

**CALENDAR ITEM
C33**

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08/19/15
PRC 3309.1
B. Terry

GENERAL LEASE – COMMERCIAL USE

APPLICANT:

Franklin Peck and Ronald Meidinger, dba Grimes Boat Landing
1658 Highway 45
Grimes, CA 95950

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to Assessor's Parcel Numbers (APNs) 019-110-019 and 019-110-021, near Grimes, Colusa County.

AUTHORIZED USE:

Continued use, operation, and maintenance of a commercial marina consisting of three existing floating boat docks with ramps previously authorized by the Commission and one floating boat dock with ramp and a boat hoist not previously authorized by the Commission.

LEASE TERM:

20 years, beginning February 11, 2015.

CONSIDERATION:

\$600 per year, with an annual Consumer Price Index adjustment, and the State reserving the right to adjust the rent at the 10-year anniversary, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

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

Surety:

Surety bond or other security in the amount of \$5,000.

Other:

Lessee agrees to the implementation of the Commission's "Best Management Practices (BMPs) for Marina Owners/Operators" and "BMPs for Guest Dock Users and Boaters," including additional BMPs the Commission subsequently deems appropriate for either of the above categories. Lessee shall post the BMPs in prominent places within the lease premises. The Lessee shall provide the Commission, on the first

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anniversary of the lease and on every third anniversary thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On September 24, 1980, the Commission authorized a 30-year General Lease – Commercial Use to William and Jean Rugh. On August 30, 1989, the Commission authorized an assignment of the lease to Fred and Emily Bradburn, dba Grimes Boat Landing. That lease expired on December 31, 2009. The marina was sold in 2007 and an application was submitted by the new owner. However, the application was never complete and staff did not bring the application forward for Commission action. On February 11, 2015, the marina was sold to the Applicant, who is now applying for a General Lease – Commercial Use.
3. The marina includes four existing floating boat docks with ramps, and a boat hoist. The fourth dock and boat hoist have existed for many years but were not previously authorized. Staff recommends including these facilities in the lease.
4. 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.

5. 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

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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 Franklin Peck and Ronald Meidinger, dba Grimes Boat Landing, beginning February 11, 2015, for a term of 20 years, for the continued use, operation, and maintenance of a commercial marina consisting of three existing floating boat docks with ramps previously authorized by the Commission and one existing floating boat dock with ramp and one boat hoist not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$600, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$2,000,000 per occurrence; and surety bond in the amount of \$5,000.

EXHIBIT A

PRC 3309.1

LAND DESCRIPTION

Two parcels of submerged land situated in the bed of the Sacramento River, lying adjacent to Rancho Jimeno, as shown on that Rancho Plat, approved March 26, 1861, County of Colusa, State of California and more particularly described as follows:

PARCEL 1- Main & Lower Docks

BEGINNING at a point on the intersection of the centerline of the stairway of an existing two-finger dock and the right bank of the Sacramento River, from which the Southwest corner of Lot 38 of Ashley's Subdivision of the Grimes Ranch recorded on October 24, 1902 in Book 1 of Record of Surveys at Page 32 bears N 83° 23' 13" W 3724.79 feet, more or less; thence westerly along said bank N 76° 40' 53" W 32.41 feet; thence leaving said bank the following six (6) courses:

- 1) N 18° 10' 03" E 124.74 feet;
- 2) S 71° 49' 57" E 58.65 feet;
- 3) S 75° 35' 25" E 166.16 feet;
- 4) S 71° 16' 45" E 211.22 feet;
- 5) S 70° 52' 16" E 73.75 feet;
- 6) S 19° 07' 44" W 122.00 feet to the right bank of said river; thence along said bank the following three (3) courses:

- 1) N 70° 52' 16" W 73.32 feet;
- 2) N 69° 29' 32" W 200.82 feet;
- 3) N 76° 40' 53" W 201.82 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the low water mark of the right bank of said Sacramento River.

PARCEL 2 – Upper Dock

BEGINNING at a point on the intersection of the centerline of the stairway of an existing dock (which is west of the two-finger dock) and the right bank of the Sacramento River, from which the Southwest corner of Lot 38 of Ashley's Subdivision of the Grimes Ranch recorded on October 24, 1902 in Book 1 of Record of Surveys at Page 32 bears N 83° 01' 40" W 3351.73 feet, more or less; thence westerly along said bank N 87° 17' 14" W 15.00 feet; thence leaving said bank the following three (3) courses:

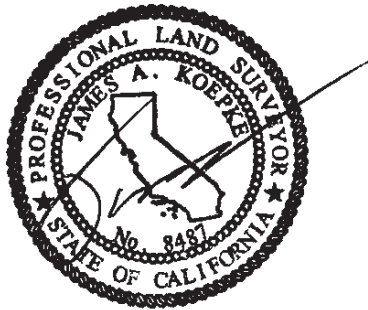
- 1) N 02° 40' 37" E 67.35 feet;
- 2) S 87° 17' 14" E 135.00 feet;

3) S 02° 42' 46" W 67.35 feet to the right bank of said river; thence along said bank N 87° 17' 14" W 119.96 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the low water mark of the right bank of said Sacramento River.

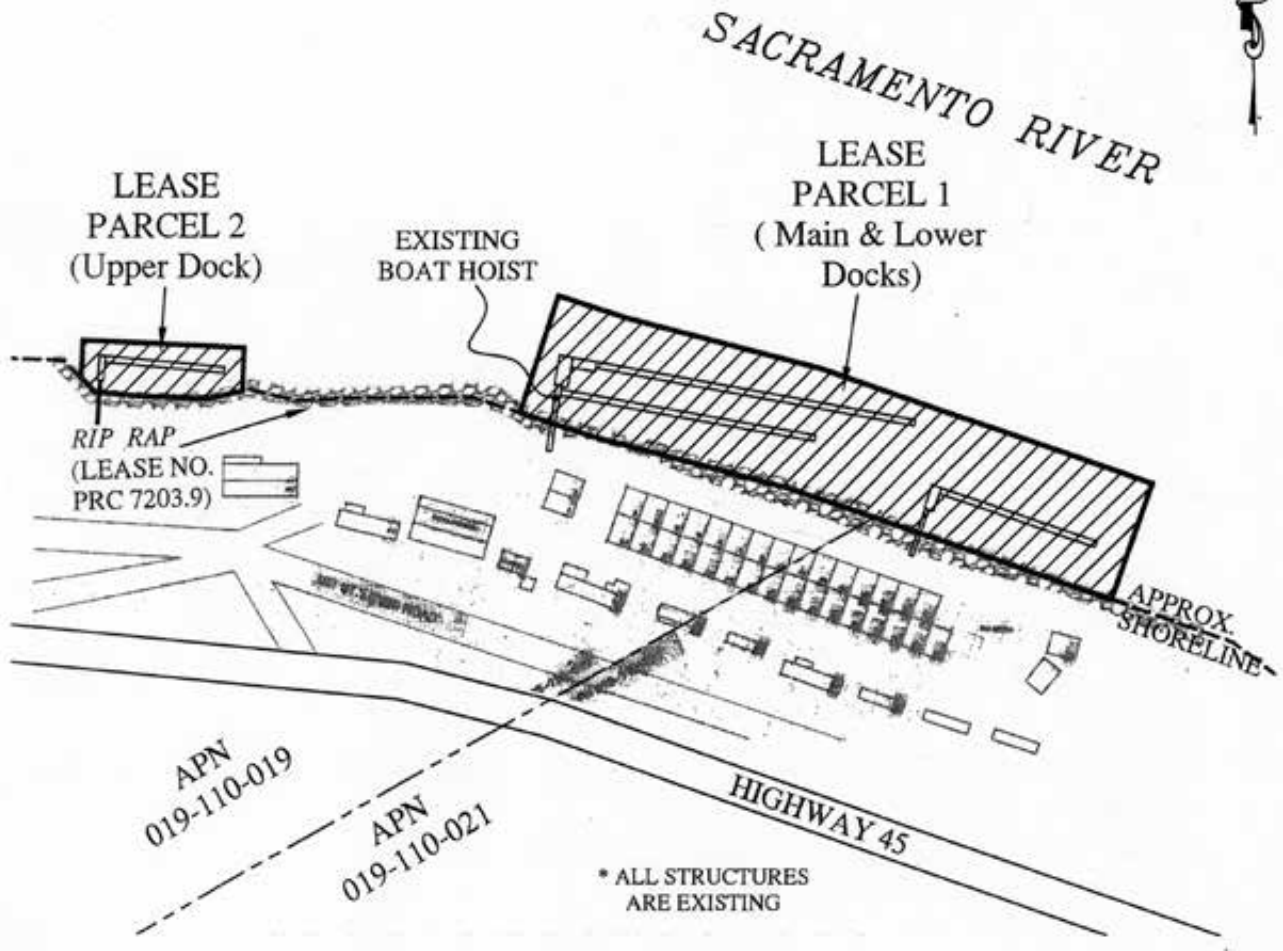
END OF DESCRIPTION

Prepared 06/10/2015 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



1658 HIGHWAY 45, GRIMES

NO SCALE

LOCATION

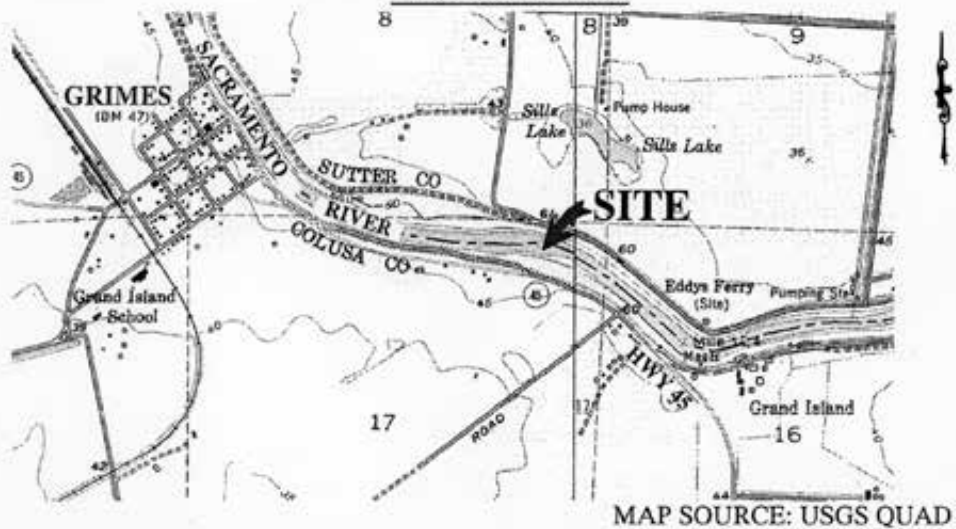


Exhibit B

PRC 3309.1
 APNs 019-110-019 & -021
 GRIMES BOAT LANDING
 GENERAL LEASE-
 COMMERCIAL USE
 COLUSA COUNTY



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.