

**CALENDAR ITEM  
C03**

A	5	01/26/12
S	6	WP 6088.1 R. Boggiano

**GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Ronald R. Rott, Trustee of the Ronald R. Rott Family Trust dated July 28, 2009

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Sacramento River, adjacent to 4145 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered floating boat dock, stairs, two deadmen and cables, and gangway previously authorized by the Commission, and existing bank protection not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning January 26, 2012.

**CONSIDERATION:**

**Uncovered floating boat dock, stairs, two deadmen and cables, and gangway:** \$171 per year with the State reserving the right to fix a different rent periodically during the lease, as provided in the lease.

**Bank Protection:** The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in the amount of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On January 30, 2002, the Commission authorized a 10-year Recreational Pier Lease to Ronald R. Rott. The upland property was placed into the

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Ronald R. Rott Family Trust on October 20, 2010. The lease expired on November 22, 2011. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:
  - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
  - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

The Applicant does not qualify for an exception and the lease is subject to rent.

4. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection from wave action provided at little cost to the public.
5. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 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; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

6. 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

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through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**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 and Protective Structure Use to Ronald R. Rott, Trustee of The Ronald R. Rott Family Trust dated July 28, 2009, beginning January 26, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, stairs, two deadmen and cables, and gangway previously authorized by the Commission, and existing bank protection not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the uncovered floating boat dock, stairs, two deadmen and cables, and gangway: \$171 per year, with the State reserving the right to fix a different rent periodically during the lease, as provided in the lease; consideration for the bank protection: the public use and benefit with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest; and liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 6088.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 193 patented July 11, 1865, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, ramp and stairs lying adjacent to the left bank of said river and being adjacent to and southwesterly of "PARCEL ONE" and "PARCEL TWO", as described in "Exhibit A" of that Quitclaim Deed, recorded January 28, 2011 in Book 20110128, Page 0833 in Official Records of said County.

TOGETHER WITH all those lands underlying existing bank protection lying adjacent to said deed.

ALSO TOGETHER WITH a 10' use area.

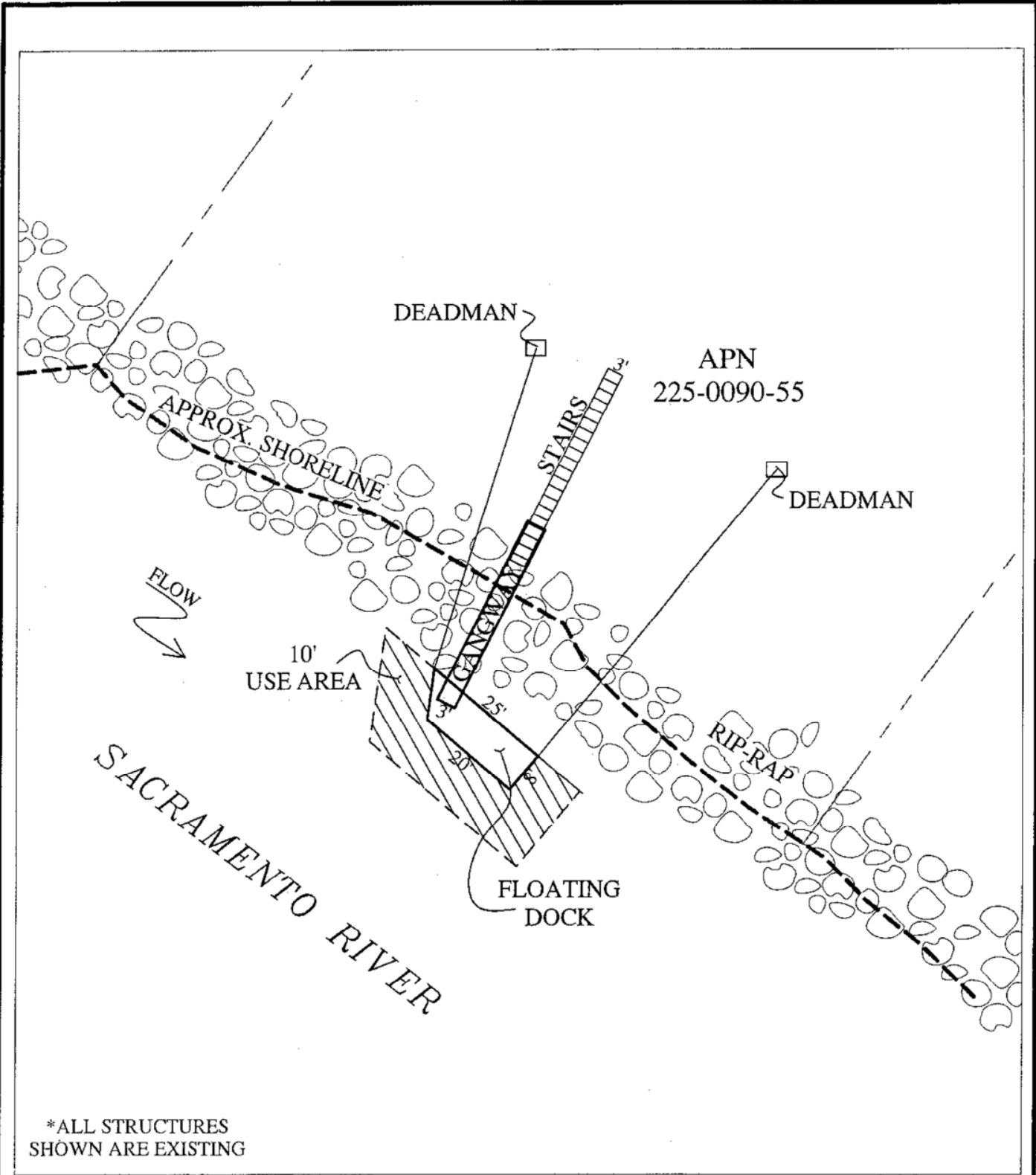
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

PREPARED 11/29/11 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT





\*ALL STRUCTURES SHOWN ARE EXISTING

### EXHIBIT A

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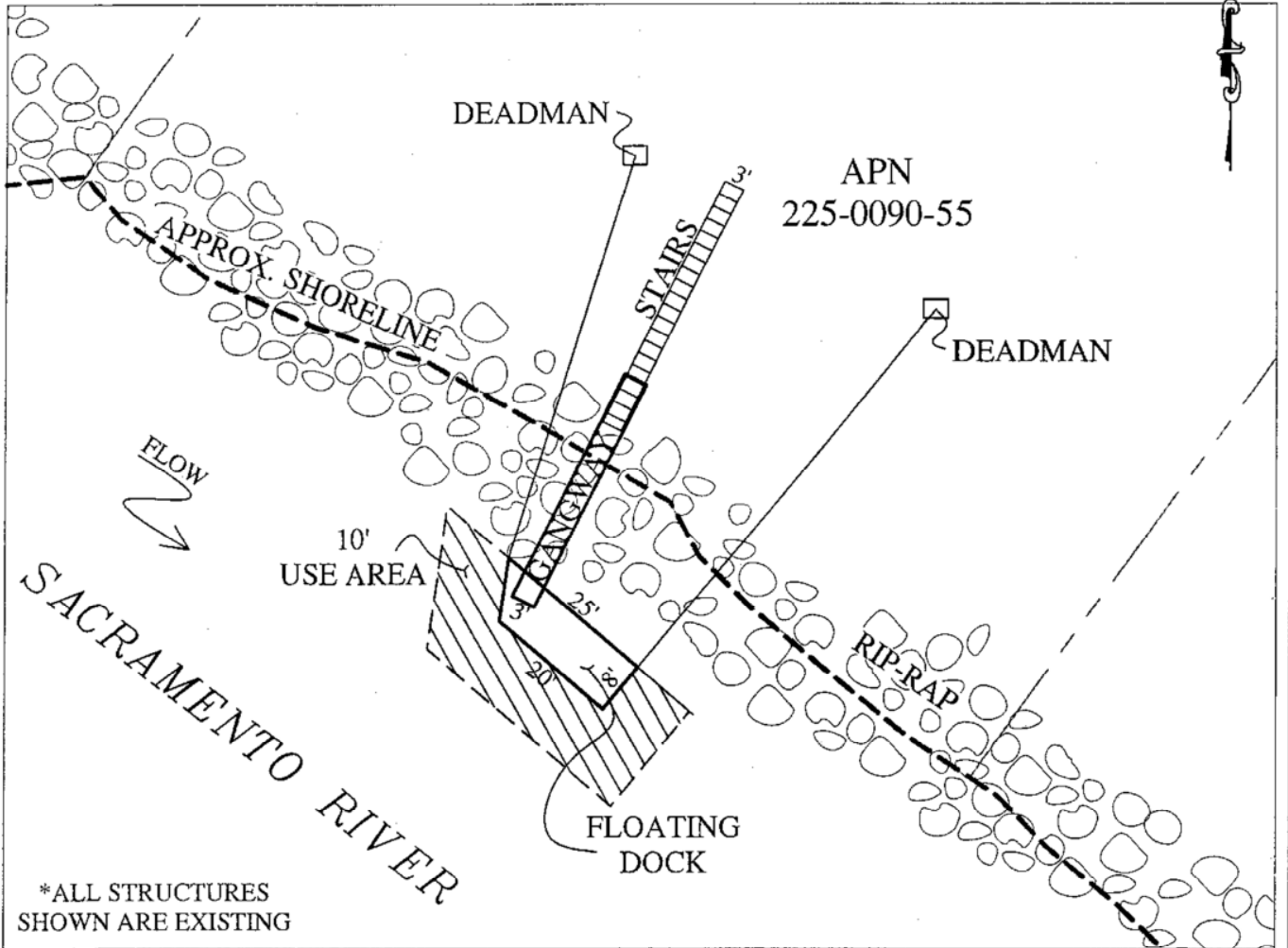
LAND DESCRIPTION PLAT  
 PRC 6088.1, ROTT  
 SACRAMENTO COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

### SITE



4145 Garden Highway, Sacramento

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 6088.1  
 ROTT  
 APN 225-0090-55  
 GENERAL LEASE -  
 RECREATIONAL &  
 PROTECTIVE STRUCTURE USE  
 SACRAMENTO COUNTY



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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.