

This Calendar Item No. C77 was approved as Minute Item No. 77 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

**CALENDAR ITEM
C77**

A 8

06/26/06

S 4

PRC 5637.1

J. Frey

D. Plummer

T. Lipscomb

CONSIDER ACCEPTANCE OF SETTLEMENT FOR PAYMENT OF RENT

PARTY:

Jay Coakley
966 Printz Road
Arroyo Grande, CA 93420

AREA, LAND TYPE AND LOCATION:

0.64 acres of sovereign lands in the Sacramento River, Courtland, Sacramento County.

AUTHORIZATION SOUGHT:

Authorization to enter into an agreement settling claims for payment of rent for the period of March 19, 1998, through October 22, 2004.

BACKGROUND:

1. Courtland Docks is a small marina located on the banks of the Sacramento River in Courtland, Sacramento County. The State's sovereign lands have been leased to several owners for the operation of the marina since 1968. Jay Coakley acquired the uplands adjoining the marina and the marina business on March 19, 1998. At the time of his acquisition, there was no lease in effect for operation of the marina. Mr. Coakley made application to the Commission for the marina on March 11, 1999. However, the application process was never completed and no lease was issued. Mr. Coakley sold the adjacent property and marina on October 22, 2004.
2. On January 5, 2006, Alan H. Brush filed a Complaint for Declaratory Relief and Common Count against Mr. Coakley naming the Commission as a real party in interest. The complaint was filed as a private attorney general action and alleged that Mr. Coakley had failed to pay rent to the Commission during his occupancy of the marina. Mr. Coakley has offered to enter into an agreement with the Commission settling claims for payment of rent.

CALENDAR ITEM NO. C77 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE THAT CERTAIN "SETTLEMENT AGREEMENT FOR PAYMENT OF RENT" ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION THEREBY SETTLING ALL CLAIMS FOR RENT FOR THE PERIOD OF MARCH 19, 1998 THROUGH OCTOBER 22, 2004, AGAINST MR. COAKLEY IN THE AMOUNT OF \$14,471.55, FOR HIS OCCUPANCY OF SOVEREIGN LANDS IN THE SACRAMENTO RIVER AT COURTLAND, SACRAMENTO COUNTY.