

MINUTE ITEM

This Calendar Item No. C12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 2
to 0 at its 10-30-80
meeting.

CALENDAR ITEM

C12.

10/80
WP 3200
Reese
PRC 3200

**RESCISSION OF PRIOR AUTHORIZATION
OF A COMMERCIAL LEASE AND APPROVAL
OF A GENERAL LEASE - COMMERCIAL USE**

APPLICANT: Kenneth P. Gilmore
Route 1, Box 1050
West Sacramento, California 95691

AREA, TYPE LAND AND LOCATION:
8.65-acre parcel of tide and submerged
land in the bed of the Sacramento River,
at river-mile 53.65, Yolo County.

LAND USE: Restaurant, pilings, berths, docks and
other marina facilities.

TERMS OF PROPOSED LEASE:
Initial period: 30 years from July 1,
1980.
Surety bond: \$5,000.
Public liability insurance: Combined
single limit coverage
of \$750,000.

CONSIDERATION: \$2,500 per annum or 5% of the Gross Income
derived from the rental of boat docks and
mooring; 1% of the Gross Income derived
from sources exclusive of dock rentals,
mooring and fuel sales; 1 cent per gallon
of fuel sold during the reporting period
to a maximum of 100,000 gallons, and 1.5
cents per gallon thereafter, whichever
is greater.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2005.

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PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is lessee of upland.

Filing fee has been received.

Base rental for the period of July 1, 1980 through June 30, 1981, \$2,500, has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3.;
Title 14, Div. 6.

OTHER PERTINENT INFORMATION:

1. On May 27, 1976, the Commission approved as Minute Item No. 23 a Commercial Lease to William F. and Juanita E. Morrow. Upon approval of Minute Item No. 23, staff attempted to contact Mr. and Mrs. Morrow and discovered the marina had been sold to Mr. Kenneth Gilmore.
2. Staff recommends the issuance of a 30-year General Lease - Commercial Use to Kenneth P. Gilmore (4-Seasons Marina) for an existing commercial marina.
3. Staff and the proposed lessee have agreed that as settlement for the occupation of State-owned tide and submerged land for the period of June 19, 1976 through June 30, 1980 to pay the sum of One thousand dollars (\$1,000).
4. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), 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.

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5. 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 B, which authorizes Limited 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 ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ALM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. RESCIND ITS PRIOR AUTHORIZATION AS SET FORTH IN MINUTE ITEM NO. 23, DATED MAY 27, 1976.
4. ACCEPT AS RENTAL FOR OCCUPATION OF THE PREMISES PRIOR TO COMMENCEMENT OF THE LEASE AUTHORIZED ABOVE THE SUM OF \$1,000.
5. AUTHORIZE ISSUANCE TO KENNETH P. GILMORE OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE FROM JULY 1, 1980; IN CONSIDERATION OF A BASE ANNUAL RENT IN THE AMOUNT OF \$2,500 AGAINST 5% OF THE GROSS INCOME DERIVED FROM THE RENTAL OF BOAT DOCKS AND MOORING; 1% OF THE GROSS INCOME DERIVED FROM SOURCES EXCLUSIVE OF DOCK RENTALS, MOORING AND FUEL SALES; 1 CENT PER GALLON OF FUEL SOLD DURING THE REPORTING PERIOD TO A MAXIMUM OF 100,000 GALLONS AND 1.5 CENTS PER GALLON THEREAFTER, WHICHEVER IS GREATER, PROVISION OF A \$5,000 SURETY BOND, PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$750,000 FOR AN EXISTING RESTAURANT, PILINGS, BERTHS, DOCKS AND OTHER MARINA FACILITIES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 3200

A 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, and being portions of protracted Sections 21 and 22, T8N, R4E, NDM, described as follows:

COMMENCING at a point on the waterward toe of the Reclamation District No. 900 levee from which a No. 5 reinforcing bar with tag marked "M 53.5R" bears N 36° 07' 34" W, 20 feet; thence S 59° 53' 51" W, 189.79 feet to the TRUE POINT OF BEGINNING; thence the following seven courses:

1. S 33° E 295.00 feet
2. N 49° 21' 44" E, 496.63 feet
3. N 46° 44' 07" E, 600.83 feet
4. N 72° 30' W 225.00 feet
5. N 14° 27' 26" E, 183.96 feet
6. S 54° 32' 53" W, 1076.84 feet
7. S 33° E 130.00 feet to the true point of beginning.

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

END OF DESCRIPTION

PREPARED JULY 29, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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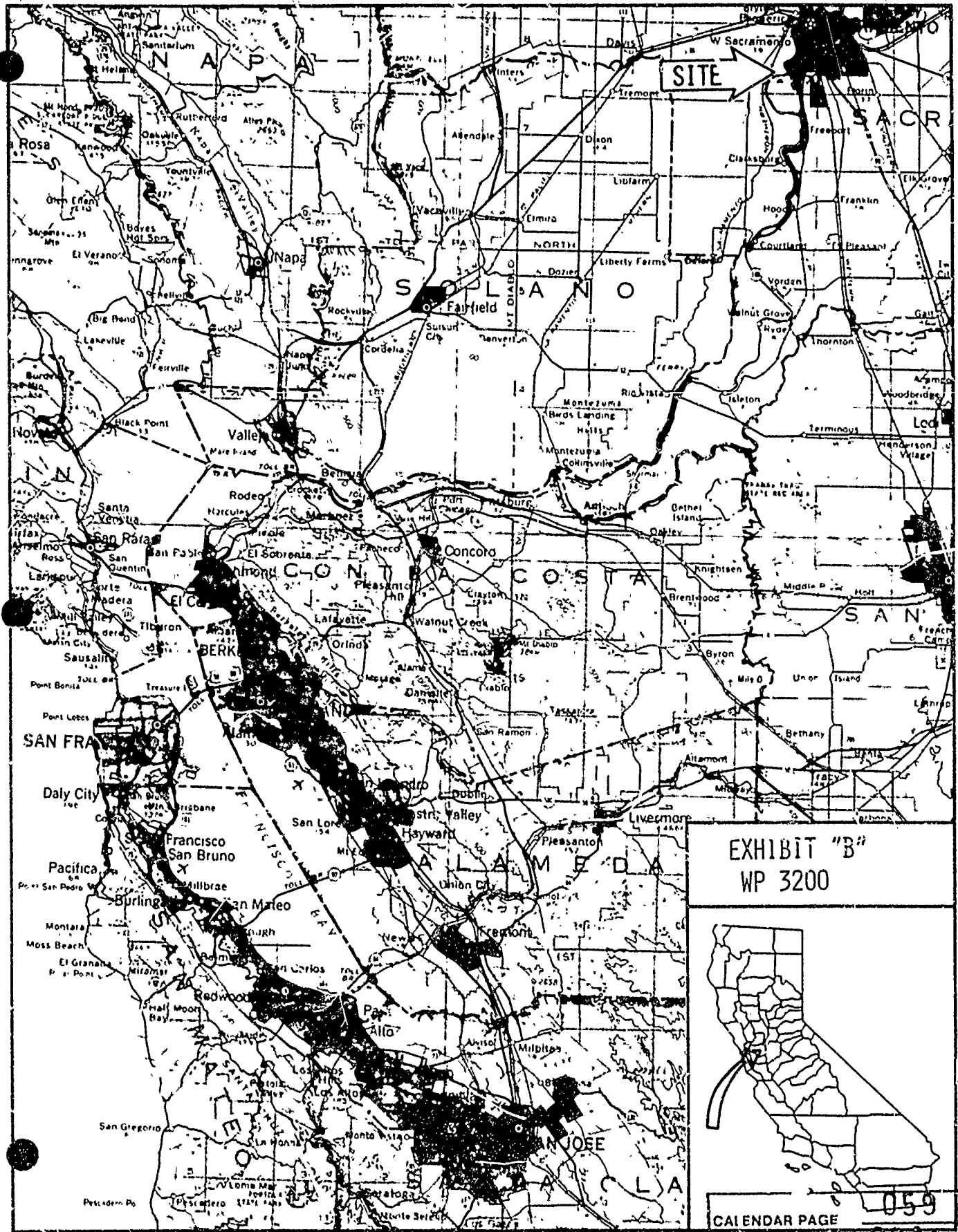


EXHIBIT "B"
WP 3200



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