

MINUTE ITEM NO. 10
APPROVED 12/1/75

CALENDAR ITEM

12/75
WP 3200
GRH

10.

ASSIGNMENTS AND AMENDMENT OF COMMERCIAL LEASE
PRC 3200

ASSIGNOR: Lawrence H. Kerns
417 Diamond Street
Columbus, Kansas 66725

ASSIGNEE: Jim and Jeanette Parrish
Route I, Box 1050
West Sacramento, CA 95691

AREA, TYPE LAND AND LOCATION:
A 0.183 acre parcel of tide and submerged land in
the bed of Sacramento River, near Oak Hall Bend,
Yolo County.

ORIGINAL LEASE TERM:
12 years from June 17, 1964.

LAND USE: Commercial Marina.

CONSIDERATION:
\$150.00 per annum.

BASIS FOR CONSIDERATION:
\$150.00 minimum rental for this type of lease in
accordance with Minute Item No. 35 dated March 28,
1968.

SUBSEQUENT ASSIGNOR:
Jim and Jeanette Parrish

NEW ASSIGNEE: William F. and Juanita E. Morrow
799 Camellia Drive
Paradise, California 95969

AREA, TYPE LAND AND LOCATION:
A 4.914 acre parcel of tide and submerged and
artificially accreted land, near Oak Hall Bend,
Sacramento River, Yolo County.

LAND USE: Reconstruction, expansion and continued maintenance
of an existing commercial marina.

TERMS OF PROPOSED AMENDED LEASE:
Initial Period: 10 years from November 15, 1975,
with 2 additional 10-year renewal
options.

A 4
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Surety Bond: \$5,000.

Public Liability
Insurance: \$500,000 per occurrence for bodily
injury and \$50,000 for property
damage.

CONSIDERATION:

\$3,120 per annum with the State reserving the right
to fix a different rental on each fifth anniversary
of the amended lease.

BASIS FOR CONSIDERATION:

8% of the appraised value of the land.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is permittee of upland owner.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 & 2.
- b. Administrative Code: Title 2, Div. 5,
Arts. 1, 2 & 10.

OTHER PERTINENT INFORMATION:

1. Mr. Lawrence H. Kerns, original lessee under the subject lease sold his interest in the "Four Seasons Marina" to Jim and Jeanette Parrish during the latter part of 1972. Processing of the Assignment was held up pending receipt of all necessary documentation.
2. The proposed marina expansion project is situated on lands that have been tentatively identified as possessing significant environmental values pursuant to Section 6370 of the Public Resources Code. Division staff has determined that the project is compatible with and nonconsumptive of those significant environmental values present.
3. The new assignee, Mr. and Mrs. Morrow, propose substantial additions to the existing marina facilities. The expansion consists of relocating 200 linear feet of dockage, a shop and seven open boat berths to a location north of the existing restaurant, and the construction of an additional 183 linear feet of dockage to the south of the main dock and 590 feet of new covered berths between the main dock and the shoreline. The County of Yolo, as lead agency under CEQA, prepared and Environmental Impact Report on the subject expansion proposal and circulated the report to various concerned agencies including the State Clearing-house (SCH # 75092352). There were no adverse

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comments received on the marina expansion project. Accordingly, the Yolo County Planning Commission produced a Notice of Determination on the project in which they approved the marina modifications. A summary of the EIR is attached.

4. The lease will be amended to extend the term for 10 years and add two ten-year renewal options. The bond will be increased and public liability insurance will be added.
5. Division staff has been conducting an investigation into the extent of the State's land ownership in the vicinity of Four Seasons Marina. Although not yet concluded, the investigation indicates that a portion of the two upland parcels now leased by the project applicant (Mr. Morrow) for access to the marina should be claimed as sovereign land of the State of California. The adjacent upland owners, Mr. Keiji Kubo and the Estate of Arthur F. Turner, claim the land between the Reclamation District #900 levee and the ordinary low water line of the River. Division staff believes that said land is not a part of S&O Survey No. 372 as is claimed by Kubo, et al., but is part of the original bed of the Sacramento River, and thus is in State ownership.

Accordingly, the lease land description (Exhibit "A") covers only that portion of the State's sovereign lands that are needed and being used by the applicant. The State's claim may extend further landward of the described lease premises.

The increase in rent is due in part to the substantial increase in area claimed by the State. Appraisal Staff of the Division has been working on marina appraisals in the vicinity of the subject marina and valued the subject property in accordance with accepted appraisal standards.

In a separate transaction, the Division will seek to perfect the State's title to the lands in the vicinity of the Four Seasons Marina.

EXHIBITS:

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| A. | Land Description. | B. | Location Map |
| C. | EIR Summary. | | |

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IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT AND CERTIFIED BY THE YOLO COUNTY PLANNING COMMISSION ON JULY 15, 1975.
2. CERTIFY THAT THE INFORMATION CONTAINED IN THE ENVIRONMENTAL IMPACT REPORT OF YOLO 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 THE FOLLOWING ACTION WITH RESPECT TO LEASE PRC 3200:
 - a. THE APPROVAL OF AN ASSIGNMENT FROM LAWRENCE H. KERNS TO JIM AND JEANETTE PARRIS EFFECTIVE OCTOBER 1, 1972.
 - b. THE CHANGE IN TERMINATION DATE OF LEASE PRC 3200 FROM JUNE 16, 1976 TO NOVEMBER 14, 1985, WITH THE ADDITION OF LESSEE'S RIGHT TO RENEW THE LEASE FOR TWO SUCCESSIVE PERIODS OF TEN YEARS EACH; IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF \$3,120 BEGINNING NOVEMBER 15, 1975; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE AMENDMENT; AND
 - c. THE ISSUANCE OF AN AMENDMENT TO CHANGE THE LAND DESCRIPTION TO THAT SHOWN ON EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF; CHANGE THE BOND REQUIREMENT FROM \$1,000 TO \$5,000; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$500,000 PER OCCURRENCE FOR BODILY INJURY AND \$50,000 FOR PROPERTY DAMAGE; AND TO MAKE OTHER NECESSARY CHANGES, ADDITIONS AND REVISIONS TO THE LEASE SO AS TO BRING THE LEASE INTO CONFORMANCE WITH CURRENT COMMISSION POLICY.
 - d. THE EFFECTIVE DATE OF THE CHANGES TO LEASE PRC 3200 SHALL BE AND IS NOVEMBER 15, 1975.
 - e. THE APPROVAL OF AN ASSIGNMENT FROM JIM AND JEANETTE PARRISH TO WILLIAM F. AND JUANITA E. MORROW, EFFECTIVE NOVEMBER 15, 1975.

Attachment: Exhibit "A"

EXHIBIT "A"

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That portion of the State-owned bed of the Sacramento River adjacent to the right bank, situated in the County of Yolo, State of California in the vicinity of Site Mile 53.5 R, being portions of protracted Sections 21 and 22, T 8 N, R 4 E, MDM, and being more particularly described as follows:

BEGINNING at a point on the waterward toe of the Reclamation District No. 900 levee from which a No. 5 reinforcing bar with targe marked "M 53.5 R" bears N 36° 07' 34" W, 20 feet; thence from said point of beginning, upstream along said toe of levee N 53° 52' 26" E 288.13 feet; thence N 51° 50' 14" E 470.02 feet; thence leaving said toe of levee into the river S 72° 30' 00" E, 225.00 feet; thence downstream S 46° 44' 07" W 600.83 feet; thence S 63° 00' 00" W, 500.00 feet; thence leaving the river N 33° 00' 00" W, 180.00 feet to a point on said toe of levee; thence upstream along said toe of levee N 59° 53' 51" E, 189.79 feet to the point of beginning.

END OF DESCRIPTION