

**CALENDAR ITEM
C48**

A 06

03/29/12
WP 6354.1
S. Paschall

S 03

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Ursula Wertz, Sole Trustee of The Wertz Family Trust, dated October 25, 1989

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Corte Madera Creek, adjacent to 37 Boardwalk One, city of Larkspur, Marin County.

AUTHORIZED USE:

Continued use and maintenance of an existing boat dock, ramp, platform, and pilings.

LEASE TERM:

10 years, beginning November 1, 2012.

CONSIDERATION:

Annual rent in the amount of \$146, with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single-limit liability coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On December 16, 2002, the Commission authorized issuance of Recreational Pier Lease No. PRC 6354.9 to Thomas G. Wertz and Ursula E. Wertz, for a term of 10 years, for reconstruction, use, and maintenance of an existing ramp and boat dock. This lease is set to expire October 31, 2012. The Lessee is now applying to renew this lease.

CALENDAR ITEM NO. **C48** (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.

The proposed lease does not meet either of the statutory exceptions and is therefore subject to rent.

4. 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.

5. 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.

EXHIBITS:

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

CALENDAR ITEM NO. **C48** (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 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 Ursula Wertz, Sole Trustee of The Wertz Family Trust, dated October 25, 1989, beginning November 1, 2012, for a term of 10 years, for the use and maintenance of an existing boat dock, ramp, platform, and pilings, as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be annual rent in the amount of \$146; combined single-limit liability coverage in the amount of no less than \$1,000,000.

EXHIBIT A

WP 6354.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of Corte Madera Creek, lying adjacent to Rancho Corte Madera Del Presidio, as surveyed November and December 1873, County of Marin, State of California, more particularly described as follows:

All those lands underlying an existing dock, pilings, proposed replacement ramp, and proposed replacement platform lying adjacent to that parcel described as Parcel One in Grant Deed 2007-0068074 recorded December 3, 2007 in Official Records of said County.

TOGETHER WITH a ten foot use area.

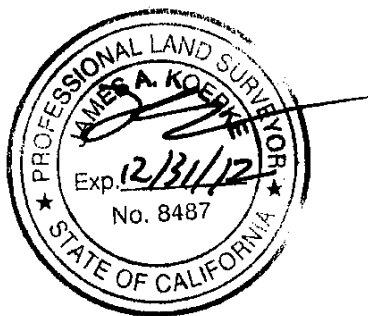
EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of Corte Madera Creek.

This description is based on Applicant provided design plans for an existing dock and pilings together with a proposed replacement ramp and platform, together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

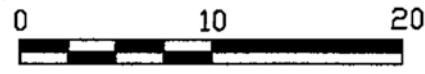
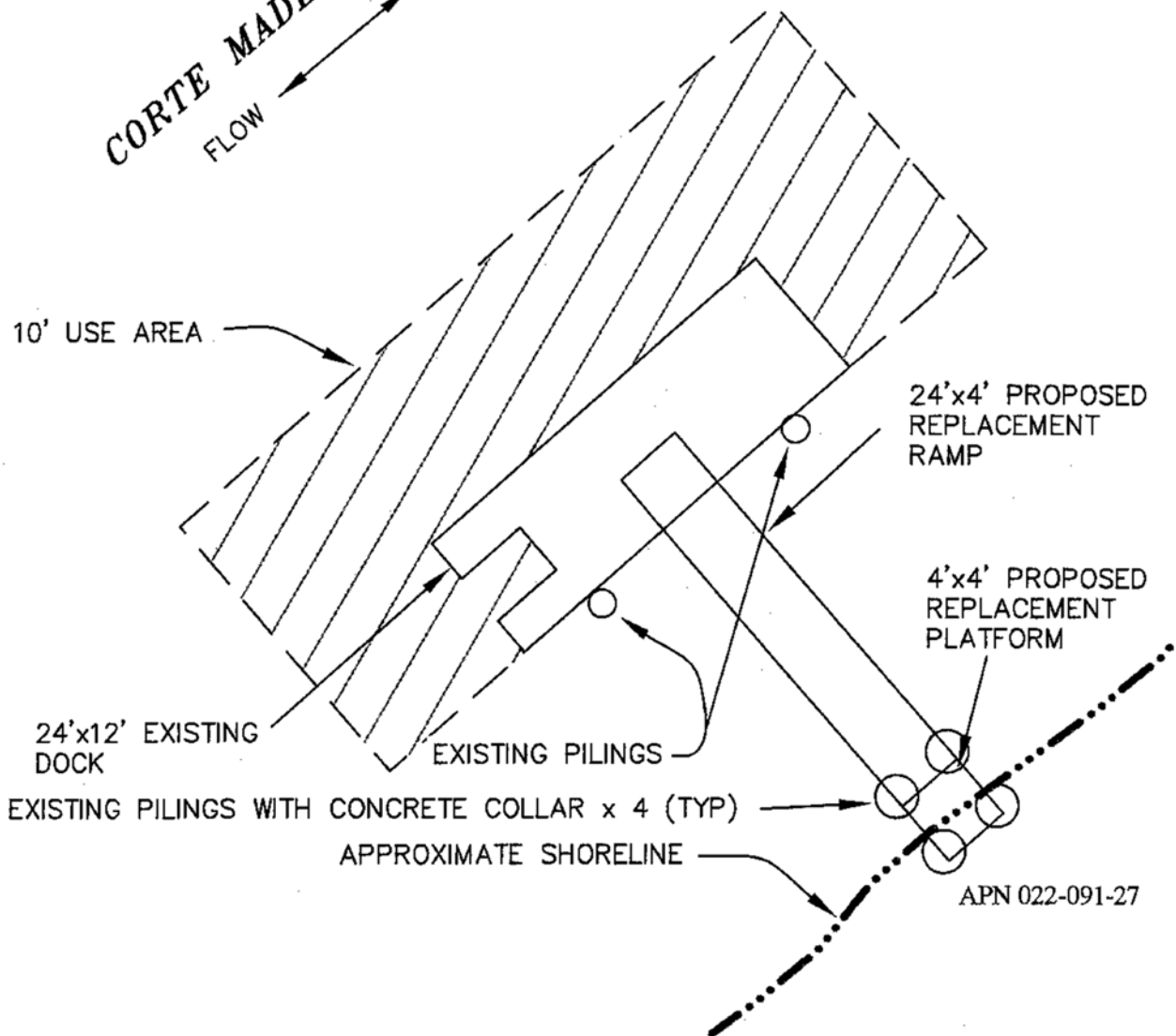
Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared 01/23/2012 by the California State Lands Commission Boundary Unit.



CORTE MADERA CREEK
FLOW ← → EBB



SCALE 1" = 10'

EXHIBIT A

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LAND DESCRIPTION PLAT
WP 6354.1, WERTZ
MARIN COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

CORTE MADERA CREEK
FLOW ← EBB

10' USE AREA

24'x8' EXISTING DOCK

EXISTING PILINGS WITH CONCRETE COLLAR x 4 (TYP)

APPROXIMATE SHORELINE

EXISTING PILINGS

24'x4' PROPOSED REPLACEMENT RAMP

4'x4' PROPOSED REPLACEMENT PLATFORM

APN 022-091-27

37 BOARDWALK ONE, LARKSPUR

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

WP 6354.1

WERTZ

APN 022-091-27

GENERAL LEASE -
RECREATIONAL USE
MARIN COUNTY



DJF 01/23/12