

MINUTE ITEM

This Calendar Item No. C14
was approved as Minute Item
No. 14 by the State Lands
Commission by a vote of 3
to 0 at its 5/26/77
meeting.

CALENDAR ITEM

C14.

7/77
W 2003A
ACS
PRC 5347

GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Don H. Morgan and Ava V. Morgan
1314 Alhambra Boulevard
Sacramento, California 95816

AREA, TYPE LAND AND LOCATION:
A 84' x 56' (0.108 acre) parcel of tide and
submerged land in the Sacramento River near
the City of Sacramento, Sacramento County.

LAND USE: Continued maintenance of an existing floating
boathouse and residence.

TERMS OF ORIGINAL LEASE:
Initial period: 10 years from April 28, 1961.

TERMS OF PROPOSED LEASE:
Initial period: 10 years from April 28, 1977.

Public liability insurance: \$300,000 as a
combined single limit for
bodily injury and property
damage.

Special: \$1011.90 back rent for period
April 28, 1971 through April
27, 1977.

CONSIDERATION: \$90 per annum with the State reserving the
right to fix a different rental on each fifth
anniversary of the lease.

BASIS FOR CONSIDERATION:
General permits rental pursuant to 2 Cal. Adm.
Code 2006(b)(6).

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. Public Resources Code: Div. 6, Parts 1 & 2.
B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

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OTHER PERTINENT INFORMATION:

1. These facilities are existing and were constructed sometime between April 28, 1961 and April 1, 1971. Although the Delta Master Recreation Plan does not allow the construction of floating residences on Delta waterway, it has been agreed to provide that if damaged beyond repair that the structures would be removed and no new residence could be constructed. A special provision contained in the proposed permit will require the removal of the floating residence if damaged beyond economic repair or if floatation is lost.
2. The permit has been prepared with a beginning date of April 28, 1977. Lessee has paid back rent in the amount of \$1,011.90 for the period of time since expiration of the previous lease.
3. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1B 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.
4. This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a sue 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 IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.

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2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO DON H. MORGAN AND AVA V. MORGAN OF A 10-YEAR GENERAL PERMIT - RECREATIONAL USE FROM APRIL 28, 1977; IN CONSIDERATION OF BACK RENT IN THE AMOUNT OF \$1,011.90 FOR THE PERIOD APRIL 28, 1971 THROUGH APRIL 27, 1977; ANNUAL RENT IN THE AMOUNT OF \$90 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 AS A COMBINED SINGLE LIMIT PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE FOR THE CONTINUED MAINTENANCE OF AN EXISTING FLOATING BOATHOUSE AND RESIDENCE PROVIDED THAT SHOULD THE FLOATING RESIDENCE SUFFER DAMAGE WHICH WOULD REQUIRE \$5,000 OR MORE TO REPAIR OR DAMAGE WHICH WOULD CAUSE LOSS OF FLOATATION, THEN THE RESIDENCE WOULD BE REMOVED FROM AND COULD NOT BE REPLACED ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20034

A rectangular parcel of tide and submerged land, 100 feet by 76 feet, in the Sacramento River, Sacramento County, California, the southerly line of said parcel being 10 feet southerly of and parallel with the southerly edge of an existing boathouse and houseboat, the westerly line of said parcel being 10 feet westerly of and parallel with the westerly edge of abovementioned structures, said structures being adjacent to that certain parcel of land as described in the Grant Deed recorded May 29, 1958, in Volume 3518, Page 482, Official Records of Sacramento County.

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

END OF DESCRIPTION

Prepared

Fred T. Gray

Checked

J. L. Shap

Reviewed

M. J. Guinn
EJS

Date

6/1/77