

MINUTE ITEM

This Calendar Item No. C06
was approved as Minute Item
No. C06 by the State Lands
Commission by a vote of 3
to 2 at its 6/11/90
meeting.

CALENDAR ITEM

C 0 6

A 4

S 5

06/11/90
PRC 3200
Maricle

ASSIGNMENT OF COMMERCIAL LEASE

ASSIGNOR: J. E. Pendleton and Elsie Pendleton
c/o Vern L. Spiker
3517 Marconi Avenue, Sui^t, 107C
Sacramento, California 95821

ASSIGNEE: Joan Washburn
P. O. Box 3007
Sacramento, California 95814

AREA, TYPE LAND AND LOCATION:
An 8.65-acre parcel, tide and submerged land,
Sacramento River, at River-Mile 53.65, Yolo
County.

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

TERMS OF EXISTING LEASE:

Initial period: 30 years beginning July 1,
1980.

Surety bond: \$5,000.

Public liability insurance: Combined single
limit coverage of \$750,000.

Consideration: \$2,500 per annum or
five-percent (5%) of the
Gross Income derived from the
rental of boat docks and
mooring; one-percent (1%) of
the Gross Income derived from

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sources exclusive of dock rentals, mooring and fuel sales; one (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. Code Regs. 2003.

APPLICANT STATUS:

Applicant is lessee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Lease PRC 3200 was originally issued to Kenneth P. Gilmore. It was subsequently assigned to J. E. Pendleton and Elsie Pendleton per Commission authorization on December 13, 1988.
2. The currently proposed Assignee is an experienced business person in the Sacramento area. The effective assignment date of the lease, if approved by the Commission, is May 4, 1990.
3. The existing Lease does not currently provide for five-year rent reviews. The assignee, at staff's request, has executed an addendum to the assignment document, agreeing that the annual rental shall be subject to review and adjustment on July 1, 2000 and each five years thereafter, in conformity with Title 2, Division 3 of the California Code of Regulations.

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4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

None.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. AUTHORIZE THE ASSIGNMENT OF LEASE PRC 3200, FROM J. E. PENDLETON AND ELSIE PENDLETON TO JOAN WASHBURN, EFFECTIVE MAY 4, 1990, AS TO THE LEASEHOLD INTEREST COVERED IN SAID LEASE PRC 3200.
3. AUTHORIZE EXECUTION OF AN ADDENDUM AFFIXED TO THE FOREGOING ASSIGNMENT DOCUMENT, PROVIDING FOR THE COMMISSION'S RIGHT TO REVIEW AND ADJUST THE ANNUAL RENT IN SAID LEASE PRC 3200 EFFECTIVE JULY 1, 2000, AND EACH FIVE YEARS THEREAFTER, IN CONFORMITY WITH TITLE 2, DIVISION 3 OF THE CALIFORNIA CODE OF REGULATIONS.

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EXHIBIT "A"

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