

**CALENDAR ITEM
C35**

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S 3

12/02/13
PRC 4764.1
W. Hall

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Gerhard Wagner, Marilyn J. Wagner, and Natalie Paine

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 17370 Grand Island Road, near Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing fishing pier and gangway.

LEASE TERM:

10 years, beginning December 2, 2013.

CONSIDERATION:

\$50 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 in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On December 9, 2003, the Commission authorized a 10-year Recreational Pier Lease to Francis Alvin Ellingwood for a fishing pier and gangway. That lease expired on January 26, 2013. On March 28, 2008, the upland property was conveyed to Gerhard Wagner, Marilyn J. Wagner and Natalie Paine, who are now applying for a General Lease – Recreational Use.

CALENDAR ITEM NO. **C35** (CONT'D)

3. Applicants are proposing to add a new floating dock to the existing fishing pier at some time in the future. The lease includes a requirement for submission of an application for an amendment of lease for any new docking facilities.
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 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.

CALENDAR ITEM NO. **C35** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Gerhard Wagner, Marilyn J. Wagner and Natalie Paine beginning December 2, 2013, for a term of 10 years, for the continued use and maintenance of an existing fishing pier and gangway, 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 \$50 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 an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4764.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 957, patented October 4, 1871, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing pier and gangway lying adjacent to Parcel 1 described in Exhibit A of that Grant Deed, recorded March 28, 2008 in Book 20080328 at Page 1851 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of the MHTL of the right bank of said river as per Sacramento Superior Court Case No. 78345 and shown on "Record of Survey of Compromise Title Settlement Agreement, Boundary Line Agreement No. 241 at Long Island, Vicinity of Isleton in Projected Section 27, T4N, R3E, MDM" and filed in Book 38 of Surveys at page 40 Records of said County.

Accompanying plat is hereby made part of this description.

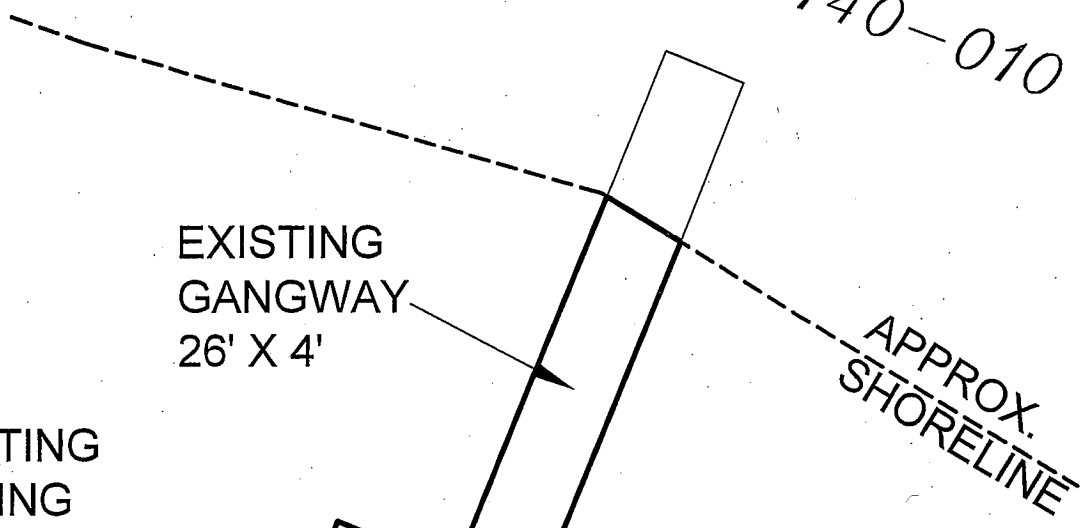
END OF DESCRIPTION

Prepared 09/18/13 by the California State Lands Commission Boundary Unit





APN 142-0140-010



SACRAMENTO RIVER

EXHIBIT A

Page 2 of 2

TS 09/18/13

LAND DESCRIPTION PLAT
PRC 4764.1, WAGNER
SACRAMENTO COUNTY

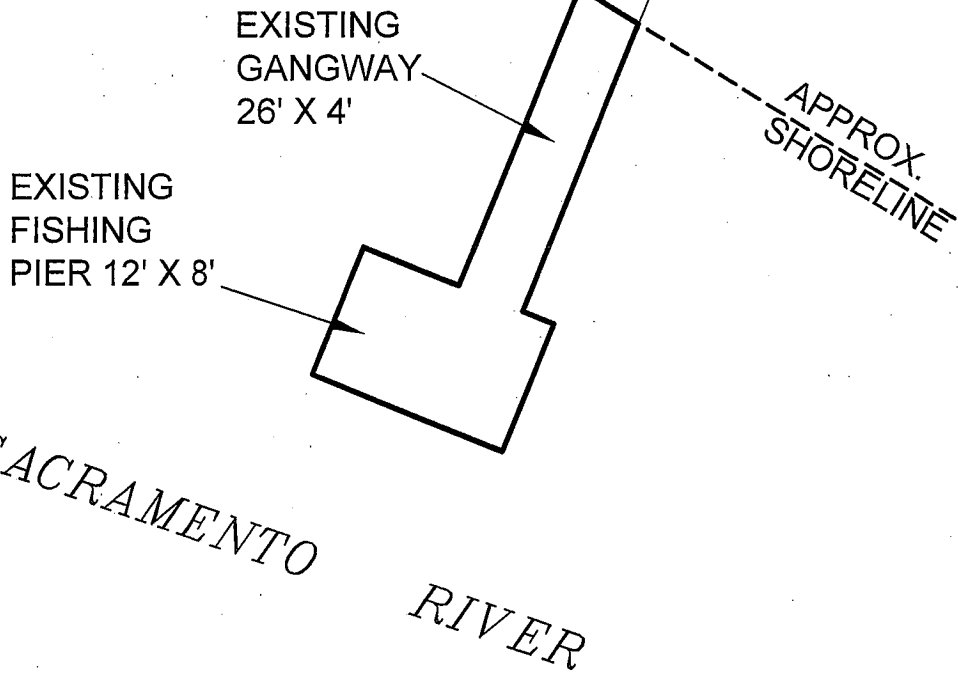
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

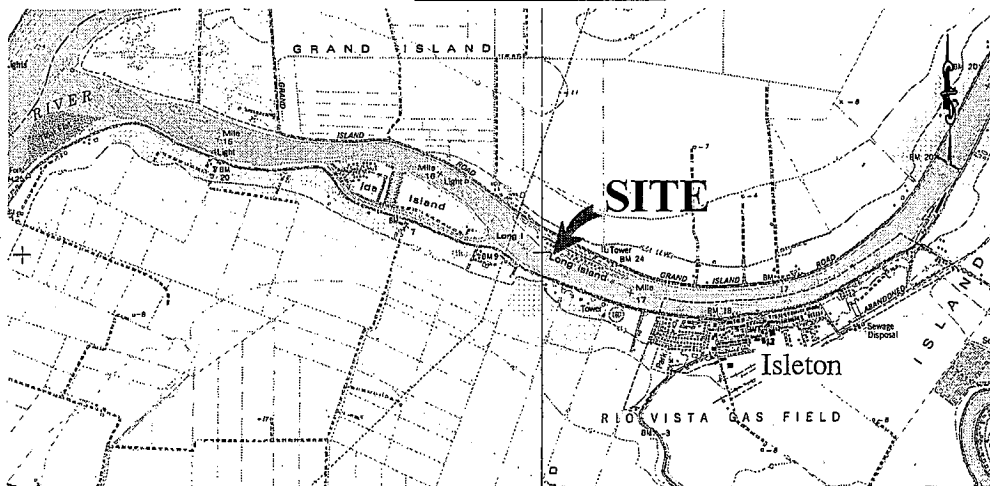
APN 142-0140-010



17370 GRAND ISLAND ROAD, NEAR ISLETON

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 4764.1
WAGNER & PAINE
APN 142-0140-010
GENERAL LEASE -
RECREATIONAL USE
SACRAMENTO COUNTY



TS 09/18/13