

**CALENDAR ITEM  
C16**

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S 6

01/26/12  
WP 5842.9  
N. Lavoie

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Jean A. Baker and Marciel M. Baker, as trustees of the 2002 Jean A. Baker and Marciel M. Baker Revocable Trust, dated December 3, 2002

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

Sovereign land located in the Sacramento River, adjacent to 6521 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered floating boat dock, ramp, stairs, and anchor cables.

**LEASE TERM:**

10 years, beginning January 26, 2012.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**SPECIFIC LEASE PROVISIONS:**

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

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.
2. On April 20, 2000, the Commission authorized a Recreational Pier Lease with Jean A. Baker, Trustee of the Jean A. Baker Revocable Trust, Dated October 18, 1996. That lease expired on June 25, 2010. On January 26, 2010, ownership of the upland parcel was deeded to Jean A. Baker and Marciel M. Baker, as trustees of the 2002 Jean A. Baker and Marciel M. Baker Revocable Trust, dated December 3, 2002, whom have applied for a new General Lease – Recreational Use.

CALENDAR ITEM NO. C16 (CONT'D)

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.
4. The Applicants qualify for rent-free status because the application was submitted by the Applicants to the Commission prior to March 31, 2011, and therefore, meets the statutory requirements for an exception from rent.
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 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.

**EXHIBIT:**

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

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

**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 LAND 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 10-year General Lease – Recreational Use to Jean A. Baker and Marciel M. Baker, as trustees of the 2002 Jean A. Baker and Marciel M. Baker Revocable Trust, dated December 3, 2002, beginning January 26, 2012, for the continued use and maintenance of an existing uncovered floating boat dock, ramp, stairs, and anchor cables as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 5842.9**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate on the left bank of the Sacramento River, lying adjacent to Swamp and Overflow Survey 1067, patented November 30, 1900, County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying an existing floating dock, gangway and two (2) cable ties adjacent to Parcel 2 as described in that Grant Deed recorded January 26, 2010 in Book 20100126 Page 1617, of Official Records of said County.

TOGETHER WITH a 10 foot use area.

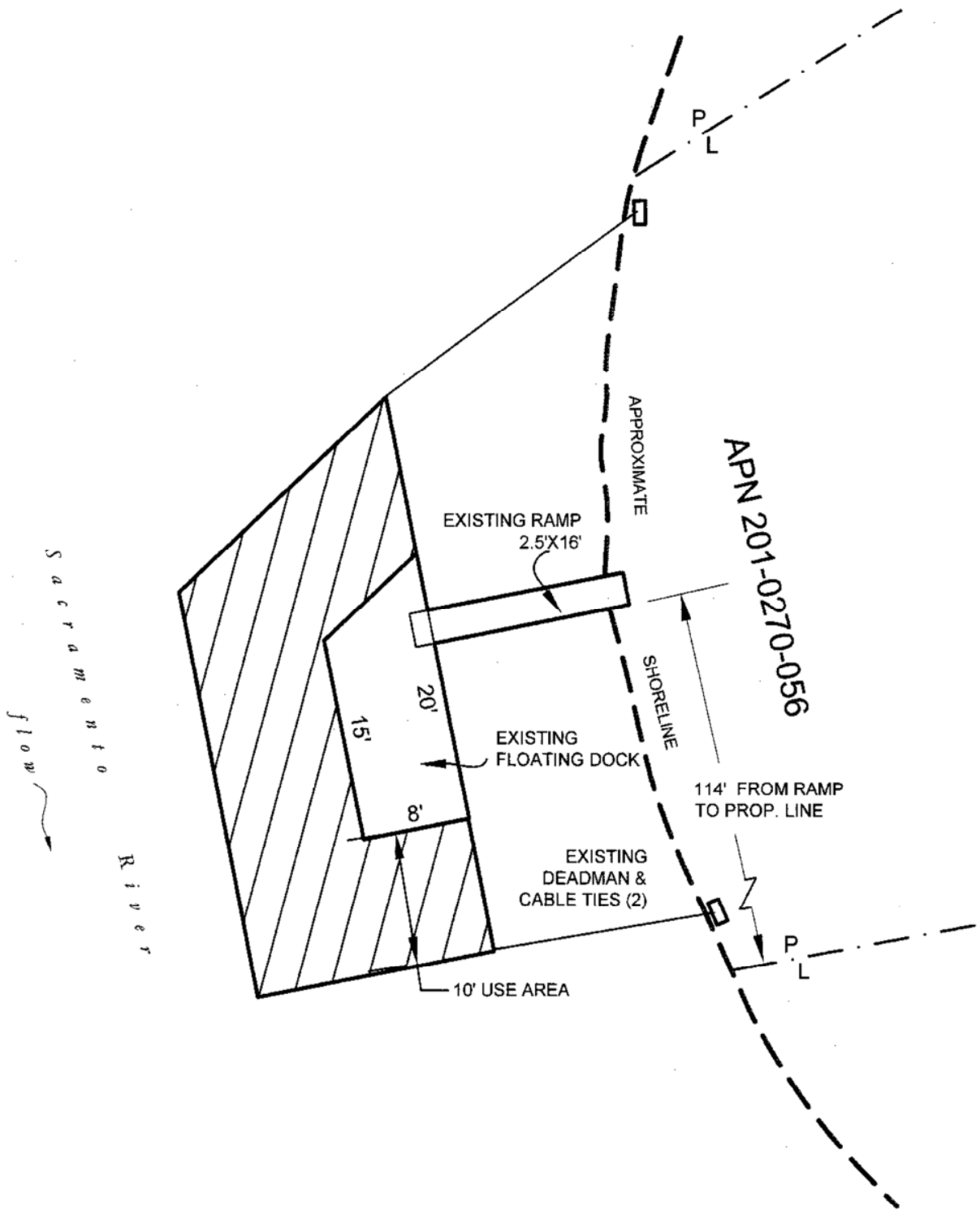
EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

Accompanying plat is hereby made a part of this description.

**END OF DESCRIPTION**

Prepared December 20, 2011 by the California State Lands Commission Boundary Unit.





**EXHIBIT A**

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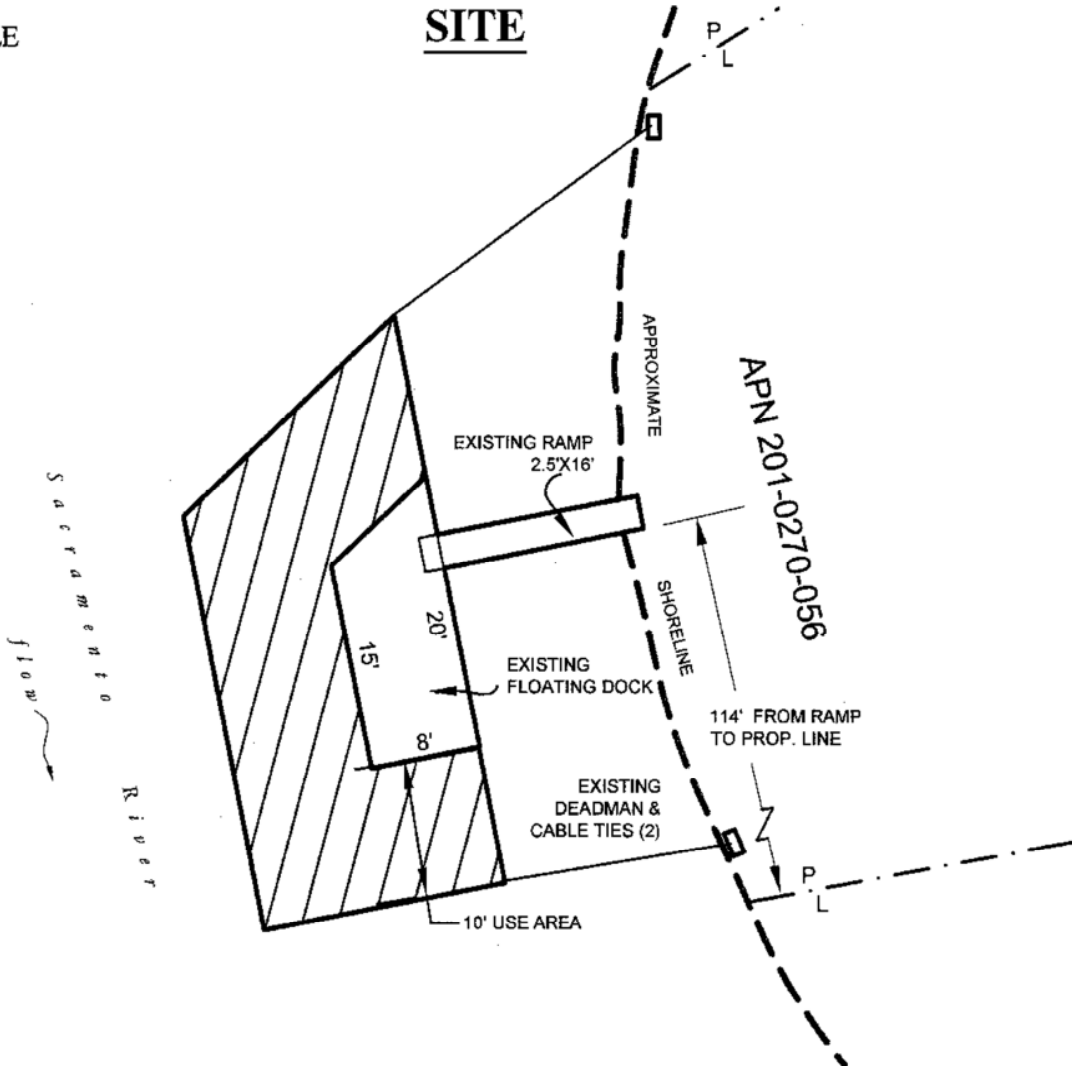
LAND DESCRIPTION PLAT  
 PRC 5842.9, BAKER TRUST  
 SACRAMENTO COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

**SITE**



6521 GARDEN HIGHWAY, NEAR SACRAMENTO

NO SCALE

**LOCATION**



MAP SOURCE: USGS QUAD

**Exhibit B**

PRC 5842.9  
 BAKER TRUST  
 APN 201-0270-056  
 GENERAL LEASE -  
 RECREATIONAL USE  
 SACRAMENTO COUNTY



MJJ 12/20/11

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.