

**CALENDAR ITEM
C24**

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02/22/13
PRC 6053.1
M.J. Columbus

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

APPLICANTS:

John Orosz and Diana Orosz

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 2365 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Use and maintenance of an existing covered floating boat dock, boat lift, gangway, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 22, 2013.

CONSIDERATION:

Covered Floating Boat Dock, Boat Lift, and Gangway: \$419 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:

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 March 8, 1994, the Commission authorized a Recreational Pier Permit to Sandra L. Miley for an existing uncovered floating boat dock and ramp. That permit expired on January 9, 2002. On August 9, 1995, the upland

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parcel was deeded to John Orosz and Diana Orosz. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. The prior permit authorized a floating dock and ramp. Since that permit was issued, the original floating dock and ramp were removed, and a covered boat dock, boat lift, gangway, and bank protection were constructed without Commission authorization. Permits for the facilities were obtained from the U.S. Army Corps of Engineers, Central Valley Flood Protection Board, and Reclamation District 1000. Staff recommends bringing the Applicants' covered boat dock, boat lift, gangway, and bank protection under lease.
4. 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.

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

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

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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 John Orosz and Diana Orosz, beginning February 22, 2013, for a term of 10 years, for the use and maintenance of an existing covered floating boat dock, boat lift, gangway, and bank protection not previously authorized by the Commission 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 covered floating boat dock, boat lift, and gangway: \$419 per year, 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 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 6053.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 828 patented April 5, 1869, Sacramento County, State of California, more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying an existing covered floating boat dock, boatlift, gangway, and anchor cables lying adjacent to that Lot as described in that Grant Deed recorded August 9, 1995, in Document Number 199508091419 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

ALSO TOGETHER WITH all those lands underlying existing bank protective structure lying adjacent to said Lot.

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 part of this description.

END OF DESCRIPTION

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



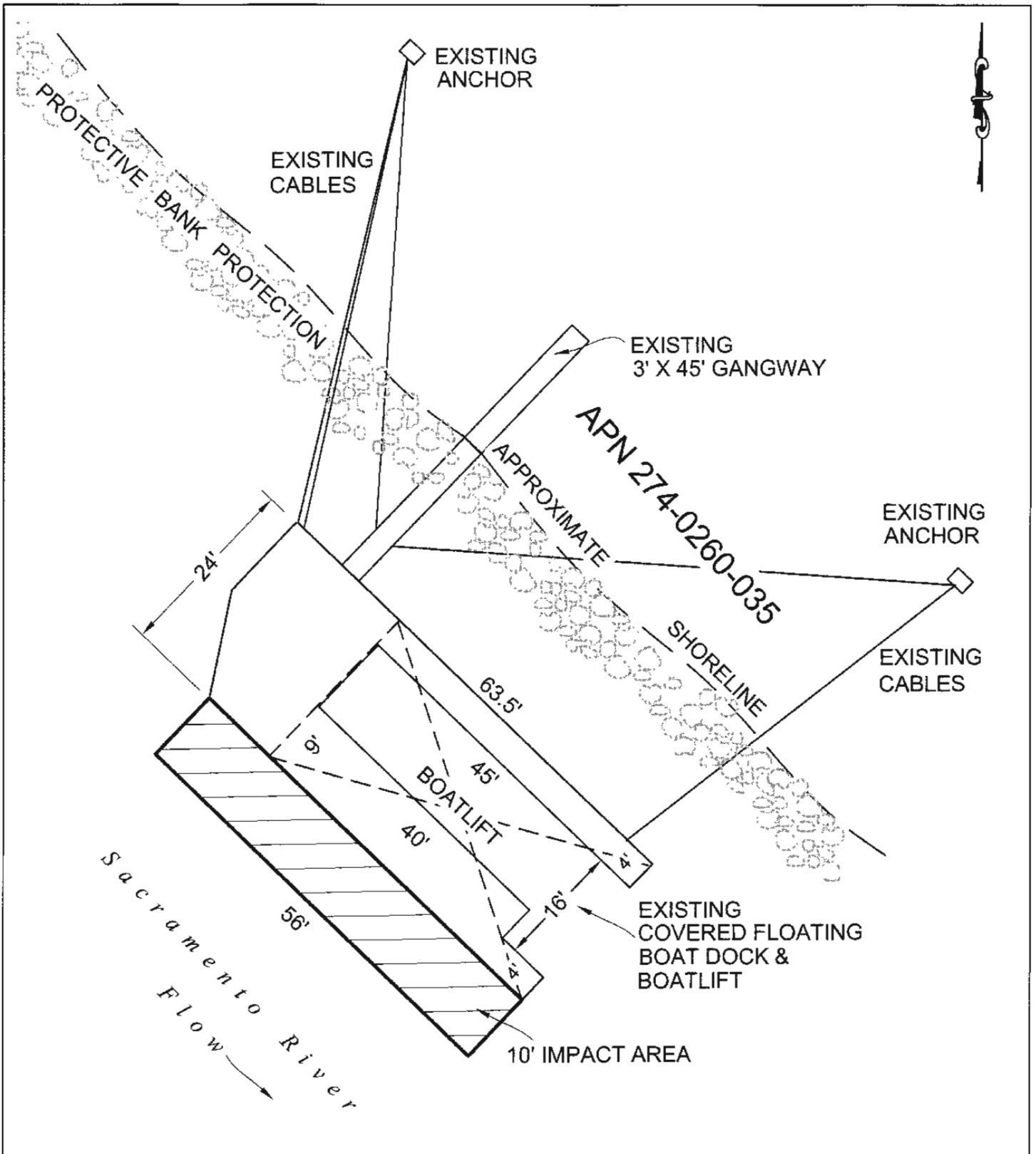


EXHIBIT A

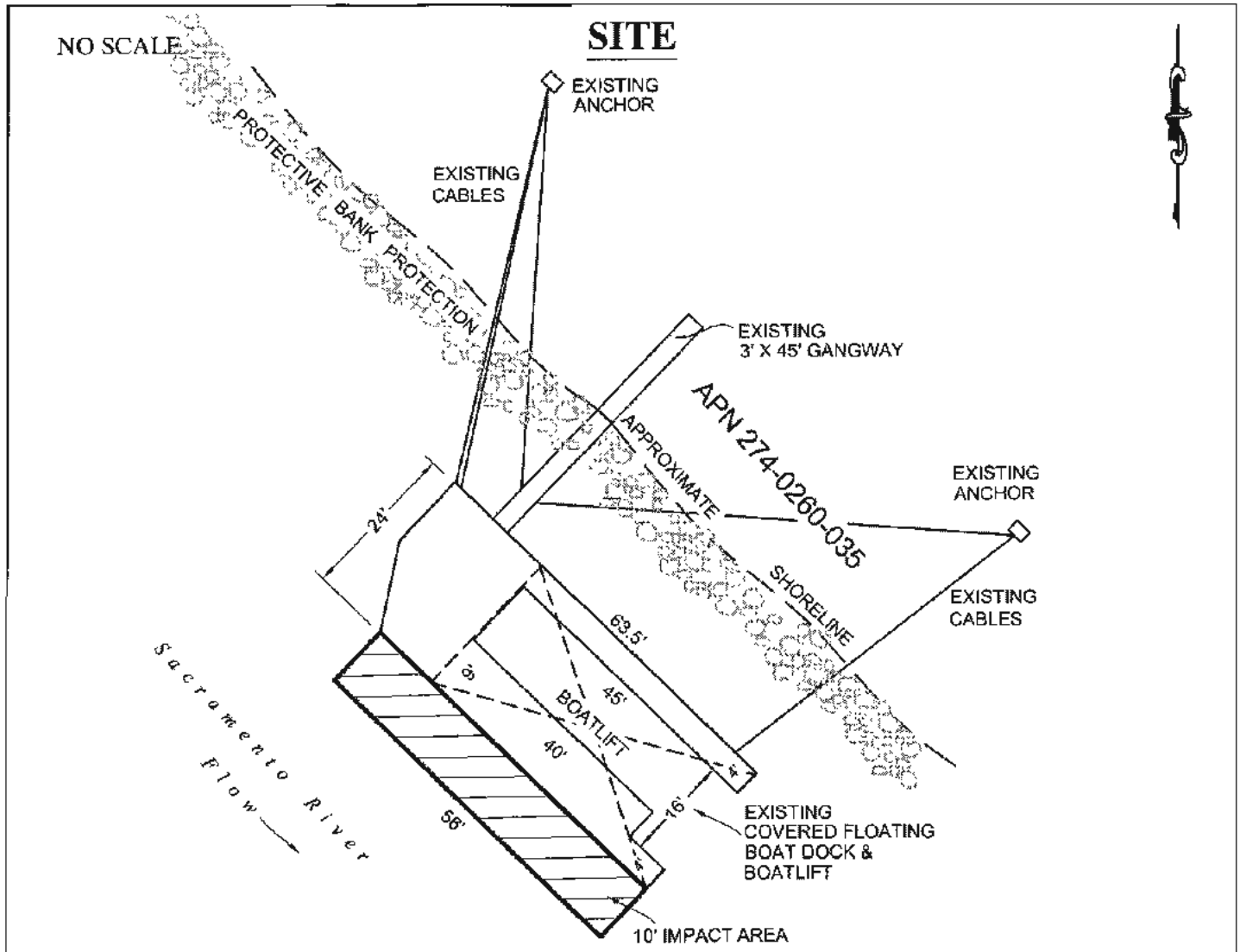
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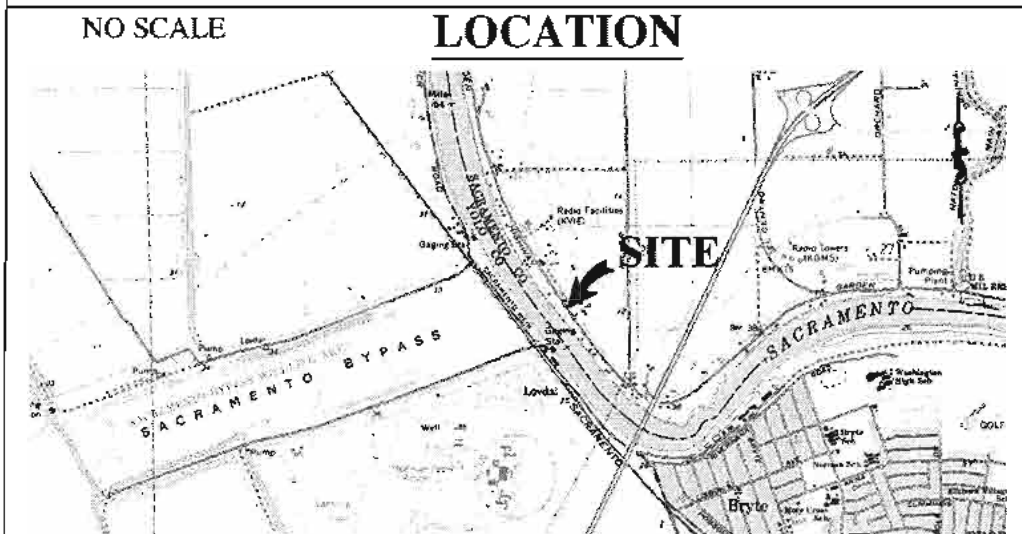
LAND DESCRIPTION PLAT
 PRC 6053.1, OROSZ
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION





2365 GARDEN HWY., SACRAMENTO



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6053.1
 OROSZ
 APN 274-0260-035
 GENERAL LEASE -
 RECREATIONAL &
 PROTECTIVE STRUCTURE USE
 SACRAMENTO COUNTY



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.