the above categories. The Lessee shall provide the Commission, on the first anniversary of the lease and on every third anniversary thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. The Applicant owns the upland adjoining the lease premises.
2. On February 27, 1996, the Commission authorized a General Lease – Commercial Use with Earl L. Loveless, dba Lovey’s Landing. That lease expired December 31, 2012. On June 7, 2004, the Commission approved an assignment of the lease to Gerald A. Pearson. On December 14, 2006, the Commission authorized an assignment of the lease from Gerald A. Pearson to Lovey’s Landing, LLC and an amendment to include provisions in the lease regarding Best Management Practices. The Applicant is now applying for a new General Lease – Commercial Use.
3. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C32** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Commercial Use to Lovey's Landing, LLC beginning January 1, 2013, for a term of 25 years, for the operation, use, and maintenance of an existing commercial marina, known as Lovey's Landing, consisting of three docks each with two dock fingers, three gangways, multiple cable anchors, bracing, a fuel pump, and a launch rail, as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$1,115, adjusted annually using the Consumer Price Index, as provided in the lease; liability insurance in an amount no less than \$2,000,000 per occurrence; and bond or other surety in the amount of \$10,000.

EXHIBIT A

PRC 2175.1

LAND DESCRIPTION

A parcel of submerged land situate on the left bank of the Sacramento River, lying adjacent to Lot 1 of fractional Section 2, Township 15 North, Range 1 West, MDM, County of Sutter, State of California, and more particularly described as follows:

All those lands underlying an existing commercial marina containing three (3) boat docks, three (3) gangways, five (5) cable anchors, cables, cable bracing, launch rail and fuel pump adjacent to that parcel as described in that Individual Grant Deed recorded January 18, 2006 in Document 2006-0001229, of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of the low water mark of the Sacramento River.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared March 18, 2014 by the California State Lands Commission Boundary Unit.



Sacramento River

Flow

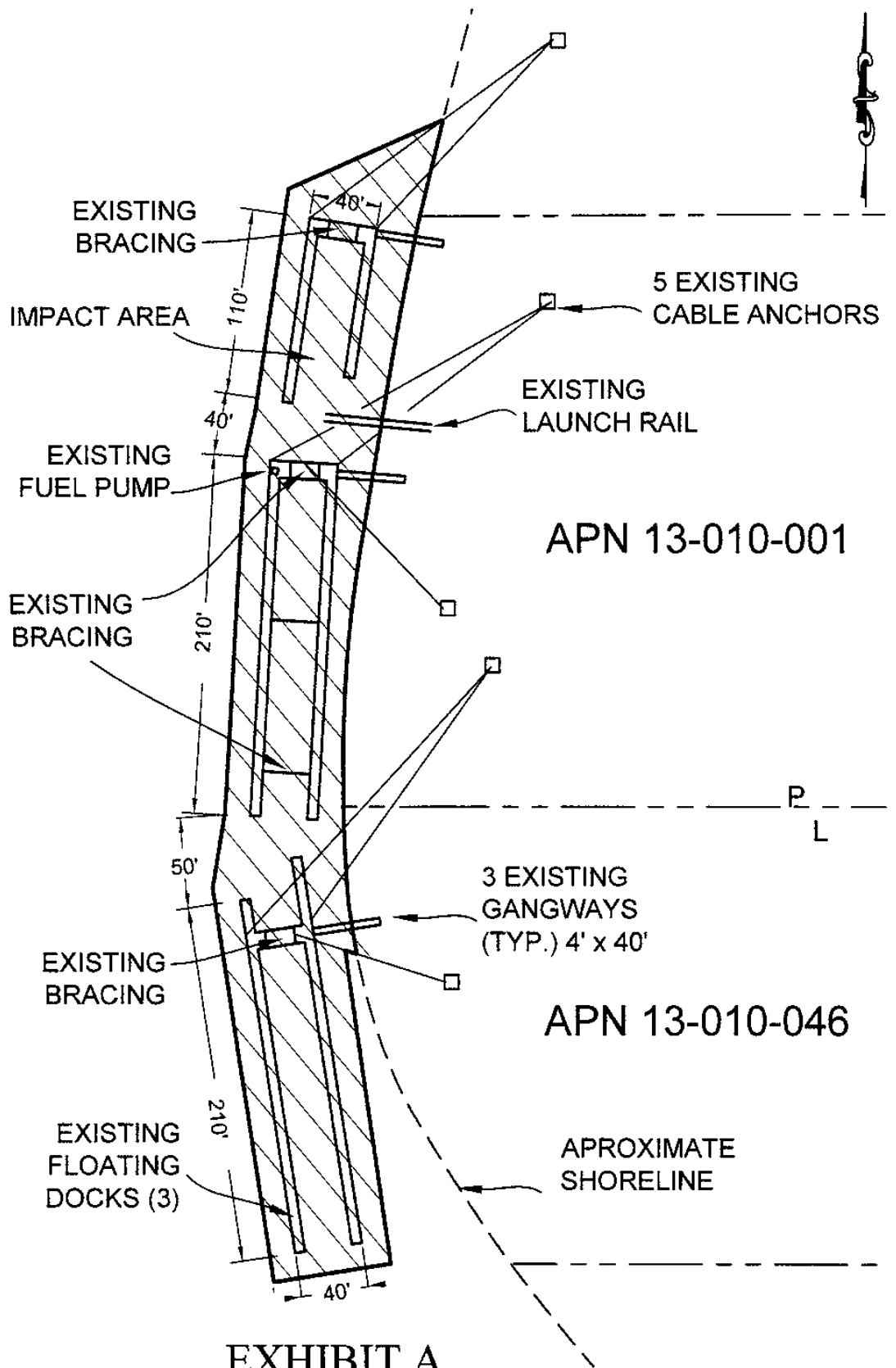


EXHIBIT A



NO SCALE

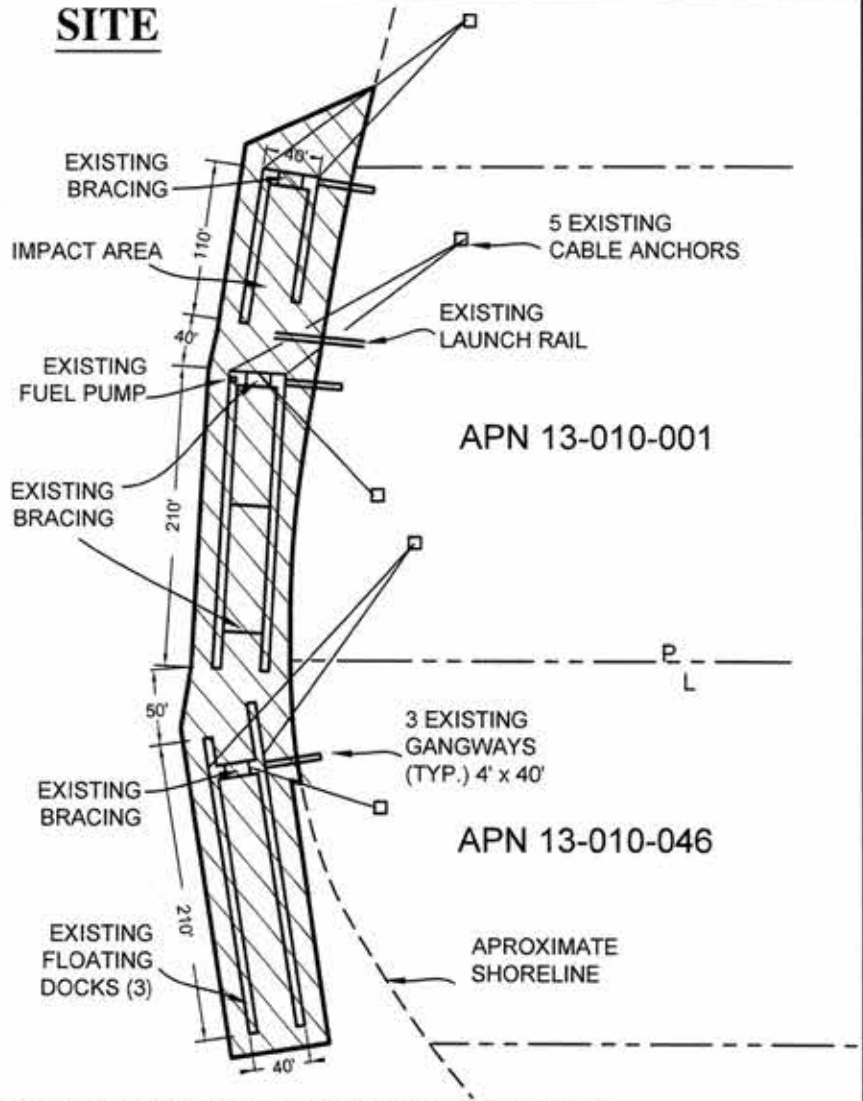
SITE



Sacramento

Flow

River



3474 NORTH MERIDIAN ROAD, NEAR MERIDIAN

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 2175.1
 LOVEY'S LANDING LLC
 APN 13-010-001 & 046
 GENERAL LEASE -
 COMMERCIAL USE
 SUTTER COUNTY



MJJ 02/12/2014

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.