

MINUTE ITEM

10/75
HAM

15. MINOR COMMERCIAL LEASE; SUBMERGED LAND IN THE SACRAMENTO RIVER, YOLO COUNTY; RAYMOND A. AND HELEN T. SPENCER; W 320.280; PRC 5062.

After consideration of Calendar Item 13 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. AUTHORIZES ISSUANCE TO RAYMOND A. AND HELEN T. SPENCER OF A 15-YEAR MINOR COMMERCIAL LEASE FROM DECEMBER 1, 1973, WITH LESSEE'S OPTION TO RENEW FOR TWO SUCCESSIVE PERIODS OF TEN YEARS EACH, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$289.01 FOR THE PERIOD FROM DECEMBER 1, 1973 THROUGH NOVEMBER 14, 1975; ANNUAL RENT IN THE AMOUNT OF \$844.80 FROM NOVEMBER 15, 1975, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$3,000 SURETY BOND; PROVISIONS OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE FOR BODILY INJURY AND \$50,000 FOR PROPERTY DAMAGE, PROVISION THAT LESSEE SHALL BE ENTITLED TO A RENTAL REDUCTION FROM \$844.80 PER ANNUM TO \$587.52 PER ANNUM UPON SITE CLEARANCE OF PARCEL ONE HEREIN PROVIDED SAID CLEARANCE IS COMPLETED PRIOR TO DECEMBER 1, 1978; FOR AN EXISTING RESTAURANT AND DOCKAGE AND A MOORED VESSEL ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 13 (4 pages)

CALENDAR ITEM

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13.

MINOR COMMERCIAL LEASE

APPLICANT: Raymond A. and Helen T. Spencer
Route 1, Box 1045
West Sacramento, California 95691

AREA, TYPE LAND AND LOCATION:
1.32 aggregate acres of submerged land,
Sacramento River, north of Davis Road,
Chickory Bend area, Yolo County.

LAND USE: For an existing restaurant, dockage and moored
mine sweeper.

TERMS OF PROPOSED LEASE:

Initial period: 15 years, from December 1, 1973.

Renewal options: 2 successive period of 10 years
each.

Surety bond: \$3,000.

Public Liability
Insurance: \$300,000 per occurrence for
bodily injury and \$50,000 for
property damage.

Special: Rental reduction to \$587.52 per
annum upon site clearance of
parcel one of the land descrip-
tion, Exhibit "A".

CONSIDERATION:

1. \$289.01 per annum, from December 1, 1973
through November 14, 1975, as authorized
under the provisions of Minute Item No. 35,
dated March 28, 1968; and
2. \$844.80 per annum, from November 15, 1975,
with the State reserving the right to fix
a different rental on each fifth anniversary
of the lease.

BASIS FOR CONSIDERATION:

8% of appraised value of land, as to the rental
amount commencing November 15, 1975.

1229

CALENDAR ITEM NO. 13. (CONTD)

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is lessee of upland.

A filing fee has been 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.

OTHER PERTINENT INFORMATION:

1. The leased area includes a 0.402 acre parcel currently occupied by a minesweeper; this area is identified as Parcel 1 in Exhibit "A". The applicant anticipates removal of the vessel within the near future. The lease will contain a provision for rental reduction upon confirmation of said removal, from \$844.80 per annum to \$587.52 per annum during the first 5-year period of the lease.
2. The applicant is a lessee of the adjoining upland owner. The applicant has been advised and understands that the State may cancel the lease upon applicant's loss of rights to occupy the upland.
3. Completion of this transaction will clear a long standing trespass situation presented to the Commission under Calendar Item no. 38, on November 21, 1974.
4. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion or other types of environmental degradation.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.

CALENDAR ITEM NO. 13. (CONTD)

2. AUTHORIZE ISSUANCE TO RAYMOND A. AND HELEN T. SPENCER OF A 15-YEAR MINOR COMMERCIAL LEASE FROM DECEMBER 1, 1973, WITH LESSEE'S OPTION TO RENEW FOR TWO SUCCESSIVE PERIODS OF TEN YEARS EACH, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$289.01 FOR THE PERIOD FROM DECEMBER 1, 1973 THROUGH NOVEMBER 14, 1975; ANNUAL RENT IN THE AMOUNT OF \$844.80 FROM NOVEMBER 15, 1975, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$3,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE FOR BODILY INJURY AND \$50,000 FOR PROPERTY DAMAGE, PROVISION THAT LESSEE SHALL BE ENTITLED TO A RENTAL REDUCTION FROM \$844.80 PER ANNUM TO \$587.52 PER ANNUM UPON SITE CLEARANCE OF PARCEL ONE HEREIN PROVIDED SAID CLEARANCE IS COMPLETED PRIOR TO DECEMBER 1, 1978; FOR AN EXISTING RESTAURANT AND DOCKAGE AND A MOORED VESSEL ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 320.280

Two parcels of tide and submerged land in the State-owned bed of the Sacramento River, County of Yolo, State of California, being more particularly described as follows:

PARCEL 1:

COMMENCING at an iron pipe as described in Parcel 5 of the Judgment entered in Superior Court Case No. 12600 in and for the County of Yolo, said Judgment being recorded in Book 989 at page 306 records of said county, said iron pipe being located S 89° 30' E 2489.80 feet from the northerly corner common to Swamp Land Surveys Nos. 778 and 389, Yolo County Surveys; thence N 23° 04' 40" E 1000 feet; thence S 66° 55' 20" E 1560 feet; thence S 35° 125 feet to the TRUE POINT OF BEGINNING; thence S 30° E 100 feet; thence S 61° W 175 feet; thence N 30° W 100 feet to a point hereinafter designated "Point A"; thence N 61° E 175 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

PARCEL 2:

BEGINNING at "Point A" as described in Parcel 1 above; thence S 30° E 100 feet; thence S 61° W 400 feet; thence N 30° W 100 feet; thence N 61° E 400 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION