

MINUTE ITEM NO. 9
APPROVED 12/1/75

CALENDAR ITEM

12/75
EPW
WP 3934

9.

AMENDMENT AND ASSIGNMENT OF
COMMERCIAL LEASE PRC 3934

ASSIGNOR: John H. Pietz
Star Route 93A
Rio Vista, California 94571

ASSIGNEE: Western Water Ways, Inc.
180 Harbor Drive, Suite 227
Sausalito, California 94965

AREA, TYPE LAND AND LOCATION:
A 3.43-acre parcel of tide and submerged land in
Three Mile Slough, near Rio Vista, Sacramento
County.

LAND USE: Commercial marina.

TERMS OF ORIGINAL LEASE:

Initial Period: 49 years, from April 25, 1968.

Surety Bond: \$2,000.

Public Liability
Insurance: \$600,000 per occurrence for bodily
injury and \$25,000 for property
damage.

Consideration: \$180.90 with a 5-year review.

TERMS OF AMENDED AND ASSIGNED LEASE:

Initial Period: 49 years, from April 25, 1968.

Surety Bond: \$5,000.

Public Liability
Insurance: \$800,000 per occurrence for bodily
injury and \$100,000 for property
damage.

CONSIDERATION: \$857.50 per annum, with the State reserving the
right to fix a different rental on April 27, 1976
and on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

\$250 per acre nominal rent used in this area to
April 27, 1976.

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PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

NOTE: Applicants applied to the State Lands Division for approval of an assignment prior to June 30, 1975.

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 State Lands Commission on March 28, 1968, by Minute Item 55, page 335, adopted a leasing policy authorizing the consideration in setting new lease rentals of the existence of nominal existing rentals for the same lease classification within an area and in direct competition with a proposed new or renewal lease. The nominal rent for this reach of the Sacramento River is based on \$250 per acre per annum on the use area until April 27, 1976 with the State reserving the right to reset a reasonable rental thereafter.
2. The project is situated on State land identified as environmentally significant, pursuant to Public Resources Code 6370.1. 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 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. 9. (CONTD)

2. AUTHORIZE ISSUANCE TO JOHN H. PIETZ OF AN AMENDMENT TO LEASE PRC 3934 IN CONSIDERATION OF:

A. ANNUAL RENT IN THE AMOUNT OF \$857.50;

B. WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON APRIL 27, 1976 AND ON EACH FIFTH ANNIVERSARY OF THE LEASE;

C. PROVISION OF A \$5,000 SURETY BOND;

D. PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$800,000 PER OCCURENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE;

E. OTHER AMENDMENTS TO SAID LEASE AS MORE FULLY SET FORTH IN A DOCUMENT ENTITLED "AMENDMENT OF LEASE PRC 3934" ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF; AND

F. PROVIDED THAT ALL OTHER TERMS AND CONDITIONS OF SAID LEASE PRC 3934 SHALL REMAIN IN FULL FORCE AND EFFECT;

FOR THE MAINTENANCE OF A COMMERCIAL MARINA ON LAND DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

3. AUTHORIZE ISSUANCE OF APPROVAL TO JOHN H. PIETZ, ASSIGNOR, AND WESTERN WATER WAYS, INC., A CALIFORNIA CORPORATION, ASSIGNEES, OF AN ASSIGNMENT AND ACCEPTANCE OF ASSIGNMENT OF LEASE PRC 3934 ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 3934

A parcel of tide and submerged land lying in Three Mile Slough, adjacent to Sherman Island, Sacramento County, State of California, being more particularly described as follows:

COMMENCING at the southwest corner of that certain parcel of land described in the Administrator Deed from R. L. Upham to Louis Patrick, filed on September 7, 1948, in Book 1541, page 513, Official Records of Sacramento County; thence N 36° 16' 04" E 4792.36 feet to the TRUE POINT OF BEGINNING; thence along the following 11 courses:

1. S 32° 37' E 267.13 feet;
2. S 00° 01' E 70.00 feet;
3. S 05° 09' W 736 feet;
4. S 84° 51' E 175 feet;
5. N 05° 09' E 475 feet;
6. N 84° 51' W 30 feet;
7. N 05° 09' E 100 feet;
8. N 84° 51' W 30 feet;
9. N 05° 09' E 177 feet;
10. N 37° 20' W 350 feet;
11. S 32° 54' 00" W 104.217 feet to the TRUE POINT OF BEGINNING.

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

END OF DESCRIPTION