

MINUTE ITEM

8/21/75
HAM

10. AMENDMENT OF LEASE PRC 3409, TIDE AND SUBMERGED LAND AT BETHEL ISLAND, CONTRA COSTA COUNTY; SAM MARTINI - W 8629, PRC 3409.

During consideration of Calendar Item 10 attached, Mr. Leslie H. Grimes, Supervising Land Agent, briefed the Commission on the background of the item.

Mr. N. Gregory Taylor, Deputy Attorney General, explained to the Commission the problems associated with determining boundaries of tide and submerged lands. He indicated that the Trial Court recently ruled the high water mark is the boundary. As a result of that decision, the Attorney General's Office was asked to reexamine the boundary problem.

Mr. Sam Martini, the applicant, appeared, indicating his disagreement with the staff's recommendation. After considerable discussion, it was agreed that the staff's recommendation be amended so that the rental for the new area under Mr. Martini's proposed amendment, now before the Commission, would be based on the rental he is now paying for his existing lease. A reevaluation of the rental rate will be made in one year.

Mr. Milfred Butler, President, Bethel Island Municipal Improvement District, appeared in opposition to the matter. His main objections were that Mr. Martini's increased area of use would obstruct the slough and that he has not complied with the requirements of the Bethel Island Municipal Improvement District.

Upon motion duly made and carried, the following resolution, as amended, was adopted:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY CONTRA COSTA COUNTY ON AUGUST 12, 1974.
2. CERTIFIES THAT THE INFORMATION CONTAINED IN THE ENVIRONMENTAL IMPACT REPORT OF CONTRA COSTA COUNTY HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

MINUTE ITEM NO. 10. (CONTD)

4. AUTHORIZES ISSUANCE TO SAM MARTINI, OF AN AMENDMENT TO LEASE PRC 3409 FROM AUGUST 21, 1975; IN CONSIDERATION OF RENTAL FOR THE NEW AREA BASED ON THE RENTAL FOR THE OLD AREA WITH A YEARLY REVIEW, PENDING NEGOTIATIONS WITH TRESPASSERS IN THE AREA, FOR IMPROVEMENTS PLACED ON LESSEE'S LAND SUBJECT TO THE PUBLIC TRUST PROVIDED THE ATTORNEY GENERAL AND THE STATE LANDS COMMISSION CONCUR, THE PROVISION OF \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$600,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE FOR THE EXPANSION OF AN EXISTING MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 10 (4 pages)

CALENDAR ITEM

8/75
HAM
W 8629

10.

AMENDMENT OF LEASE PRC 3409

APPLICANT: Sam Martini
6436 Foothill
Oakland, California 94605

AREA, TYPE LAND AND LOCATION:
2.06 acres, Taylor Slough at Bethel Island,
Contra Costa County.

LAND USE: Marina

TERMS OF ORIGINAL LEASE:

Initial period: 15 years, from November 18, 1965.

Renewal options: 3 additional periods of 10 years
each.

Surety bond: \$1,000.

Consideration: \$325 per annum.

Original leased
area: 0.548 acres more or less.

TERMS OF PROPOSED AMENDMENT:

Period: Effective from August 21, 1975.
Add 0.552 acre for proposed boat
berths.

Surety bond: \$5,000.

Public Liability
Insurance: \$600,000 for bodily injury (per
Occurrence) and \$100,000 for
property damage.

CONSIDERATION: \$1,525 per annum, with the State reserving the
right to require retroactive rental payment, from
August 21, 1975, for improvements placed on Lessee's
land subject to the public trust, provided the
Attorney General and the State Lands Commission
concur.

BASIS FOR CONSIDERATION:

Rental on existing lease area to remain at \$325
per annum. 8% of the appraised value of land
as to the additional 0.552 acre. This is \$1,200.

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PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of the upland.

Filing fee received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3, Arts. 1, 2 & 10; Title 2, Sections 15100, et seq.

OTHER PERTINENT INFORMATION:

1. This proposed expansion is a type of project for which an Environmental Impact Report is required. The report has been completed by the lead agency, Contra Costa County. The staff believes that no adverse environmental effects will be caused by the applicant's expansion.
2. A portion of the improvements installed by the applicant are located on submerged land which is purported to be privately-owned. The staff believes that such land is subject to the public trust. For this reason, provision will be made in the lease to charge rental on said area, retroactive to August 21, 1975, if the Commission and the Attorney General decide to adopt a rental policy thereon. The legal description of the area includes the State's fee title property as well as adjoining submerged land claimed by the applicant.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY CONTRA COSTA COUNTY ON AUGUST 12, 1974.
2. CERTIFY THAT THE INFORMATION CONTAINED IN THE ENVIRONMENTAL IMPACT REPORT OF CONTRA COSTA COUNTY HAS BEEN REVIEWED AND CONSIDERED BY THE COMMISSION.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE ISSUANCE TO SAM MARTINI, OF AN AMENDMENT TO LEASE PRC 3409 FROM AUGUST 21, 1975; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,525, WITH THE STATE RESERVING THE RIGHT

CALENDAR ITEM NO. 10. (CONTD)

TO REQUIRE RETROACTIVE RENTAL PAYMENT FROM AUGUST 21, 1975, FOR IMPROVEMENTS PLACED ON LESSEE'S LAND SUBJECT TO THE PUBLIC TRUST PROVIDED THE ATTORNEY GENERAL AND THE STATE LANDS COMMISSION CONCUR, THE PROVISION OF \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$600,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE FOR THE EXPANSION OF AN EXISTING MARINA ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 8629

A parcel of tide and submerged land in the bed of Taylor Slough lying in proximity to Anglers Ranch Subdivision No. 4 on Bethel Tract as shown on the map filed March 17, 1944 in Map Book 27, page 12, in the office of the County Recorder of Contra Costa County, State of California. Said parcel being more particularly described as follows:

COMMENCING at a 1" iron pipe located at the northeasterly corner of Lot 44 in the above said subdivision; thence N 79° 16' 38" W 670.14 feet into Taylor Slough to the TRUE POINT OF BEGINNING; thence N 75° 37' W 106.24 feet; thence S 02° 50' 26" W 258.91 feet; thence S 60° 16' E 355 feet; thence N 40° 44' 40" E 138.17 feet; thence N 42° 57' W 414.84 feet to the point of beginning.

This description is based on the California Coordinate System, Zone 3.

END OF DESCRIPTION