

MINUTE ITEM

10/75
EPW

16. NONCOMMERCIAL LEASE; TIDE AND SUBMERGED LAND IN GEORGIANA SLOUGH, SACRAMENTO COUNTY; EL EAMES; WP 3289; PRC 3289.

After consideration of Calendar Item 14 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT NEED NOT BE 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 THE ISSUANCE TO AL EAMES OF A 10-YEAR NONCOMMERCIAL LEASE FROM APRIL 29, 1975, IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF \$480 PER ANNUM WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISIONS OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE, PROVISION TO AUTOMATICALLY TERMINATE THE LEASE IN THE EVENT THE AUTHORIZED USE IS DECLARED A VIOLATION OF THE PUBLIC TRUST; PROVISION TO TERMINATE THE LEASE WITHOUT CAUSE, UPON 90 DAYS WRITTEN NOTICE TO LESSEE; PROVISION FOR THE PAYMENT OF INTEREST ON THE DIFFERENCE BETWEEN AN INTERIM RENTAL AND AN AGREED RENTAL DURING THE LEASE RENEWAL OR EXTENSION PERIOD; FOR A FLOATING CABIN, BOATDOCK AND WALKWAY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 14 (4 pages)

CALENDAR ITEM

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WP 3289

14.

NONCOMMERCIAL LEASE

APPLICANT: Al Eames
Route 1, Box 48
Isleton, California

AREA, TYPE LAND AND LOCATION:
A 0.095 acre parcel of tide and submerged land
in Georgiana Slough, Sacramento County.

LAND USE: Floating cabin, boatdock and walkway.

TERMS OF ORIGINAL LEASE:
Initial period: 10 years from April 29, 1965.
Consideration: \$65 per annum.

TERMS OF PROPOSED LEASE:
Initial period: 10 years from April 29, 1975.
Surety bond: \$2,000.
Public liability
Insurance: \$300,000 per occurrence for
bodily injury and \$100,000 for
property damage.

CONSIDERATION:
\$480 per annum, 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.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.
First year's rent in the amount of \$480 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 existing use is for a floating cabin,
boatdock, and walkway, and the State Lands

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Commission had approved this use in the past, under Lease PRC 3289, dated April 29, 1965.

2. The lease agreement contains covenants that:
(1) automatically terminate the agreement in the event the authorized improvement or use is declared to be in violation of the public trust by legislative action, a court of competent jurisdiction or the Constitution of the State of California or amendment thereof; and (2) reserves to the State the right to terminate this agreement, without cause, upon 90 days prior notice.
3. This project is situated on State land identified as environmentally significant pursuant to Public Resources Code 6370, and is classified in a significant use category. The project is determined to be a compatible use consistent with identified significant environmental values. Therefore, 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 NEED NOT BE PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC SECTION 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. AUTHORIZE THE ISSUANCE TO AL EAMES OF A 10-YEAR NONCOMMERCIAL LEASE FROM APRIL 29, 1975, IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF \$480 PER ANNUM WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISIONS OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE, PROVISION TO AUTOMATICALLY TERMINATE THE LEASE IN THE EVENT THE AUTHORIZED USE IS DECLARED A VIOLATION OF THE PUBLIC

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TRUST; PROVISION TO TERMINATE THE LEASE WITHOUT CAUSE, UPON 90 DAYS WRITTEN NOTICE TO LESSEE; PROVISION FOR THE PAYMENT OF INTEREST ON THE DIFFERENCE BETWEEN AN INTERIM RENTAL AND AN AGREED RENTAL DURING THE LEASE RENEWAL OR EXTENSION PERIOD; FOR A FLOATING CABIN, BOATDOCK AND WALKWAY ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 3289

A strip of land 50 feet wide in the State-owned bed of Georgiana Slough adjacent to Andrus Island, Sacramento County, State of California, and lying 25 feet on each side of the following described centerline:

COMMENCING at the point of intersection of that certain course designated as S 30° 45' 41" W 62.40 feet as described in Parcel 2 of that certain deed recorded in Book 2892 at page 200 of Deeds, records of said county, with the south-westerly line of that certain 15.841 acre tract of land as described in Parcel 2 of that certain deed recorded in Book 360, page 58 of deeds, records of said county; thence N 30° 45' 41" E 62.40 feet; thence S 43° 15' 16" E 1,210 feet to the TRUE POINT OF BEGINNING; thence N 48° 56' 44" E 265 feet to the end of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark.

END OF DESCRIPTION