

**CALENDAR ITEM
C35**

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S 6

02/22/13
PRC 7833.1
N. Lavoie

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

APPLICANTS:

Mark D. Leng and Sherri E. Leng

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 2541 Garden Highway, near Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating single-berth boat dock, ramp, two pilings, and bank protection.

LEASE TERM:

10 years, beginning October 26, 2012.

CONSIDERATION:

\$251 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:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On August 17, 2004, the Commission authorized a 10-year General Lease – Recreational and Protective Structure Use to Mark D. Leng and Sherri E. Leng. That lease expired on October 25, 2012. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.
3. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA)

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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.

4. 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 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 Mark D. Leng and Sherri E. Leng, beginning October 26, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating single-berth boat dock, ramp, two pilings, and 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; annual rent in the amount of \$251 per year, with the State

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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 7833.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 206 patented August 2, 1869, Sacramento County, State of California, more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying an uncovered floating single-berth boat dock, ramp, and two (2) pilings lying adjacent to that Lot as described in that Grant Deed recorded August 4, 1992, in Book 92-08-4, Page 1522 in Official Records of said County.

TOGETHER WITH ten foot impact areas.

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure 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 24, 2012 by the California State Lands Commission Boundary Unit.



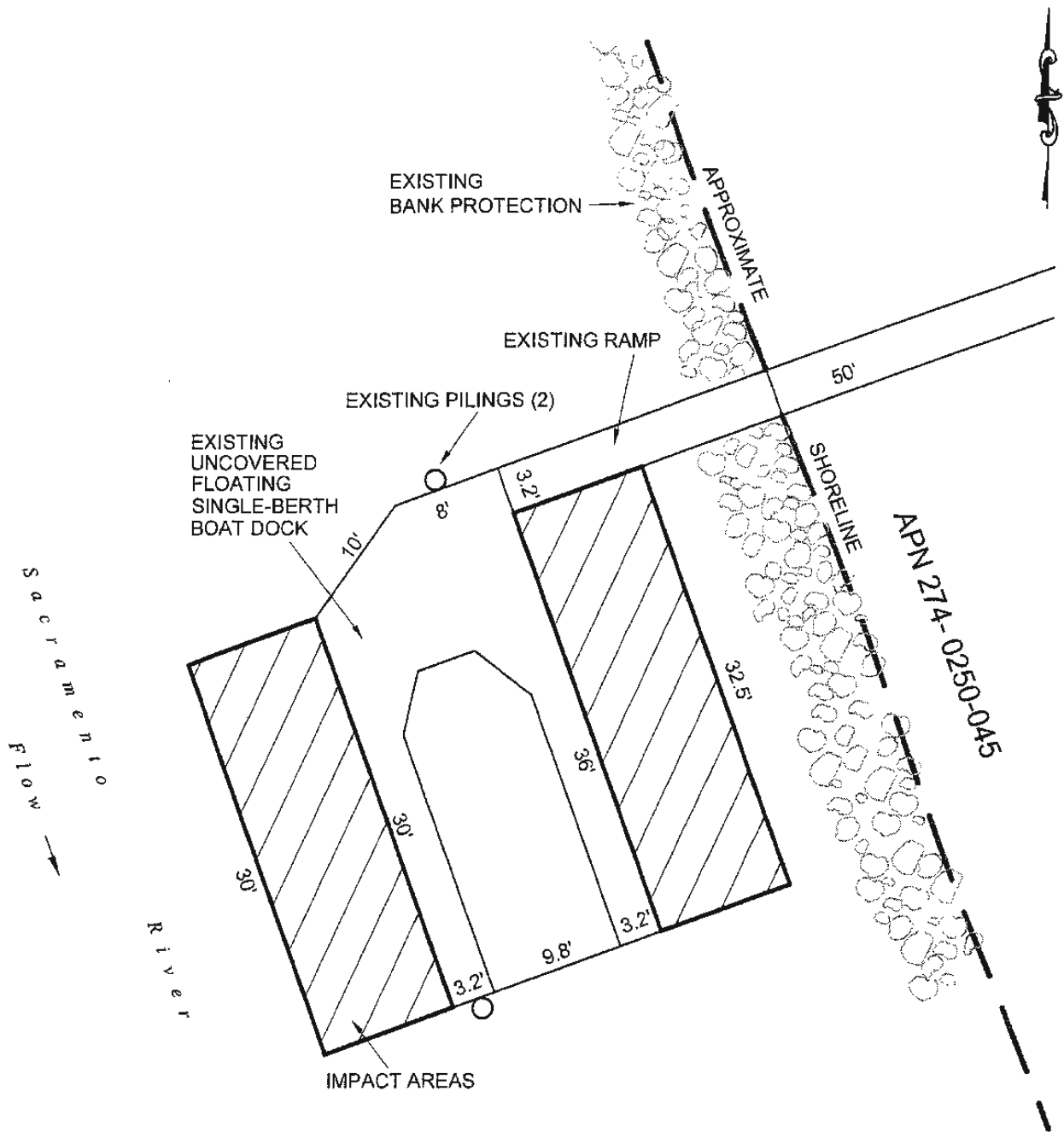


EXHIBIT A

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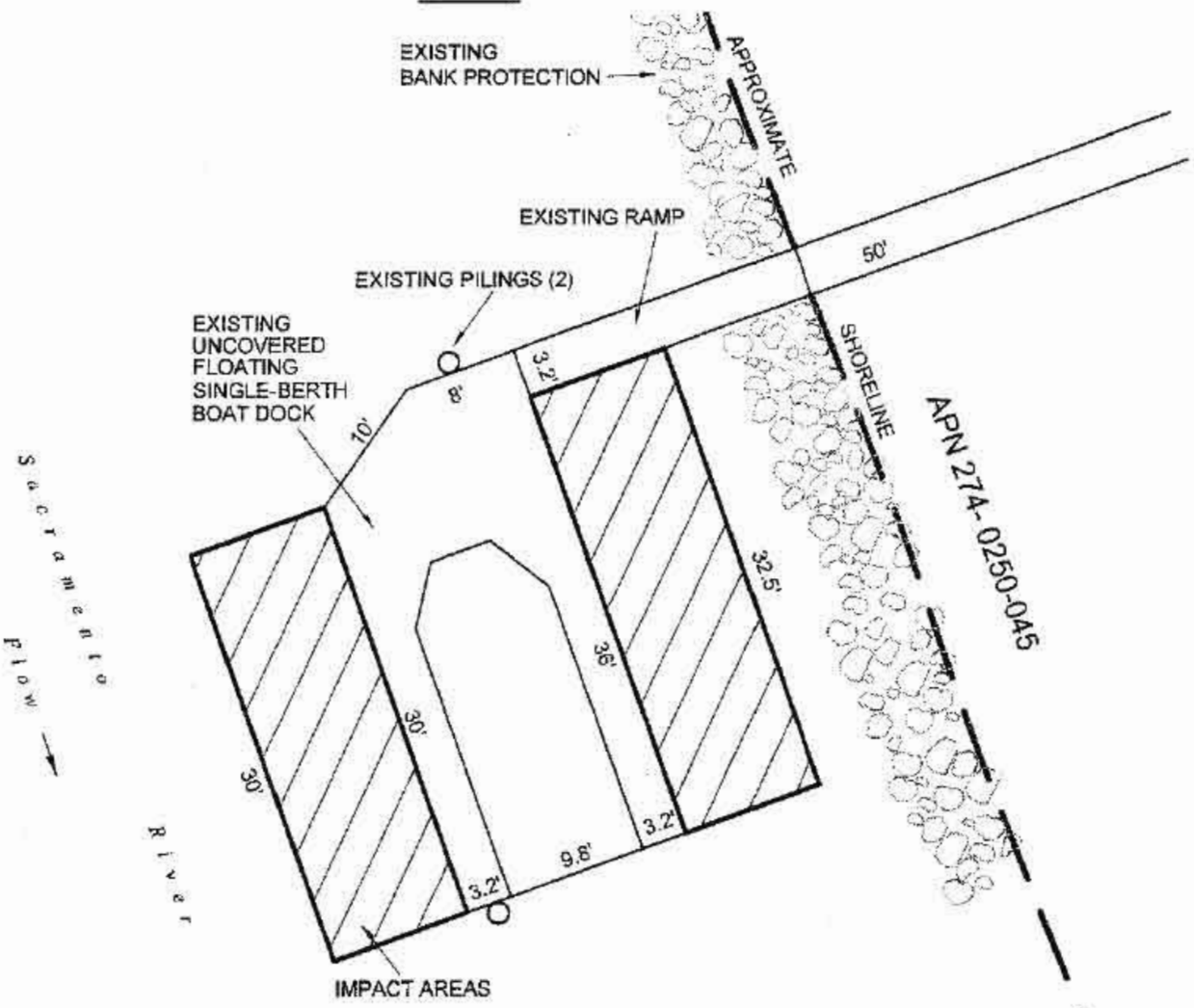
LAND DESCRIPTION PLAT
 PRC 7833.1, LENG
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



2541 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7833.1

LENG

APN 274-0250-045

GENERAL LEASE -

RECREATIONAL & PROTECTIVE

STRUCTURE USE

SACRAMENTO COUNTY



MIJ 1/24/13

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.