

**CALENDAR ITEM  
C28**

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08/14/12  
PRC 5379.1  
N. Lavoie

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANT:**

Georgiana Properties

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

Sovereign land in Georgiana Slough, adjacent to Assessor's Parcel Number (APN) 146-0180-068, near Walnut Grove, Sacramento County.

**AUTHORIZED USE:**

Reconfiguration, use, and maintenance of two existing floating boat docks to create a single-use dock, two existing three-piling dolphins, four existing pilings, and reconstruction of a ramp.

**LEASE TERM:**

10 years, beginning August 14, 2012.

**CONSIDERATION:**

\$231 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

1. Liability insurance in the amount of no less than \$1,000,000.
2. The lease contains provisions for the reconfiguration and reconstruction activities, including requiring completion by October 15, 2015.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On January 30, 1990, the Commission authorized a General Permit – Recreational Use, Lease No. PRC 5379.1, to Wes J. and Janet K. Carpenter, who were tenants on the upland property. On September 3, 1991, Ms. Carpenter contacted staff to advise they had released their interest in the upland property back to the owner. The permit then expired

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on February 29, 1992. Since the expiration of the permit, staff has made numerous attempts to bring the upland owner, Georgiana Properties, under lease. On March 14, 2011, Georgiana Properties submitted an application for a General Lease – Recreational Use.

3. Related to this lease application, on January 30, 1964, the Commission authorized an amendment of Right-of-Way Permit No. PRC 2634.9 to the County of Sacramento (County) to construct and operate a floating boat dock within the County's lease area to serve the Sacramento County Sheriff's (Sheriff) boat patrol. The Right-of-Way Permit was initially issued for the Georgiana Bridge and appurtenant facilities. While the dock facilities are still in place, the Sheriff no longer has an interest in using the facilities. The County placed notice on the dock facilities that the dock would be removed and the upland owner, Georgiana Properties, responded to the notice requesting that the dock facilities be transferred to them; the County agreed. Because the County's lease has expired, the County has also applied for a new General Lease – Right-of-Way Use for the continued use of the existing bridge and appurtenant facilities. That lease application is before the Commission for consideration at this Commission meeting.
4. The Applicant proposes to utilize both the County's former dock and the Applicant's existing dock by consolidating the two dock structures into one (See Exhibit B). These two docks will be disconnected from the pilings, floated into place, and reconnected to the pilings, securing them in position. As part of the reconfiguration, an existing floating boat slip, float and ramp stored at the site will be removed. The above removal activities do not include any disturbance to the bed of the river, as the docks are only floating and the ramp is predominately on the upland. Upon completion of the reconfiguration, the Applicant is required to submit as-builts and an application to amend the lease to revise the land description to incorporate the final location of the dock.
5. Staff recommends acceptance of back rent in the amount of \$892 for the period of August 14, 2007, to August 13, 2012.
6. **Two existing three-pile dolphins and four existing pilings:** 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).

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

7. **Reconfiguration of two existing docks into one and reconstruction of an existing ramp:** 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 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

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

8. 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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Two existing three pile dolphins and four existing pilings:** 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).

**Reconfiguration of existing docks into one and reconstruction of an existing ramp:** 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 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

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**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:**

1. Authorize acceptance of back rent in the amount of \$892 for the period of August 14, 2007 through August 13, 2012.
  
2. Authorize issuance of a General Lease – Recreational Use to Georgiana Properties beginning August 14, 2012, for a term of 10 years, for the reconfiguration, use, and maintenance of two existing floating boat docks to create a single-use dock, two existing three-piling dolphins, four existing pilings, and reconstruction of a ramp 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; annual rent in the amount of \$231 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 5379.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land lying in the bed of Georgiana Slough, adjacent to Parcel 2 as shown on Parcel Map Subdivision No. 00-0802, filed in Book 175, Page 1, Records of Sacramento County, State of California, more particularly described as follows:

COMMENCING at a 2" Brass Cap Monument set in the East side of Andrus Island Road approximately 70 feet North of the Centerline of the bridge across Georgiana Slough stamped SL-58 as shown on said Parcel Map; thence S 36°28'40" E 522.11 feet to the southwest corner of said Parcel 2; thence along the West line of said Parcel 2 as shown on said map N 7°42'20" E 55.46 feet; thence N 6°04'40" W 166.35 feet to the POINT OF BEGINNING; thence leaving said West line the following seven courses:

- 1) S 83°55'20" W 50.00 feet;
- 2) N 6°04'40" W 50.54 feet;
- 3) N 12°47'26" W 96.12 feet;
- 4) N 77°12'34" E 70.00 feet;
- 5) S 12°47'26" E 100.22 feet;
- 6) S 6°04'40" E 54.64 feet;
- 7) S 83°55'20" W 20.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of Georgiana Slough.

**END OF DESCRIPTION**

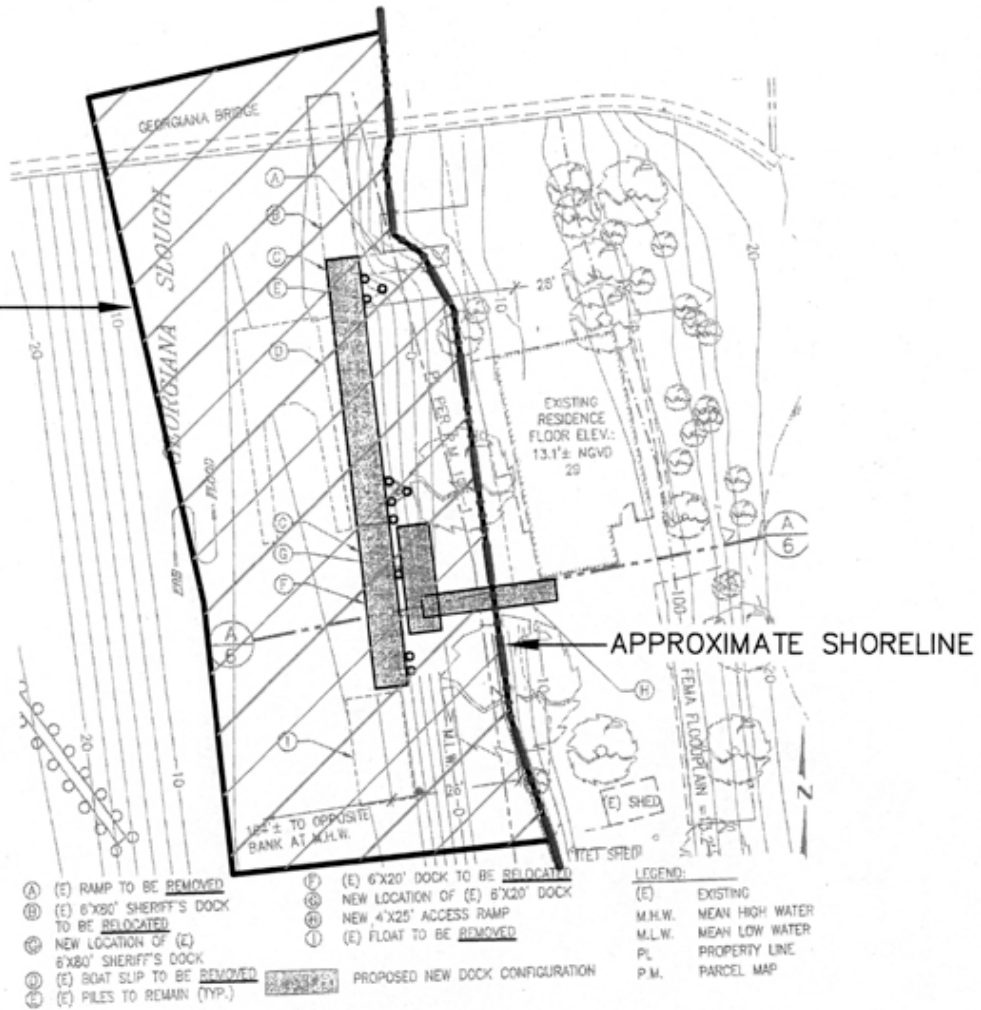
Prepared 1/23/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

# SITE

LEASE AREA



## GEORGIANA SLOUGH

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

PRC 5379.1

GEORGIANA PROPERTIES

APN 146-0180-068

GENERAL LEASE -

RECREATIONAL USE

SACRAMENTO COUNTY



DJF 01/19/2012