

**CALENDAR ITEM
C16**

A 9
S 6

09/01/11
WP 3581.1
V. Caldwell

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Chally Properties, a General Partnership, William Chally, General Partner; Joseph Pettinato and Tennyne Pettinato, Trustees of the Joseph Pettinato and Tennyne Z. Pettinato Living Trust; Nicolas S. Montana and Zelma E. Montana, Trustees of the Montana Family Revocable Trust established March 18, 1993, restated July 22, 2003; Maria Carmen Sobrepena, an unmarried woman, as her sole and separate property

AREA, LAND TYPE, AND LOCATION:

0.03 acres more or less, of sovereign land in the Sacramento River, adjacent to Assessor's Parcel Number 031-0420-021, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, three pilings, suspended walkway, and concrete stairs as shown on Exhibit A.

LEASE TERM:

10 years, beginning July 21, 2011.

CONSIDERATION:

\$257 per year, with the State reserving the right to fix a different rent periodically during the lease term as provided in lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants have the right to use the uplands adjoining the lease premises.
2. On December 16, 2002, the Commission authorized a General Lease – Recreational Use to Sophie S. Olson. That lease expired July 20, 2011. Ms. Olson has since passed away and the upland property was

CALENDAR ITEM NO. **C16** (CONT'D)

subsequently transferred to Chally Properties, a General Partnership, William Chally, General Partner; Joseph Pettinato and Tennyette Pettinato, Trustees of the Joseph Pettinato and Tennyette Z. Pettinato Living Trust; Nicolas S. Montana and Zelma E. Montana, Trustees of the Montana Family Revocable Trust established March 18, 1993, restated July 22, 2003; and Maria Carmen Sobrepena, an unmarried woman, as her sole and separate property. The Applicants are now applying for a new General Lease – Recreational Use.

3. Red Shield Real Estate has been given authority through a Property Management Agreement to manage the upland property. The uncovered floating boat dock and suspended walkway was found to be in a state of disrepair. Red Shield submitted plans to replace the existing dock and repair the suspended walkway to its original function. The dock will be floated in and the gangway repaired on site.
4. Applicants do not qualify for rent-free use of the existing uncovered floating boat dock, three pilings, concrete stairs, and suspended walkway because the city of Sacramento owns the upland immediately adjacent to the dock and walkway. The Applicants are in the process of obtaining a Revocable Encroachment Permit from the city of Sacramento.
5. **Existing Uncovered Floating Boat Dock, Three Pilings, Suspended Walkway, and Concrete Stairs:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities, Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

Replacement of Uncovered Floating Boat Dock, and Suspended Walkway: 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 CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction, Title 2, California Code of Regulations, section 2905 (b).

CALENDAR ITEM NO. **C16** (CONT'D)

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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 REQUIRED:

City of Sacramento

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Existing Uncovered Floating Boat Dock, Three Pilings, Suspended Walkway, and Concrete Stairs: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities, , Title 2, California Code of Regulations, section 2905 (a)(2).

Replacement of Uncovered Floating Boat Dock, and Suspended Walkway: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations section 2905 (b).

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 section 6370, et seq.

AUTHORIZATION:

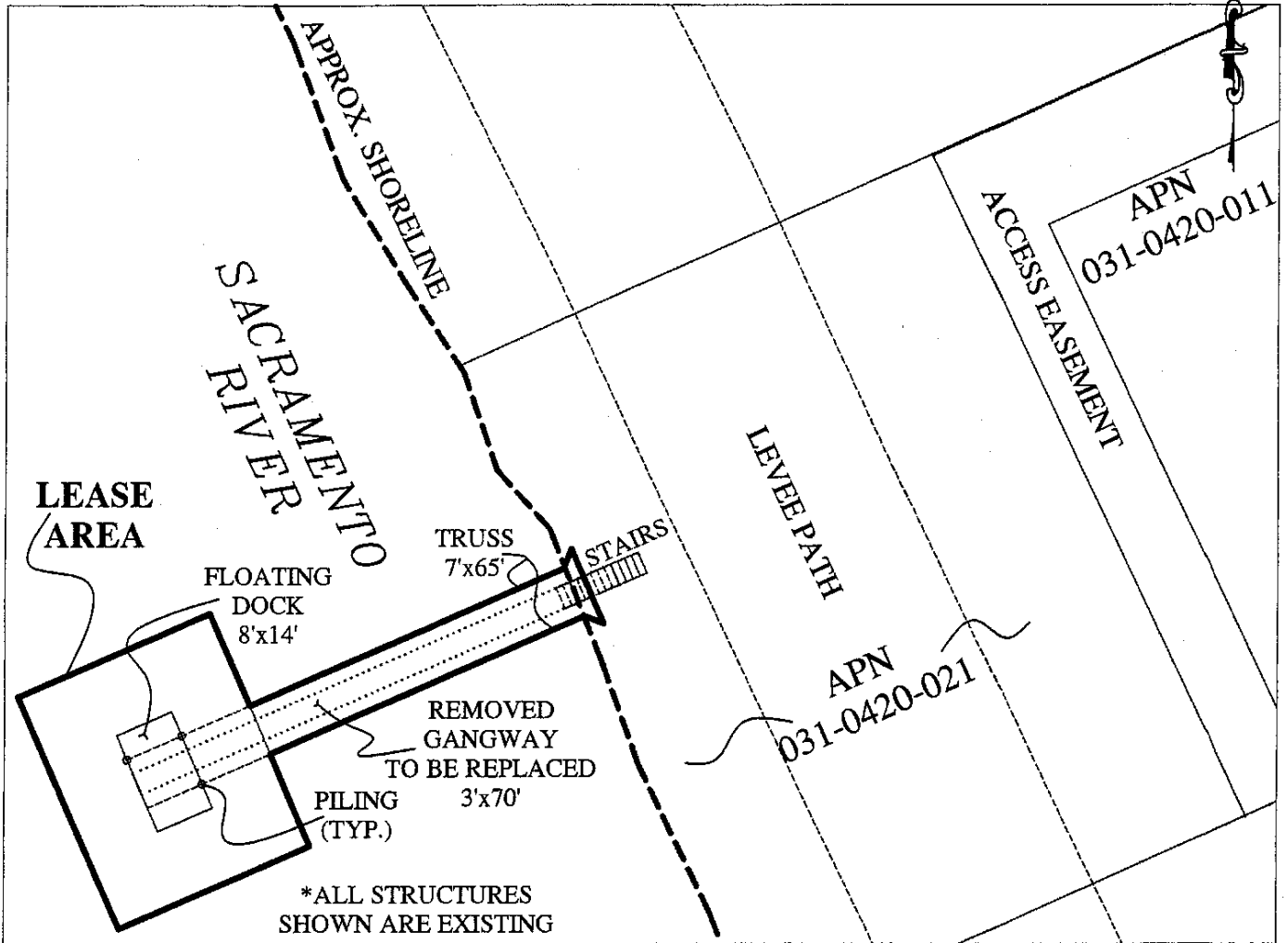
Authorize issuance of a General Lease – Recreational Use to Chally Properties, a General Partnership, William Chally, General Partner; Joseph Pettinato and Tenny Pettinato, Trustees of the Joseph Pettinato

CALENDAR ITEM NO. **C16** (CONT'D)

and Tenny Z. Pettinato Living Trust; Nicolas S. Montana and Zelma E. Montana, Trustees of the Montana Family Revocable Trust established March 18, 1993, restated July 22, 2003; and Maria Carmen Sobrepena, an unmarried woman as her sole and separate property, beginning July 21, 2011, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, three pilings, suspended walkway, and concrete stairs as shown on Exhibit A (for reference purposes only) and as described on Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$257 with the State reserving the right to fix a different rent periodically during the lease term as provided in lease; and liability insurance with coverage of no less than \$1,000,000.

NO SCALE

SITE



*ALL STRUCTURES SHOWN ARE EXISTING

203 River Acres Dr., Sacramento

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 3581.1
 CHALLY PROPERTIES
 APN 031-0420-011,021
 GENERAL LEASE -
 RECREATIONAL 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 7/06/11

EXHIBIT B

PRC 3581

LAND DESCRIPTION

A 14 foot wide strip of tide and submerged land in the bed of the Sacramento River, City of Sacramento, State of California, adjacent to S & O Survey 165, patented November 17, 1874, lying 7 feet on each side of the following described centerline:

COMMENCING at $\frac{3}{4}$ " Iron Pipe, in the centerline of River Acres Drive, as shown on the map entitled "Plat of Walnut Acres Estates", filed October 19, 1978, in Book 126 of Maps, Map No. 1, Sacramento County Records; thence S 65°48'22" W 22 feet to the most easterly corner of Lot 11 as shown on said map; thence southwesterly along the southeast line of said lot S 65°48'22" W, 135.41 feet to the most easterly corner of Lot A as shown on said map; thence southwesterly along the southeast line of said lot S 65°48'22" W 74 feet more or less to a point on the left (east) bank of said river; thence leaving said lot line and along said bank 64 feet more or less to the center of a concrete stairway and attached dock structures lying adjacent to Lot A, also being the POINT OF BEGINNING; thence along the centerline of said dock structures S 66°25'36" W, 80 feet.

Sidelines of said strip shall be lengthened or shortened so as to terminate at the ordinary high water mark of said river and a line 70 feet waterward of and parallel to the ordinary high water mark of said river.

TOGETHER WITH a 10' use area around said dock structures.

END OF DESCRIPTION

PREPARED 8/1/11 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT

