

**CALENDAR ITEM
C36**

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S 6

12/02/13
PRC 8495.1
W. Hall

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Marvin M. McSwain and Patricia McSwain, Trustees of the Marvin M. McSwain and Patricia McSwain Trust dated April 13, 2007.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 11035 State Highway 160, near Hood, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, four pilings and gangway previously authorized by the Commission, and use and maintenance of an existing storage shed not previously authorized by the Commission.

LEASE TERM:

10 years, beginning December 1, 2013.

CONSIDERATION:

\$340 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 Marvin McSwain and Patricia McSwain for the construction of a floating boat dock, pilings, and gangway. That lease expired on November 30, 2013. On July 16, 2007, the upland was deeded to Marvin M. McSwain and Patricia McSwain, Trustees of the Marvin M. McSwain

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and Patricia McSwain Trust dated April 13, 2007. Applicants are now applying for a General Lease – Recreational Use.

3. The shed located on the dock was constructed for the storage of boating equipment and has existed for many years but was not previously authorized by the Commission.
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.

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AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Marvin M. McSwain and Patricia McSwain, Trustees of the Marvin M. McSwain and Patricia McSwain Trust dated April 13, 2007, beginning December 1, 2013, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock, four pilings, and gangway previously authorized by the Commission, and use and maintenance of an existing storage shed 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; annual rent in the amount of \$340 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 8495.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflow 233, patented November 4, 1872, County of Sacramento, State of California, more particularly described as follows:

All those lands underlying an existing floating boat dock, shed, gangway, and four (4) pilings lying adjacent to that parcel as described in Exhibit "A" of that Grant Deed recorded July 16, 2007, in Book 20070716, Page 1371 in Official Records of said County.

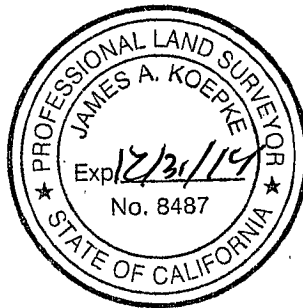
TOGETHER WITH a 10 foot impact area.

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



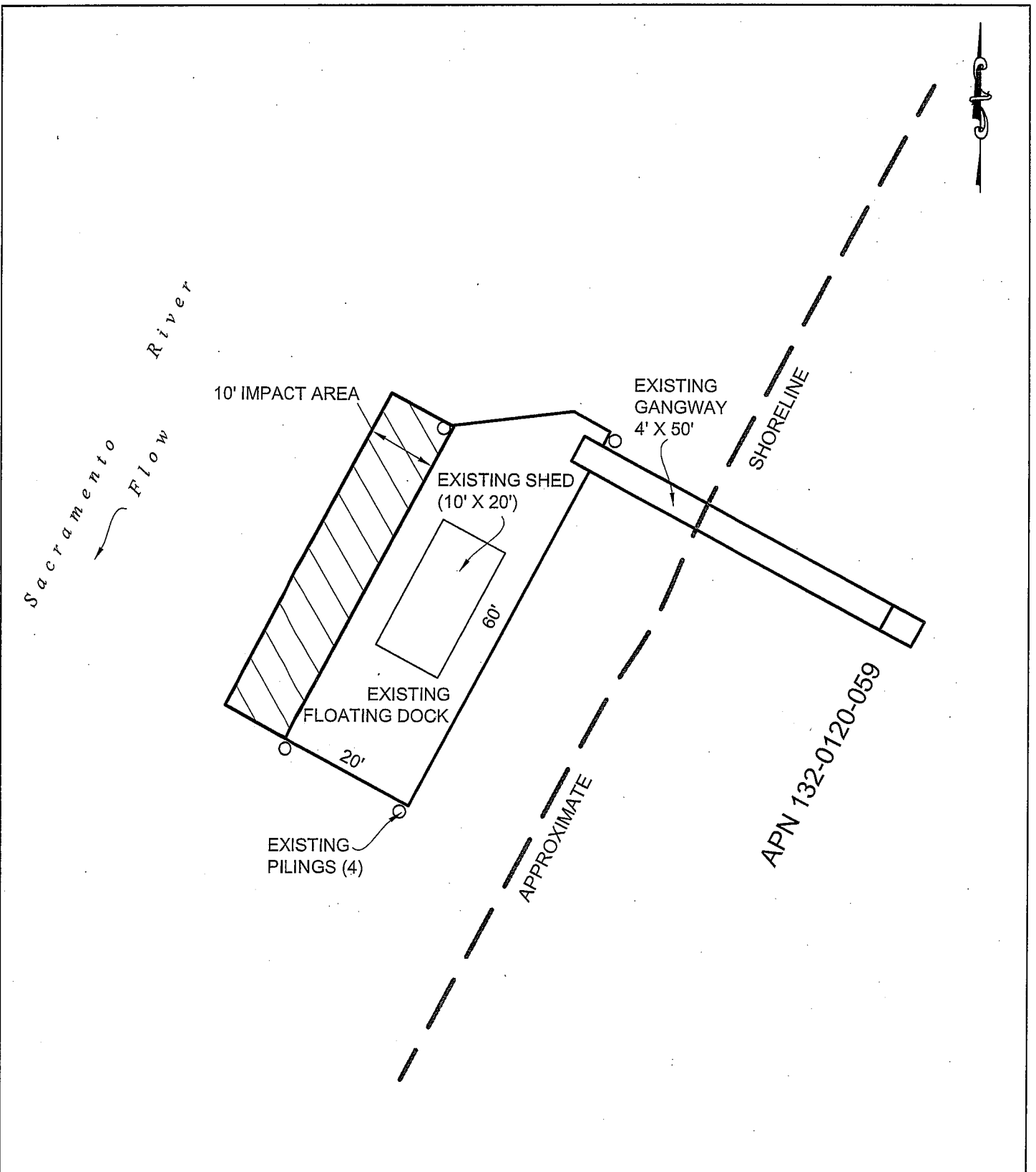


EXHIBIT A

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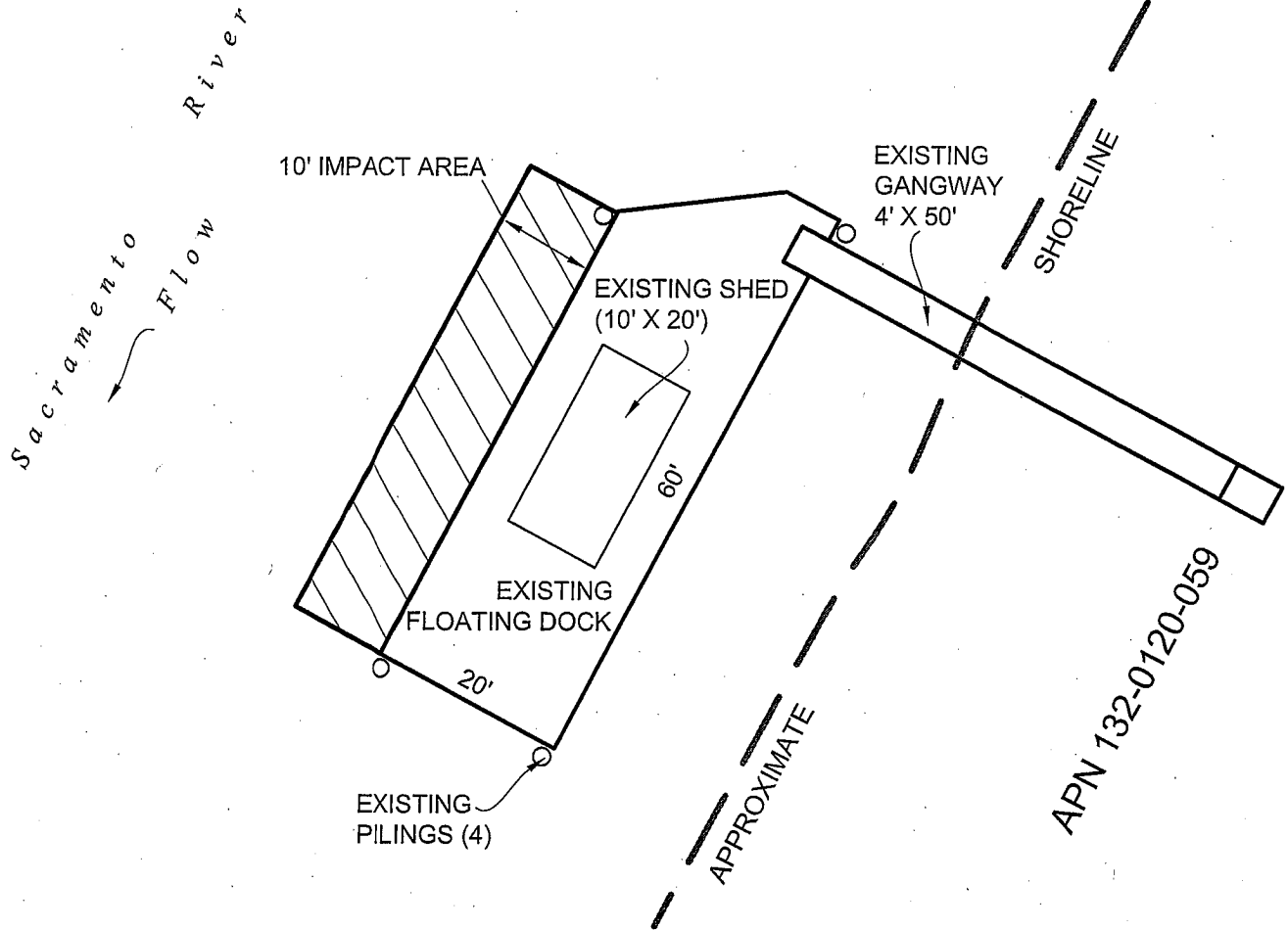
LAND DESCRIPTION PLAT
 PRC 8495.1, McSWAIN
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

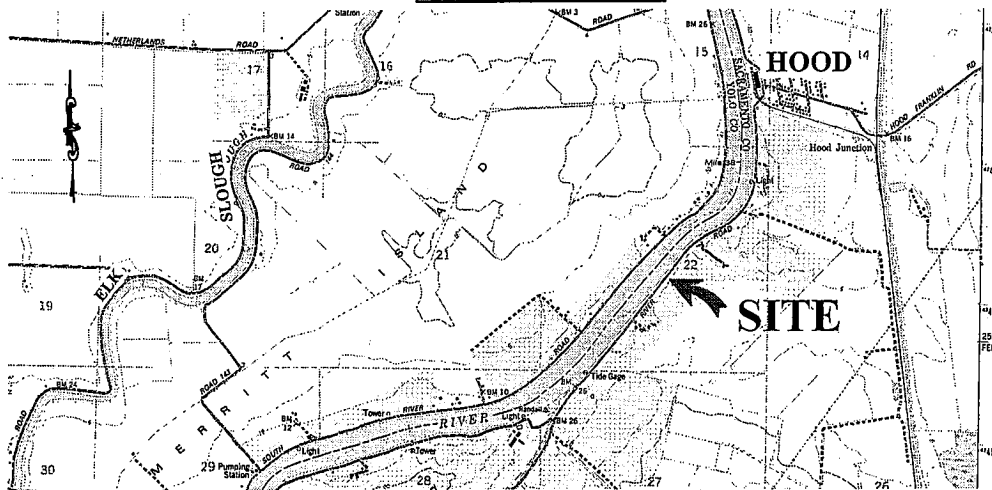
SITE



11035 STATE HWY. 160, NEAR HOOD

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8495.1

McSWAIN

APN 132-0120-059

GENERAL LEASE -
RECREATIONAL 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 11/07/13