

**CALENDAR ITEM
C04**

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S 5

12/05/12
PRC 8717.1
R. Boggiano

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

APPLICANTS:

John Fitch Wilcox, IV and Richard Elwood Wilcox

AREA, LAND TYPE, AND LOCATION:

1.565 acres, more or less, of filled and unfilled sovereign land in the Sacramento River, located on Assessor's Parcel Number 157-0110-029, near Rio Vista, Sacramento County.

AUTHORIZED USE:

Continued use of land for the storage of agricultural equipment consisting of clean farming implements and the continued use and maintenance of existing bank protection.

LEASE TERM:

10 years, beginning October 1, 2012.

CONSIDERATION:

Storage of Farm Equipment: \$645 per year, with the State reserving the right to fix a different rent periodically during the lease term, 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:

Insurance:

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

Other:

1. Farm equipment to be stored within the lease area shall not include any vehicles containing oil, gas, or other substances that could leak and result in the discharge of pollutants to the lease area. In addition,

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farm equipment shall not be placed in any environmentally protected areas, inclusive of wetlands and the banks of the Sacramento River.

2. No fueling or maintenance of vehicles or equipment will take place on the Lease Premises.
3. Lessee shall not store chemicals or fertilizers on the Lease Premises.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On June 5, 1979, as part of a Title Settlement Agreement, the Commission authorized the issuance of a General Lease – Agricultural Use, beginning October 1, 1982, for a term of 20 years with a right to renew for an additional 20-year term, provided that the option be exercised by providing the Commission a six month written notice. The lease expired on September 30, 2002, and the option to renew was not exercised. On September 13, 2007, the Commission authorized a General Lease – Farm Equipment Storage and Protective Structure Use, for a term of five years, beginning October 1, 2007. That lease expired on September 30, 2012. The Applicants are now applying for a new General Lease – Agricultural and Protective Structure Use.
3. The lease area will be used for the occasional and temporary storage of clean plows and other similar and clean farming implements, which will not interfere with the current public trust needs in the area.
4. The bank protection mutually benefits both the public and the Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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

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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. Site and Location Map
- B. Land Description

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 – Agricultural and Protective Structure Use to John Fitch Wilcox, IV and Richard Elwood Wilcox, beginning October 1, 2012, for a term of 10 years, for the continued use of land for the storage of agricultural equipment consisting of clean farming implements and the continued use and maintenance of existing bank protection, 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 use of land for the storage of agricultural equipment: annual rent in the amount of \$645, with the State reserving the right to fix a different rent periodically during the lease term, 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 rent 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 8717.1

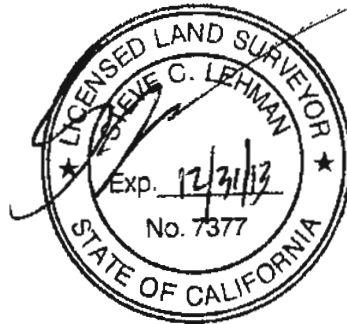
LAND DESCRIPTION

A parcel of tide and submerged land on the right bank of the Sacramento River, situated in Sacramento, County, State of California, and more particularly described as follows

Exhibit "C", Parcel 1, described in California State Lands Commission Boundary Line Agreement 194, filed in the Official Records of said County and State, on January 19, 1983, in Book 83-10-19, Page 713, which contains 1.565 acres more or less.

END OF DESCRIPTION

Prepared October 17, 2012 by the California State Lands Commission Boundary Unit.



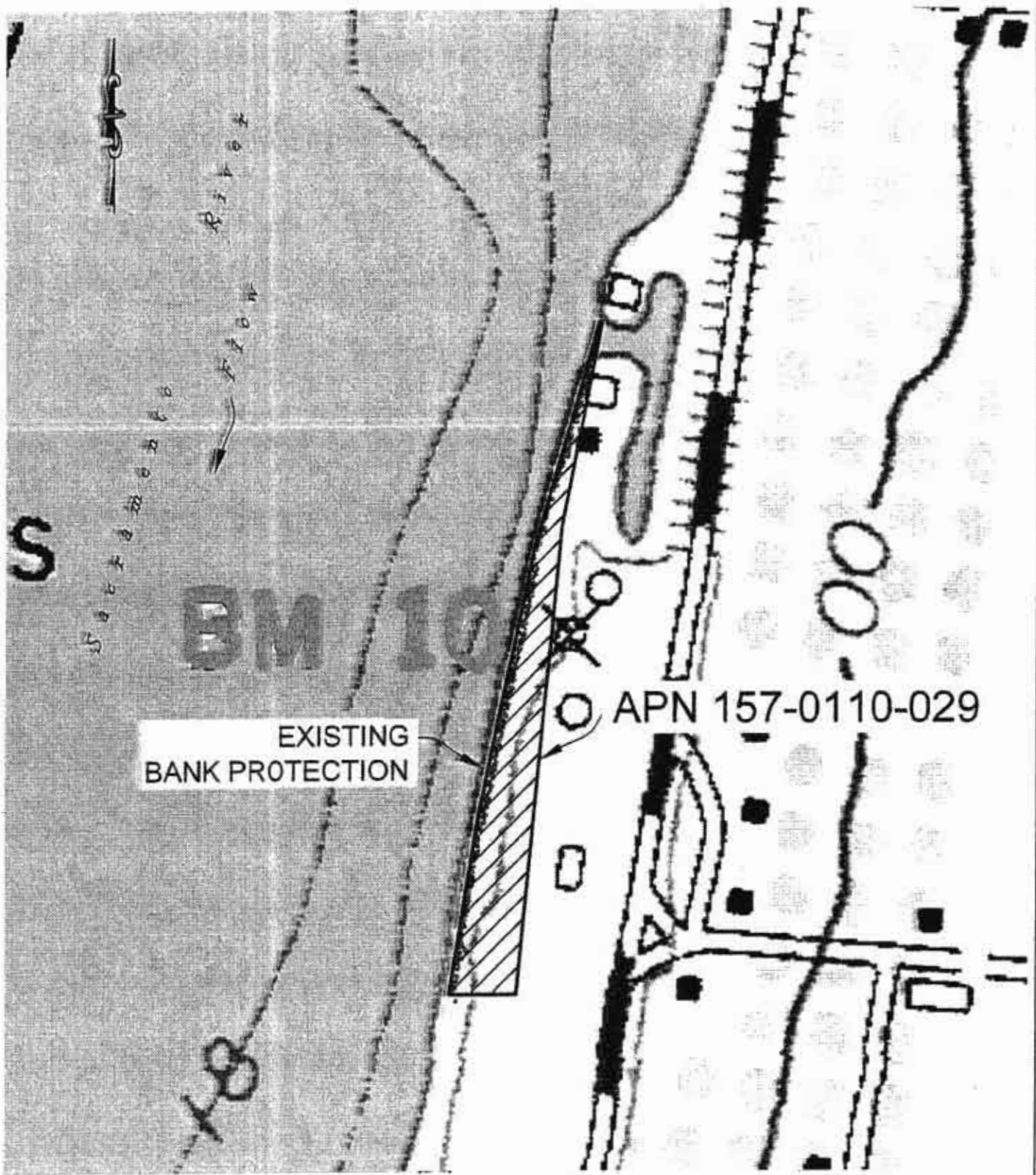


EXHIBIT A

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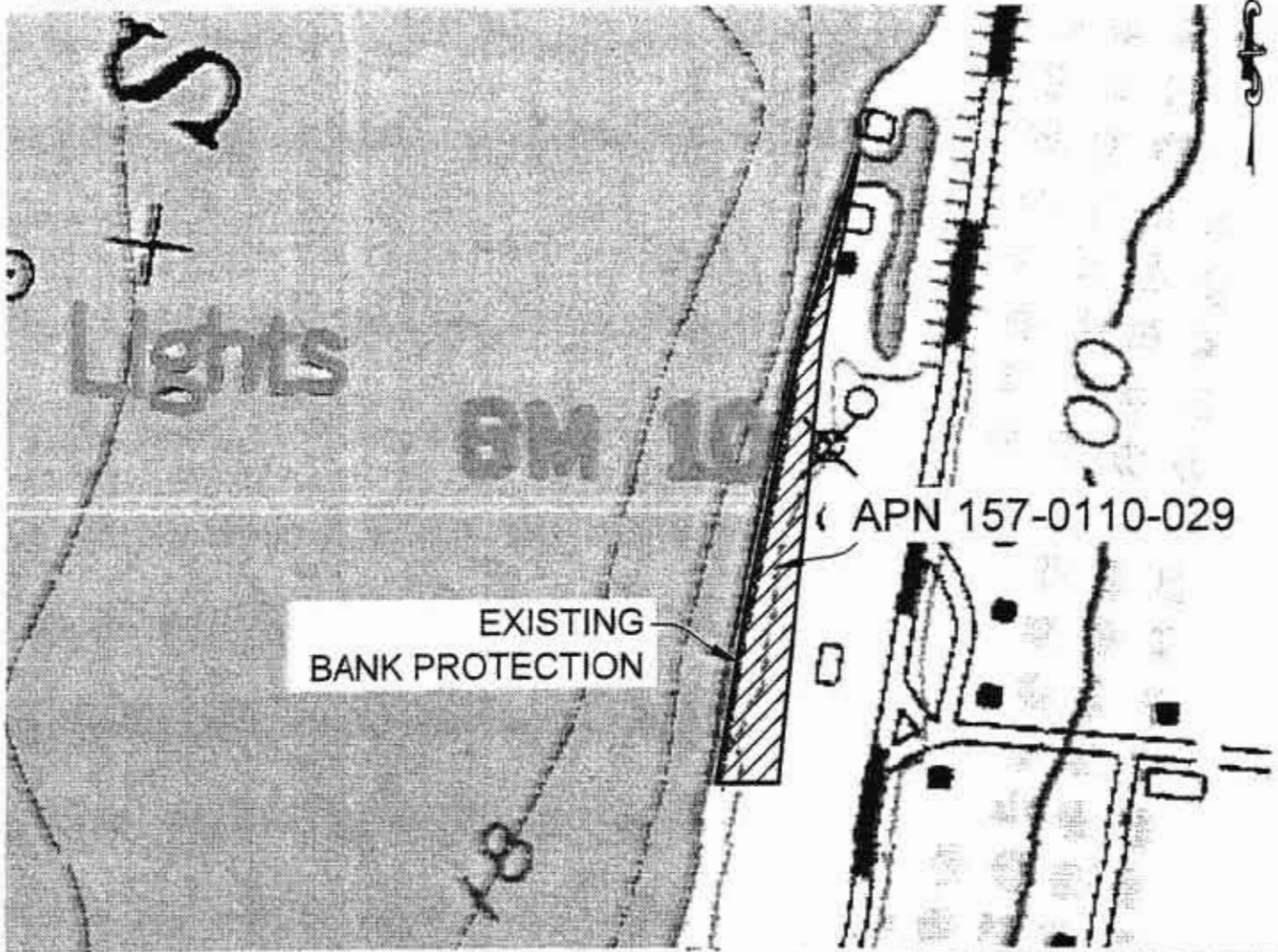
LAND DESCRIPTION PLAT
PRC 8717.1, WILCOX
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

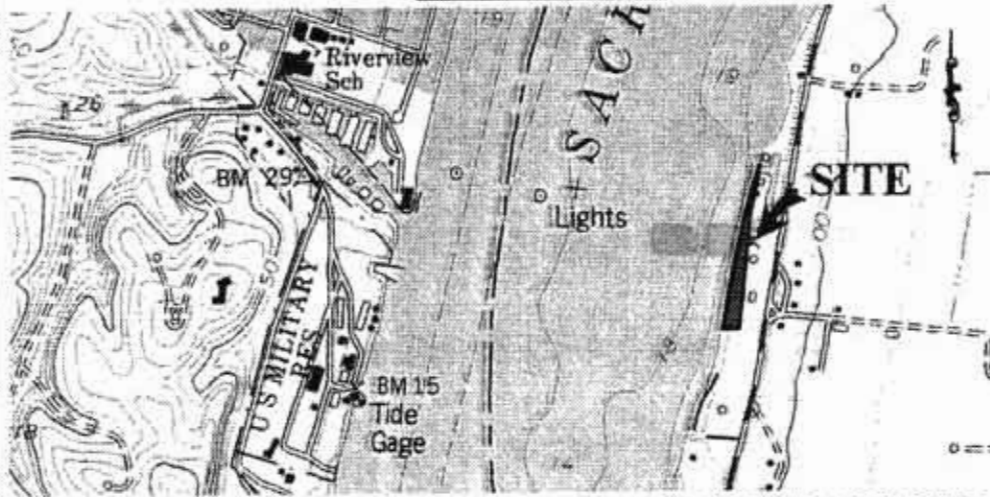
SITE



SOVEREIGN LAND LOCATED SOUTH OF RIO VISTA ON THE LEFT BANK OF THE SACRAMENTO RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8717.1
WILCOX

APN 157-0110-029
GENERAL LEASE -
AGRICULTURAL &
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.