

MINUTE ITEM

6/28/73
ATD

10. AMENDMENT TO COMMERCIAL LEASE PRC 4194.1, TIDE AND SUBMERGED LAND IN LITTLE POTATO SLOUGH AT TERMINOUS, SAN JOAQUIN COUNTY; SIDNEY E. WALLACE - WP 4194, PRC 4194.1.

After consideration of Calendar Item 9 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO SIDNEY E. WALLACE OF AN AMENDMENT TO COMMERCIAL LEASE PRC 4194.1 WHICH WILL VOID THE LAND DESCRIPTION APPROVED ON APRIL 27, 1972, AND SUBSTITUTE THEREFOR THAT DESCRIBED IN EXHIBIT "A" DATED APRIL 23, 1973, ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 9 (3 pages)

CALENDAR ITEM

6/73
ATD
WP 4194

9.

AMENDMENT TO COMMERCIAL LEASE PRC 4194.1

APPLICANT: Sidney E. Wallace.

LOCATION: Two parcels of tide and submerged land not exceeding 150 feet in width in Little Potato Slough at Terminous, San Joaquin County.

LAND USE: Construction and operation of a marina, utilizing pre-existing structures with additional covered berths being constructed.

TERMS OF ORIGINAL LEASE:

49 years, from March 1, 1969.

Surety bond: \$3,000.

Public liability insurance:

\$600,000 single limit for personal injury and \$100,000 for property damage.

Consideration: \$603 per annum with State reserving the right to review and reset a reasonable rental on each fifth anniversary.

TERMS OF FIRST AMENDED LEASE DATED NOVEMBER 12, 1972:

Initial period: 23 years, from March 1, 1969.

Renewal options: Two additional periods of 10 years each.

Surety bond: \$5,000.

Public liability insurance:

\$500,000/\$1,000,000 for personal injury and \$100,000 for property damage.

CONSIDERATION: \$1,514.70 for the period March 1, 1972, to February 28, 1973, and \$3,728.10 annually thereafter, with the State reserving the right to review and reset a reasonable rental on March 1, 1977, and on each fifth anniversary thereafter.

BASIS FOR CONSIDERATION:

6% of appraised value of land.

CALENDAR ITEM NO. 9. (CONTD)

TERMS OF PROPOSED AMENDMENT:

Unchanged, except for legal description of land to be occupied.

OTHER PERTINENT INFORMATION:

1. The lessee has executed the proposed amendment which more accurately describes the area of use.
2. This transaction is not a basic change in the lease. It is a reduction in the leased area and, therefore, an environmental impact report is not required.

EXHIBITS:

- A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO SIDNEY E. WALLACE OF AN AMENDMENT TO COMMERCIAL LEASE PRC 4194.1 WHICH WILL VOID THE LAND DESCRIPTION APPROVED ON APRIL 27, 1972, AND SUBSTITUTE THEREFOR THAT DESCRIBED IN EXHIBIT "A" DATED APRIL 23, 1973, ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 4194

A parcel of tide and submerged land in the bed of Little Potato Slough, San Joaquin County, California, being a portion of Section 13, T 3 N, R 4 E, MDM, said parcel being further described as lying waterward of the ordinary high water mark immediately beneath existing and proposed structures, together with the area of necessary use and immediately adjacent to that parcel of land described in Grant Deed, recorded May 20, 1971, in Book 3529 at page 258, and more particularly described as a strip of land not to exceed 150 feet in width lying westerly of the following described line:

PHASE I

COMMENCING at a concrete monument located on the east bank of Little Potato Slough at Terminous, 25.0 feet north of the centerline of Terminous Road and 200.6 feet south and 9933.8 feet west of the northeast corner of Section 18, T 3 N, R 5 E, MDM; thence from said point of commencement S 12° 21' 30" E, 535.75 feet; thence N 67° 18' E, 199.8 feet; thence S 22° 42' E, 100 feet; thence southwesterly along a curve to the left, having a radius of 666.78 feet, an arc length of 214.0 feet to a point herein designated "A"; thence S 23° 52' W, 498.2 feet; thence N 88° 50' E, 242.51 feet; thence S 23° 43' W, 576.81 feet; thence S 41° 34' 30" W, 575.44 feet; thence S 16° 10' W, 246.79 feet; thence S 25° 41' 26" E, 205 feet to a point hereinafter designated point "B"; thence S 64° 18' 34" W, 450 feet more or less to the ordinary high water mark and the POINT OF BEGINNING of the herein described line; thence from said point of beginning running northerly along the ordinary high water mark of the east bank of Little Potato Slough 2400 feet more or less to a point from which aforesaid point "A" bears east, and the end of the herein-described line.

A strip of land not to exceed 150 feet in width lying southwesterly of the following described line:

PHASE II

COMMENCING at aforementioned point "B"; thence S 25° 41' 26" E, 624.2 feet; thence S 66° 35' E, 490.43 feet; S 80° 00' E, 235.00 feet; thence south 150 feet more or less to the ordinary high water mark and the POINT OF BEGINNING of the herein described line; thence from said point of beginning running northwesterly along the ordinary high water mark of the east bank of Little Potato Slough 1600 feet more or less to a point from which aforesaid point "B" bears N 64° 18' 34" W, and the end of the herein described line.

END OF DESCRIPTION