

MINUTE ITEM
This Calendar Item No. C38 was approved as
Minute Item No. 38 by the California State Lands
Commission by a vote of 3 to 0 at its
8/24/06 meeting.

**CALENDAR ITEM
C38**

A 8
S 5

08/24/06
PRC 8710 W 25398
J. McComas

GENERAL LEASE - COMMERCIAL USE

APPLICANTS:

Carl Clayton and Viki Clayton
DBA Clarksburg Marina
P. O. Box 128
Clarksburg, California 95612-0128

AREA, LAND TYPE, AND LOCATION:

0.39 acres, more or less, of sovereign lands in the Sacramento River, near the town of Clarksburg, Yolo County.

AUTHORIZED USE:

Continued use and maintenance of an existing marina consisting of an uncovered floating side-tie boat dock, walkway, pilings, dolphins, concrete bank protection, and boat hoist as shown on Exhibit A.

LEASE TERM:

20 years, beginning September 1, 2006.

CONSIDERATION:

\$1,200 per year, payable bi-annually in the amount of \$600 on or before September 1 and March 1 of each lease year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance: Combined single limit coverage of \$1,000,000.

Bond: \$5,000.

Other:

The lease contains provisions that the Lessee must implement the Commission's "Best Management Practices for Marina Owners/Operators" and encourage implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters" including additional Best Management Practices (BMPs) the Commission subsequently deems

CALENDAR ITEM NO. C38 (CONT'D)

appropriate for either of the above categories. Lessee shall post the BMPs for "Guest Dock Users and Boaters" in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and on every third anniversary thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On May 23, 1963, the Commission approved issuance of a General Lease – Commercial Use, Lease No. PRC 3013.1, to Donald Updegraff. The lease was assigned numerous times during its term and expired on May 22, 1978. On April 8, 1981 the ownership of the marina again transferred. Between 1981 and 1992 staff attempted to bring the facilities under lease with no success. Eventually back rents were collected for rents due before 1992 and the General Lease – Commercial Use No. PRC 3013 was terminated.
3. In 1997, the Applicants purchased the uplands and the waterside facilities. Since purchasing these facilities, the Applicants have repaired them so they are currently in a good state of repair. Applicants are now applying for a General Lease - Commercial Use. Staff has negotiated back rent in the amount of \$3,600.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves an "ongoing project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Section 21169 and Title 14, California Code of Regulations, section 15061.
5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C38** (CONT'D)

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21169 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15261, AN ACTIVITY INVOLVING AN ONGOING PROJECT.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO CARL CLAYTON AND VIKI CLAYTON, DBA CLARKSBURG MARINA, OF A GENERAL LEASE - COMMERCIAL USE, BEGINNING SEPTEMBER 1, 2006, FOR A TERM OF 20 YEARS FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING MARINA CONSISTING OF AN UNCOVERED FLOATING SIDE-TIE DOCK, WALKWAY, PILINGS, CONCRETE BANK PROTECTION, AND BOAT HOIST AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$1,200, PAYABLE BI-ANNUALLY IN THE AMOUNT OF \$600 EACH ON OR BEFORE SEPTEMBER 1 AND MARCH 1 OF EACH YEAR WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE TERM OF THE LEASE AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH A COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$1,000,000; A SURETY BOND IN THE AMOUNT OF \$5,000.

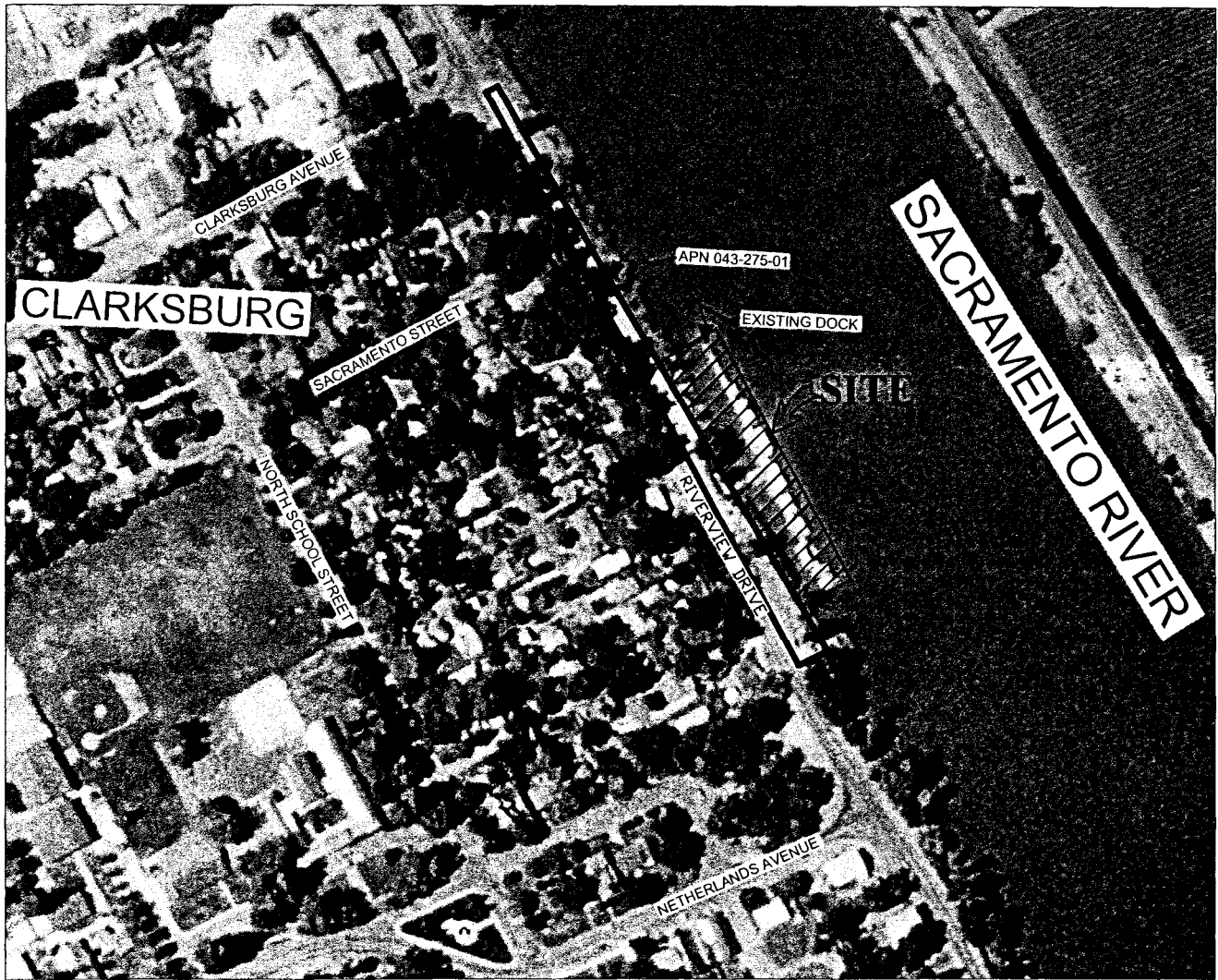
ACCEPT THE PAYMENT OF \$3,600, PAID IN INSTALLMENTS BEGINNING SEPTEMBER 1, 2006 AND ENDING ON

CALENDAR ITEM NO. C38 (CONT'D)

SEPTEMBER 1, 2009, TOGETHER WITH ANY PENALTIES AND INTEREST THAT ACCRUE AS A RESULT OF LATE PAYMENTS DURING THE INSTALLMENT PERIOD, AS FULL PAYMENT OF BACK RENT.

NO SCALE

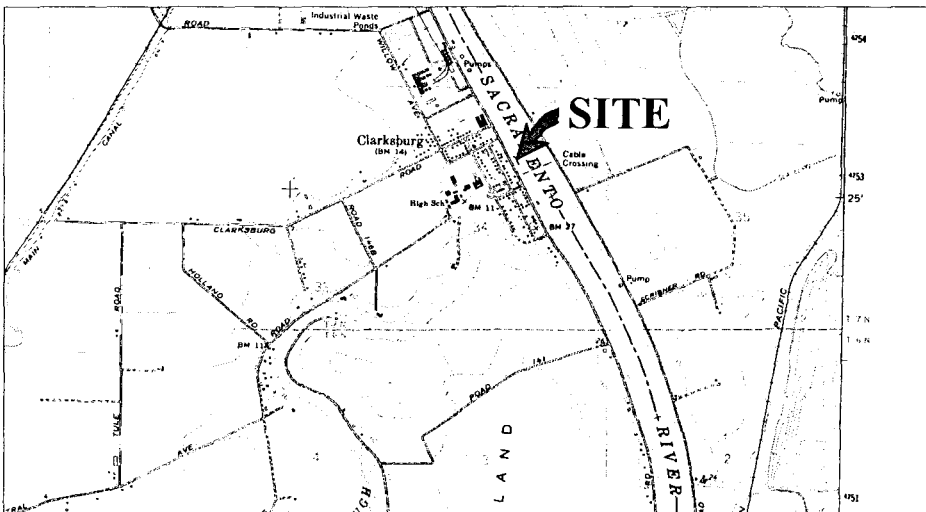
SITE



CLARKSBURG MARINA, SACRAMENTO RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W25398
 C. CLAYTON
 APN 043-275-01
 GENERAL LEASE
 COMMERCIAL USE
 CLARKSBURG, YOLO CO.



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.