

**CALENDAR ITEM
C30**

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06/21/13

PRC 6836.1

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N. Lavoie

AGREEMENT AND CONSENT TO ENCUMBRANCING OF LEASE

APPLICANT/LESSEE:

George A. Heiner

SUBLESSEE:

Club 2000 Inc., doing business as The Boathouse Marina

SECURED PARTY-LENDER:

Bank of Rio Vista
P.O. Box 157
101 Main Street
Rio Vista, CA 94571

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 13900 River Road, in the town of Locke, Sacramento County.

AUTHORIZED USE:

LEASE: The continued use and maintenance of an existing commercial marina known as The Boathouse Marina with berthing, fuel dispenser, pumpout station, launching, dry docking, and manager's quarters, and other related marina operations.

SUBLEASE: Operation and maintenance of a commercial marina.

LEASE TERM:

21 years, beginning January 1, 2013.

CONSIDERATION:

\$4,517 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:

Liability insurance in an amount no less than \$1,000,000 per occurrence and no less than \$2,000,000 aggregate.

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Bond:

Surety bond or other security in the amount of \$8,000.

Other:

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 Berth Holders and Boaters", including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. 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. Applicant owns the upland adjoining the lease premises.
2. On April 26, 2013, the Commission authorized a 21-year General Lease – Commercial Use to George A. Heiner and endorsed a sublease between George A. Heiner and Club 2000 Inc., d.b.a. The Boathouse Marina. The Lessee is now applying for an Agreement and Consent to Encumbrancing of Lease in favor of the Bank of Rio Vista, the Secured Party-Lender, in a loan amount not to exceed \$615,000. The purpose of the loan is to refinance an existing mortgage, provide funding for maintenance, repairs, and improvements to the marina facilities on the lease premises and on the upland, and to pay costs and expenses incurred in connection with the loan. The encumbrancing of the lease is a requirement of the Secured Party-Lender and an accommodation to the Lessee.
3. Currently, the Boathouse is used as a marina facility. The facility includes a portion of the Boathouse extending onto and over State lands, which includes one marine fuel dispenser and hose reels, walkways, boat lift/launch, two restrooms with showers, a laundry room, dry dock boat storage spaces, a small boat repair shop, and a marina manager's quarters. On the water, there are covered docks with electrical and water hookups, an accommodation and fueling dock, a pumpout station, and debris diverter.
4. The staff recommends that the Commission find that the subject lease encumbrance does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

CALENDAR ITEM NO. **C30** (CONT'D)

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject lease encumbrance is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Authorize execution of the document entitled "Agreement and Consent to Encumbrancing of Lease" in the amount not to exceed \$615,000, on file in the office of the Commission, between the State Lands Commission, George A. Heiner, and the Bank of Rio Vista, effective June 21, 2013.

LAND DESCRIPTION

A parcel of tide and submerged land, situate in the bed of the Sacramento River, lying adjacent to Lots 3 & 4 of fractional Section 26, Township 5 North, Range 4 East, MDM, as shown on Official Government Township Plat approved June 18, 1859, County of Sacramento, State of California and being more particularly described as follows:

COMMENCING at a point being the south corner, on the west line, of 'Parcel 1' as shown on that Parcel Map filed 12/26/2001 in Book 163 of Parcel Maps, Page 17, Sacramento County, which bears S 79°16'23" E 11.30 feet from a 1" iron pipe, tagged LS 5528 as shown on said map; thence S 79°16' 23" E 100 feet more or less to a point on the left bank of the Sacramento River, said point also being the POINT OF BEGINNING; thence southerly along said bank S 06° 13' 16" E 203.93 feet; thence leaving said bank S 77° 33' 07" W 77.19 feet; thence along the following four (4) courses:

- 1) N 09° 38' 16" W 453.44 feet;
- 2) N16° 49' 57" W 488.96 feet;
- 3) N 23° 13' 43" W 359.24 feet;
- 4) N 22° 57' 32" E 133.42 feet to a point on the left bank of said river, thence southeasterly and southerly along said bank the following four (4) courses:
 - 1) S 25° 02' 00" E 329.58 feet;
 - 2) S 18° 07' 56" E 304.97 feet;
 - 3) S 14° 02' 19" E 475.02 feet;
 - 4) S 06° 13' 04" E 99.96 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

BASIS OF BEARING is Parcel Map filed 12/26/2001 in Book 163 of Parcel Maps, Page 17, Sacramento County.

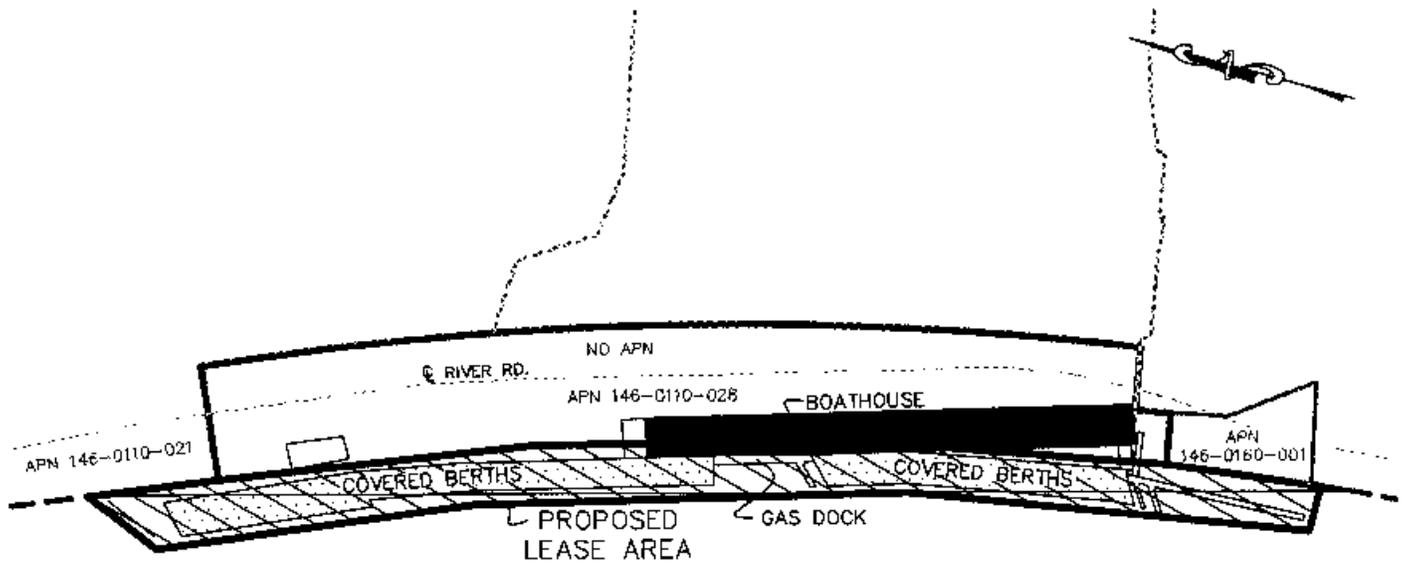
END OF DESCRIPTION

PREPARED 4/19/13 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

SITE

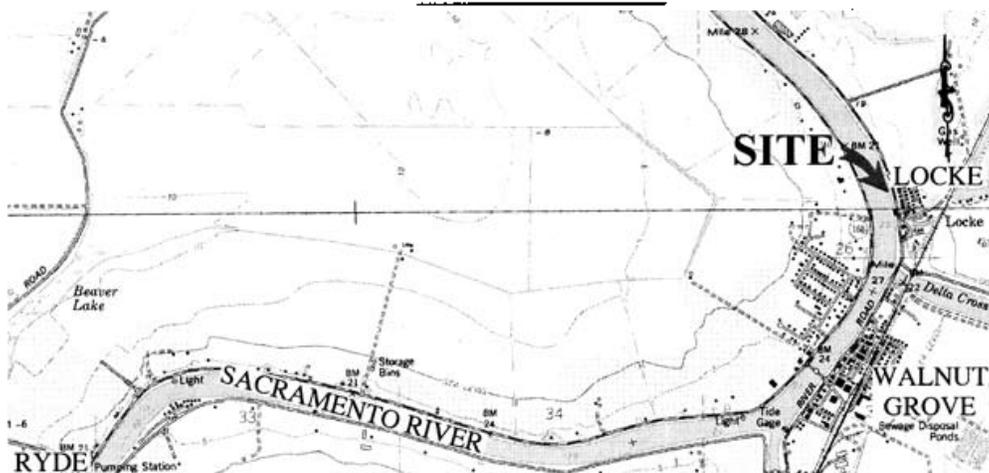


SACRAMENTO RIVER

Boathouse Marina - 13900 River Rd. Sacramento River, Locke

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6836.1

HEINER

APN 146-0110-021,028,

146-0160-001

GENERAL LEASE -

COMMERCIAL USE

SACRAMENTO COUNTY



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.

MJF 4/19/13