

**CALENDAR ITEM
C10**

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S 6

12/02/13
PRC 4947.1
R. Boggiano

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Graham Owen and Kacie Owen

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 4251 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Use and maintenance of an existing single-berth floating boat dock, gangway, two pilings, three-pile dolphin, boat lift, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning December 2, 2013.

CONSIDERATION:

Single-berth floating boat dock, gangway, two pilings, three-pile dolphin, and boat lift: \$280 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 an amount of no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On October 1, 2002, the Commission authorized a 10-year Recreational Pier Lease to Bonnie L. Sharkey for a floating dock, concrete pad, and

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stairway beginning August 1, 2002. That lease expired on July 31, 2012. On February 26, 2009, ownership of the upland transferred to Graham and Kacie Owen.

3. After purchasing the upland property, the Applicants constructed a new boat dock and gangway without prior authorization by the Commission. The Applicants have obtained an after-the-fact permit from the U. S. Army Corps of Engineers and are now applying for a new General Lease – Recreational and Protective Structure Use.
4. The bank protection has existed at the site for many years but has not been previously authorized. Staff is now recommending that these improvements be included in the proposed lease.
5. The bank protection will mutually benefit both the public and the Applicants. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
6. 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.

7. 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. **C10** (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 and Protective Structure Use to Graham Owen and Kacie Owen beginning December 2, 2013, for a term of 10 years, for the use and maintenance of an existing single-berth floating boat dock, gangway, two pilings, three-pile dolphin, boat lift, and bank protection not 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; consideration for the single-berth floating boat dock, gangway, two pilings, three-pile dolphin, and boat lift: \$280 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 rent if the Commission finds such action to be in the State's best interest; and liability insurance in an amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4947.1

LAND DESCRIPTION

Two parcels of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 193 patented July 11, 1865, County of Sacramento, State of California, more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying an existing floating single berth boat dock, boatlift, 2 pilings, electric outlet, and gangway lying adjacent to that parcel as described in that Grant Deed recorded February 26, 2009, in Book 20090226, Page 1209 of Official Records of said County.

TOGETHER WITH two (2) 10 foot impact areas.

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure lying adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

PARCEL 2 – DOLPHIN

All those lands underlying an existing 3 pile dolphin lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared October 8, 2013 by the California State Lands Commission Boundary Unit.

APN 225-0090-052

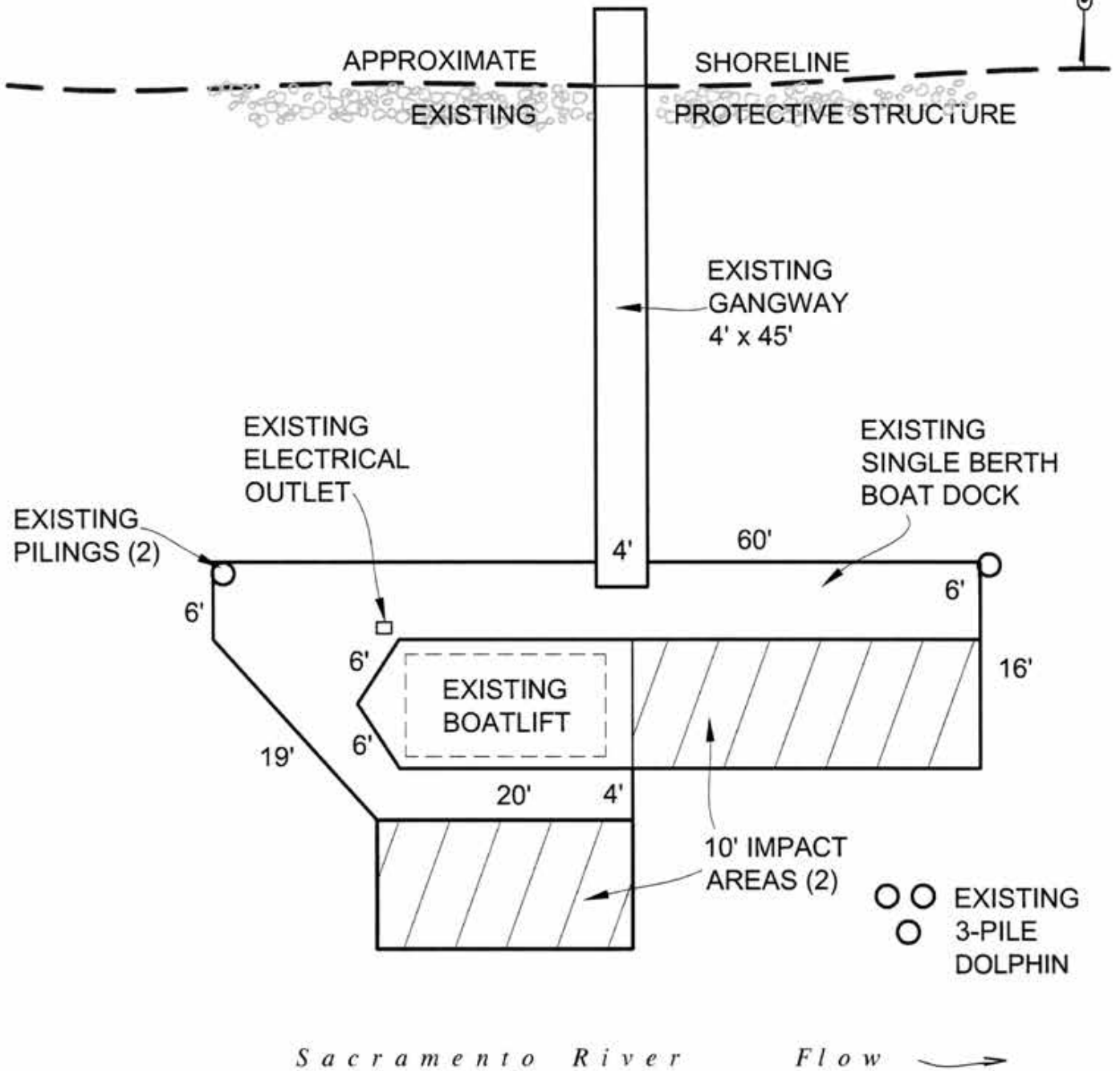


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 4947.1, OWEN
SACRAMENTO COUNTY

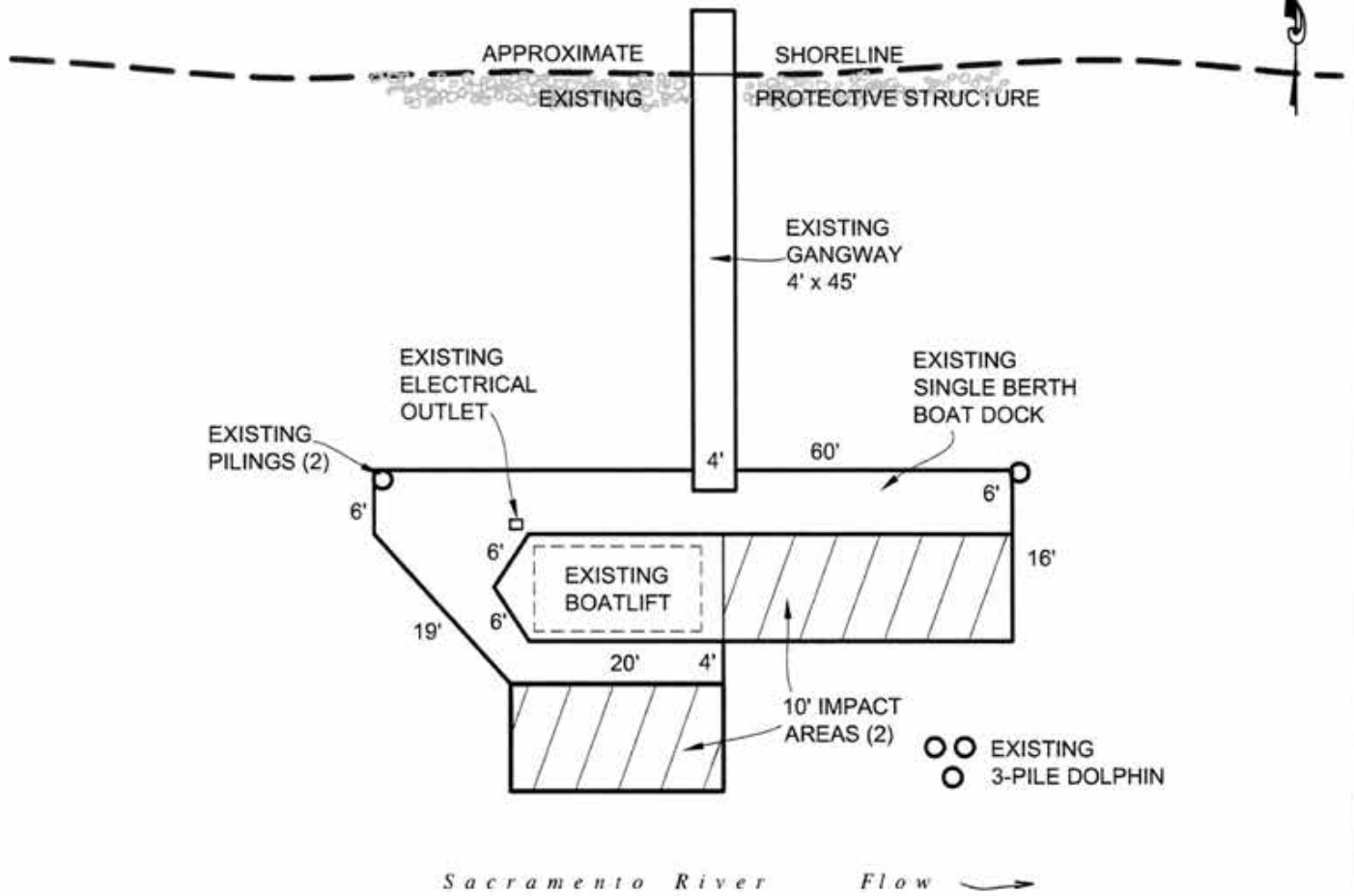
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

APN 225-0090-052



4251 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4947.1
 OWEN
 APN 225-0090-052
 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.

MJJ 09/0830/13