

CALENDAR ITEM
C16

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12/14/06
PRC 3915 WP 3915.1
D. Jones

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

Freeport Ventures LLC
8055 Freeport Blvd.
Sacramento, CA 95821

AREA, LAND TYPE, AND LOCATION:

0.30-acres, more or less, of sovereign lands in the Sacramento River, in the town of Freeport, Sacramento County.

AUTHORIZED USE:

Reconstruction, use and maintenance of a commercial marina consisting of a dock and walkway.

LEASE TERM:

20 years, beginning January 1, 2007.

CONSIDERATION:

\$1,305 per 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:

Not less than \$1,000,000 combined single limit

Bond:

\$5,000

Other:

Best Management Practices language

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

CALENDAR ITEM NO. C16 (CONT'D)

2. On December 16, 1980, the Commission issued a 20-year General Lease – Commercial Use to Lurn H. and Colleen M. Wolter for the operation of a commercial boating facility beginning October 1, 1980. That lease expired on September 30, 2000. At that time, most of the improvements within the lease premises were deteriorated or removed. On December 5, 2002, staff received an application from Ferry Road Marina, Inc. to construct a new commercial marina accommodating approximately 250 boats. Due to various factors, Ferry Road Marina, Inc. chose not to proceed with the project. Ferry Road Marina, Inc. recently sold the uplands and the remaining structures within the lease premises to Freeport Ventures, LLC. Freeport Ventures, LLC has applied for a new lease and is proposing to reconstruct the marina in approximately the same footprint which was leased in 1980. The facilities will consist of a walkway and a dock measuring approximately 265 feet.

The hold-over annual rent of \$729 was paid until September 30, 2005. Back rent in the amount of \$1,727.55 will be paid prior to Commission action.

3. The lease contains provisions that the Lessee must implement the Commission's "Best Management Practices for Marina Owners/Operators" and incorporate the Commission's "Best Management Practices for Berth Holders and Boaters" into Lessee's berth rental agreements, including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. In addition to the inclusion of the BMPs for Berth Holders and Boaters into the berth rental agreements, the Lessee shall post such publication in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and tri-annually thereafter, a report on compliance with all BMPs.
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 categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 14, California Code of Regulations, section 15302.

CALENDAR ITEM NO. C16 (CONT'D)

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. but such activity will not affect those significant lands. 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.

APPROVALS OBTAINED:

U. S. Army Corps of Engineers, The Reclamation Board, California Department of Fish and Game, and the California Regional Water Quality Control Board

EXHIBITS:

- A. Lease Description
- B. Site Map

PERMIT STREAMLINING ACT DEADLINE:

January 14, 2007

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 CATEGORICALLY EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15302.

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.

CALENDAR ITEM NO. C16 (CONT'D)

AUTHORIZATION:

AUTHORIZE ISSUANCE TO FREEPORT VENTURES LLC OF A GENERAL LEASE - COMMERCIAL USE, BEGINNING JANUARY 1, 2007, FOR A TERM OF 20 YEARS, FOR THE RECONSTRUCTION, USE AND MAINTENANCE OF A COMMERCIAL MARINA AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: ANNUAL RENT IN THE AMOUNT OF \$1,305, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000; SURETY IN THE AMOUNT OF \$5,000.

STATE OF CALIFORNIA - STATE LANDS COMMISSION

LEASE NO. PRC 3915.1

EXHIBIT A

LAND DESCRIPTION

WP 3915

A parcel of tide and submerged land in the bed of the Sacramento River situate near Freeport, Sacramento County, California; more particularly described as follows:

COMMENCING at an iron pipe monument stamped "R.E. 46" located at the southwest corner of Freeport Acres Subdivision and shown on page 20, Book 15 of maps of Sacramento County; said iron pipe bears N 5° 12' 26" W 7,182.26 feet more or less from U.S.C. & G.S. triangulation station "Content 1931" said triangulation station has California Zone 2 coordinates of $x = 2,143,415.21$ $y = 283,752.09$; thence from said iron pipe S 77° 40' W 22.01 feet to the center line of State Highway 24 (Freeport Blvd.), thence along the center line of Highway 24, S 12° 18' E, 1,121.42 feet, thence S 76° 29' 10" W 237.61 feet to the TRUE POINT OF BEGINNING; thence S 76° 29' 10" W 68.75 feet; thence S 13° 53' 20" E 315.21 feet to an intersection with the waterward projection of the southerly property line of the L. D. Johnson property; thence N 76° 32' 10" E along said property line extension 70 feet; thence northwesterly 315 feet more or less to the point of beginning.

EXCEPTING THEREFROM the northerly 50 feet and the westerly 20 feet thereof.

END OF DESCRIPTION

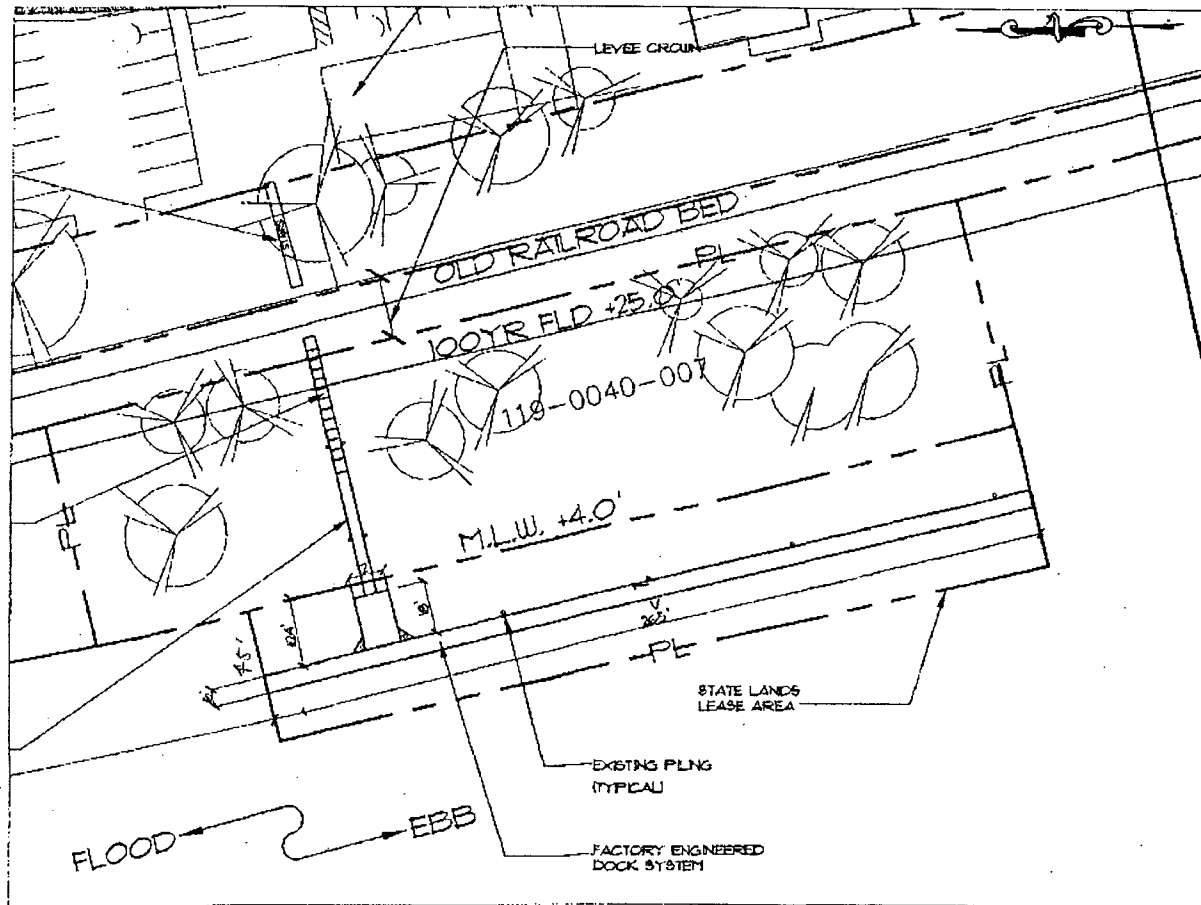
PREPARED AUGUST 4, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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NO SCALE

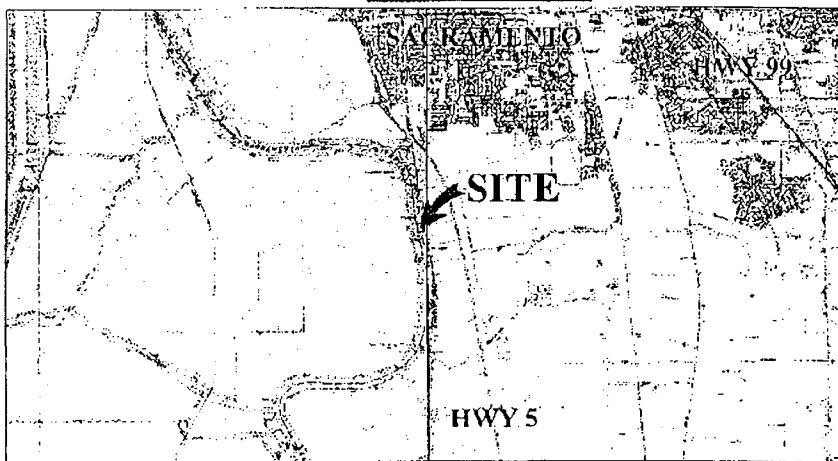
SITE



SACRAMENTO RIVER AT FREEPORT

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 3915.1
 FREEPORT VENTURES LLC
 GENERAL LEASE
 COMMERCIAL USE
 SACRAMENTO RIVER
 SACRAMENTO COUNTY



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