

MINUTE ITEM

This Calendar Item No. C2
was approved as Minute Item
No. 2 by the State Lands
Commission by a vote of 2
to 0 at its 1/25/79
meeting.

CALENDAR ITEM

C2.

1/79
WP 2826
Reese

ASSIGNMENT AND AMENDMENT OF A
GENERAL LEASE - COMMERCIAL USE

ASSIGNOR: Wells Whitmore III and
Margaret Whitmore
2430 Sonoma Boulevard
Vallejo, California 94590

ASSIGNEE: Joseph Blaney
345 Georgia Street
Vallejo, California 94590

AREA, TYPE LAND AND LOCATION:
A 6.67 acre parcel of tide and submerged
land in the State-owned bed of the Napa
River, near Vallejo, Solano County.

LAND USE: Reconstruction and maintenance of existing
marina facilities.

TERMS OF ORIGINAL LEASE:
Initial period: 15 years from April 13,
1961.
Renewal options: 1 successive period of
5 years, 8 months and
nineteen days.
Surety bond: \$2,500.
Consideration: \$738 per annum.
Public liability insurance: None.

TERMS OF PROPOSED LEASE:
Initial period: 30 years from April 13,
1975.
Surety bond: \$5,000.
Public liability insurance: \$100,000/\$300,000
per occurrence for bodily
injury and \$50,000 for
property damage, or combined
single limit coverage
of \$300,000.

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CONSIDERATION: \$225 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease and upon completion of reconstruction of the marina.

BASIS FOR CONSIDERATION:
\$225 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:
Assignee is lessee of upland.

Filing fee and first year's rent have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. The original lease is being amended to reflect the following:
 - A. Update surety bond requirements.
 - B. Inclusion of insurance requirements.
 - C. Revised description.
 - D. Generally to bring the original lease format into current leasing policy.
2. Assignee over the next 3 years has agreed to upgrade and rebuild the existing marina facilities. During this reconstruction period, assignee will receive nominal revenue. Assignee has agreed to notify the State within 20 days after reconstruction is completed and upon completion of the reconstruction, the State has reserved the right to reset the monetary rental in accordance with Cal. Adm. Code., Title 2, Division 3, Article 2, Section 2005(h)(1).

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3. Assignee and staff has agreed that as settlement for the rental owed for the occupation of the tide and submerged land from April 13, 1975 through April 12, 1978, Assignee will pay the sum of \$225. The \$225 back rental has been received.
4. Assignee has agreed to obtain and keep a valid lease or other agreement authorizing the use of the adjacent upland.
5. An EIR is not required. This transaction is within the purview of Title 14, Cal. Adm. Code, Section 15102, Class 2, which exempts replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
6. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1 and is classified in a use category, Class C, which authorizes multiple Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT APPROVAL OF THE ASSIGNMENT AND AMENDMENT OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE P.R.C.

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3. AUTHORIZE APPROVAL OF AN ASSIGNMENT AND AMENDMENT TO JOSEPH BLANEY OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE FROM APRIL 13, 1975; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE AND UPON COMPLETION OF RECONSTRUCTION OF THE MARINA; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$100,000/300,000 PER OCCURRENCE FOR BODILY INJURY AND \$50,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE LIMIT COVERAGE OF \$300,000; AND SETTLEMENT OF BACK RENT; FOR RECONSTRUCTION AND MAINTENANCE OF EXISTING MARINA FACILITIES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 2826

A parcel of tide and submerged land in the State-owned bed of the Napa River, Solano County, California, approximately 1,000 feet southerly from the Sears Point Bridge, described as follows:

BEGINNING at the most easterly corner of the parcel of land delineated as the Clifford M. and Esther M. Hewitt parcel, on the record of the survey map entitled, "Survey for Clifford M. Hewitt", filed March 15, 1946, in Book 1 of Surveys, Page 7, Solano County records, thence from said point of beginning along the boundary of said parcel the following three courses:

1. N 43° 30' 30" W 304.68 feet;
2. S 33° 34' 00" E 163.38 feet;
3. S 59° 15' 00" W 172.91 feet;

thence along the northwesterly prolongation of the southwesterly line of said parcel N 30° 45' 00" W 163.22 feet; thence leaving said prolongation the following eight courses:

1. S 59° 15' 00" W 262.11 feet;
2. N 79° 37' 57" W 402.00 feet;
3. S 18° 34' 06" E 504.00 feet;
4. S 34° 25' 30" E 300.00 feet;
5. N 59° 15' 00" E 134.00 feet;
6. N 34° 25' 30" W 155.53 feet;
7. N 59° 15' 00" E 200.00 feet;
8. N 30° 45' 00" W 65.00 feet to the southwesterly prolongation of the southeasterly line of said parcel;

thence along said prolongation and said southeasterly line N 58° 12' 00" E 560.31 feet to the point of beginning.

EXCEPTING THEREFROM those interests-in-land, if any, which may have passed by virtue of the patent issued to Henry Blackman, on February 26, 1868, for the land described in Tideland Survey No. 19, Solano County.

END OF DESCRIPTION

Prepared

Frank T. Cooney

Checked

John W. McKeown

Reviewed

E. S. Zimmerman

Date

6/2/78 King

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