

**CALENDAR ITEM
C09**

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02/21/14

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PRC 7015.1
M.J. Columbus

**CONSIDER ACCEPTANCE OF A QUITCLAIM DEED
AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE**

LESSEE:

George B. Almeida, Trustee, George B. Almeida 1991 Trust dated July 29, 1991

APPLICANT:

Steven Codog

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Calaveras River, adjacent to 2725 Calariva Drive, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered single-berth floating boat dock, ramp, and six pilings previously authorized by the Commission; and use and maintenance of an existing shed, utility conduit, debris deflector, chain attached to a deadman, and one additional piling not previously authorized by the Commission.

LEASE TERM:

10 years, beginning May 31, 2013.

CONSIDERATION:

\$248 per year, with the State reserving the right to fix a different rent periodically during 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. Applicant owns the upland adjoining the lease premises.
2. On October 23, 2006, the Commission authorized a Recreational Pier Lease with George B. Almeida, Trustee, George B. Almeida Trust dated July 29, 1991. That lease will expire on October 22, 2016. On May 31, 2013, the upland parcel was deeded to the Applicant, Steven Codog. The

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Applicant is now applying for a new General Lease – Recreational Use. The Lessee has executed a quitclaim deed releasing his interest in the lease to the State. Staff is recommending acceptance of the quitclaim deed and issuance of a new lease.

3. The existing shed, utility conduit, debris deflector, chain attached to a deadman, and one additional piling have been in the Calaveras River for many years, but have not been previously authorized by the Commission. Staff recommends bringing the improvements under lease.
4. **Acceptance of Quitclaim Deed:** The staff recommends that the Commission find that the subject acceptance of a quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

5. **Issuance of New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

6. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

CALENDAR ITEM NO. **C09** (CONT'D)

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Acceptance of Quitclaim Deed: Find that the subject acceptance of a quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of New Lease: 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).

AUTHORIZATION:

1. Authorize acceptance of a quitclaim deed, effective May 30, 2013, of Lease No. PRC 7015.9, a Recreational Pier Lease, issued to George B. Almeida, Trustee, George B. Almeida 1991 Trust dated July 29, 1991.
2. Authorize issuance of a General Lease – Recreational Use to Steven Codog, beginning May 31, 2013, for a term of 10 years, for the continued use and maintenance of an existing uncovered single-berth floating boat dock, ramp, and six pilings previously authorized by the Commission; and use and maintenance of an existing shed, utility conduit, debris deflector, chain attached to a deadman, and one additional piling 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 \$248, 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 7015.1

LAND DESCRIPTION

Two (2) parcels of tide and submerged land situate in the bed of the Calaveras River, lying adjacent to Swamp and Overflowed Land Survey 924 patented April 19, 1876, County of San Joaquin, State of California and more particularly described as follows:

PARCEL 1

All those lands underlying an existing uncovered floating boat dock, gangway, landing, shed, and pilings lying adjacent to the left bank of said river and being adjacent to and northwesterly of those parcels of land as described in that Grant Deed, recorded May 31, 2013 in Document Number 2013-072626 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

PARCEL 2

All those lands underlying an existing debris deflector, piling, chain and concrete deadman lying adjacent to the left bank of said river and being adjacent to and northwesterly of those parcels of land as described in that Grant Deed, recorded May 31, 2013 in Document Number 2013-072626 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of low water of the left bank of said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

PREPARED 1/30/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



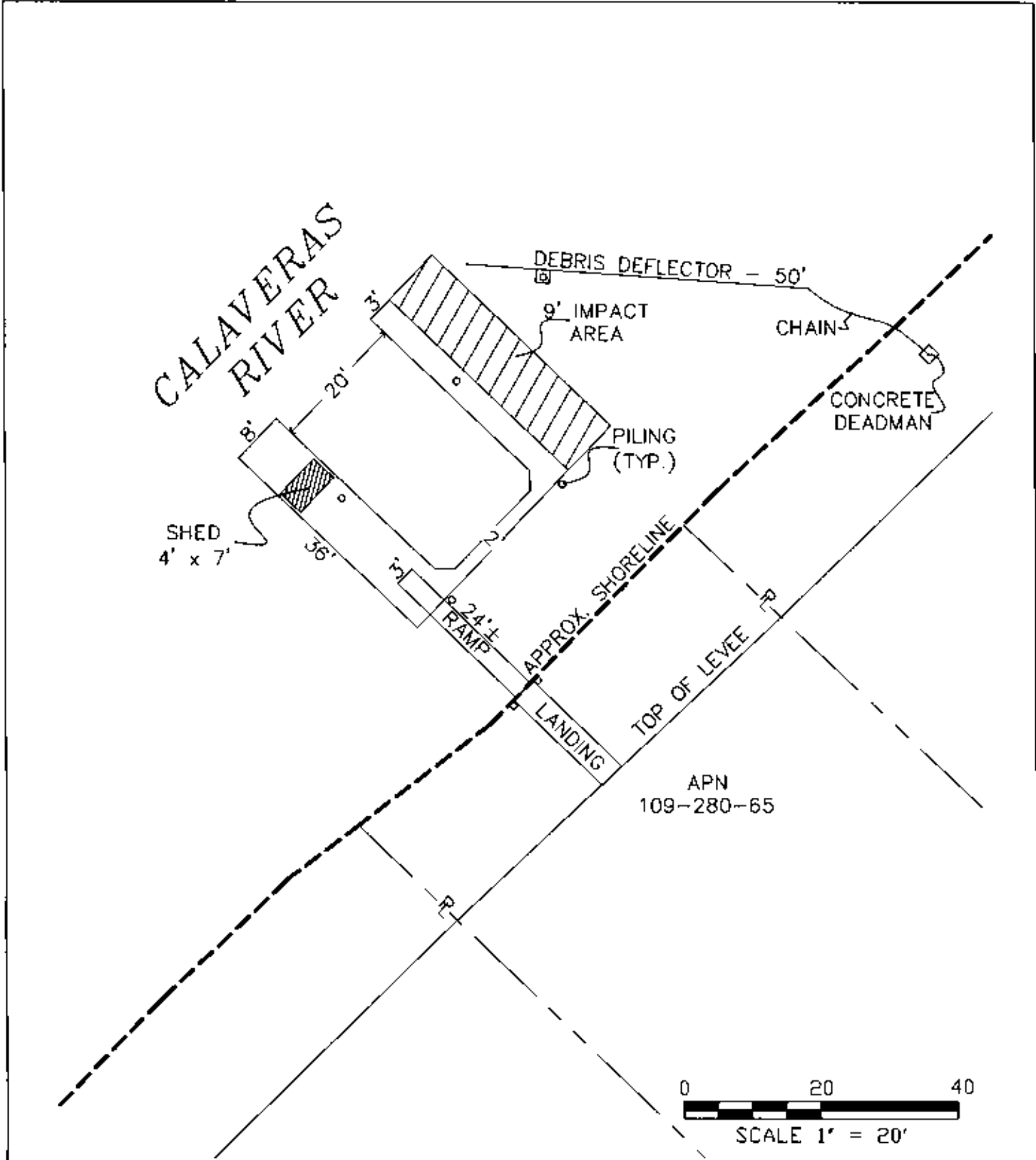


EXHIBIT A

MJF 1/30/14

LAND DESCRIPTION PLAT
 PRC 7015.1 - CODOG
 SAN JOAQUIN COUNTY

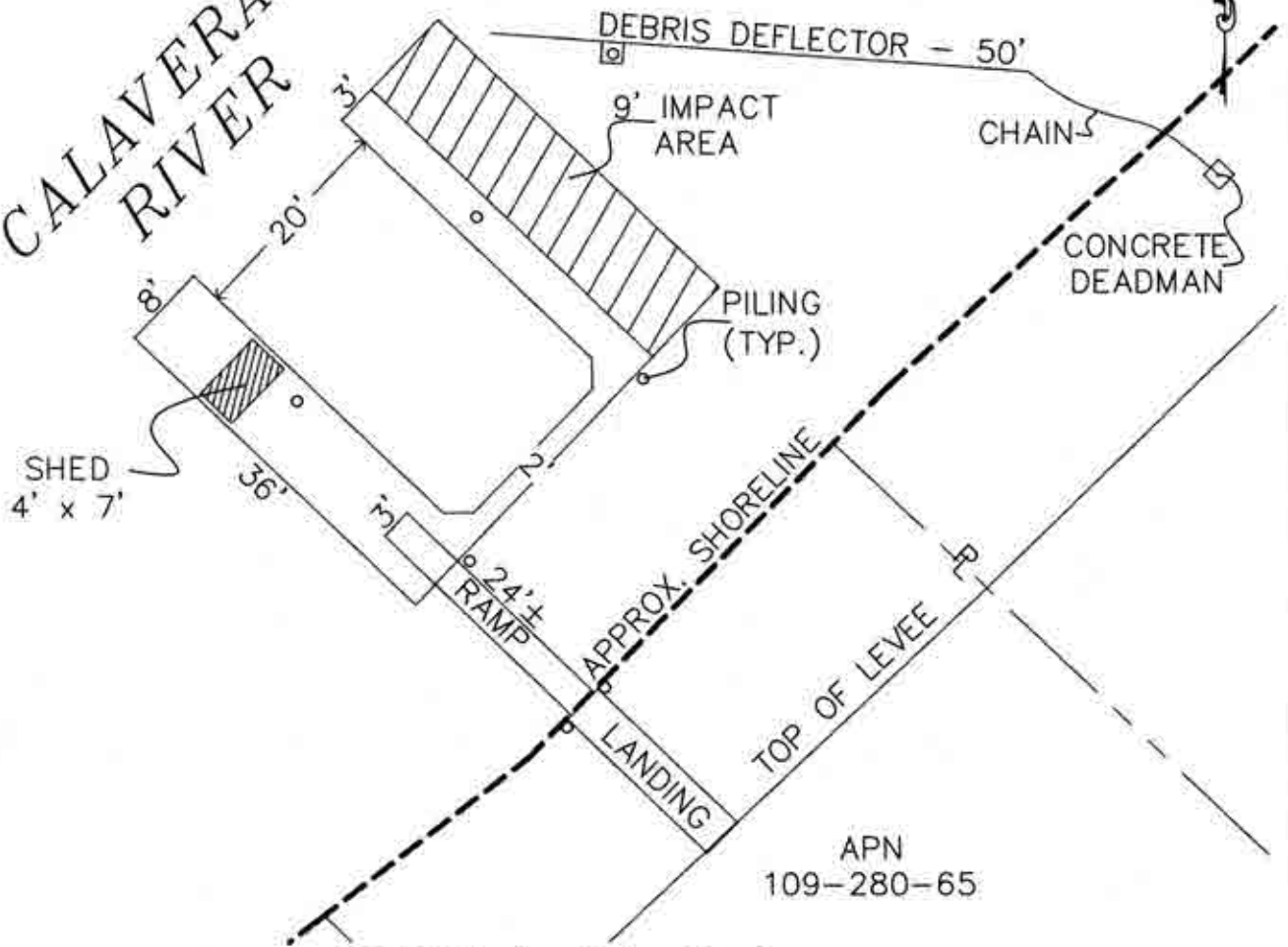
CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

CALAVERAS RIVER



2725 Calariva Drive, Stockton

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7015.1

CODOG

APN 109-280-65

GENERAL LEASE -
RECREATIONAL USE
SAN JOAQUIN COUNTY



MJE 1/30/14

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.