

**CALENDAR ITEM
C03**

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S 3

04/23/14
PRC 2049.1
V. Caldwell

GENERAL LEASE – COMMERCIAL USE

APPLICANT:

Dale E. Dorn 1983 Revocable Trust, dba Ko-Ket Resort

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 14174 Isleton Road, near the city of Isleton, Sacramento County.

AUTHORIZED USE:

Operation, use, and maintenance of an existing commercial marina, known as Ko-Ket Resort, consisting of 18 existing boat docks with gangways, launch ramp, and fuel dock with gangway previously authorized by the Commission; and an accommodation dock with gangway, 14 existing wood decks, electrical and water utility outlets, two bulkheads with fill, and bank protection not previously authorized by the Commission.

LEASE TERM:

25 years, beginning December 18, 2014.

CONSIDERATION:

18 Existing Boat Docks with Gangways, Launch Ramp, Fuel Dock with Gangway, Accommodation Dock with Gangway, 14 Existing Wood Decks, Electrical and Water Utility Outlets, and Fill: \$3,259 per year, with the rent adjusted every five-years using the Consumer Price Index (CPI) established by the California Department of Industrial Relations' "California Consumer Price Index (1955-2011) All Items 1982-1984 = 100"; and the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Two Bulkheads and 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.

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SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$2,000,000 per occurrence.

Bond:

\$5,000

Other:

1. The proposed lease contains specific provisions prohibiting expansion of the residential structures.
2. This lease contains provisions that the Lessee must implement the Commission's "Best Management Practices for Marina Owners/Operators" and encourage implementation of the Commission's "Best Management Practices for Berth Holders/Boaters" including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. The Lessee shall provide the Commission, on the first anniversary of the lease and on every third anniversary thereafter, a report on compliance with all BMPs.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises adjacent to Assessor's Parcel Number 156-0010-003. The Applicant has the right to use Assessor's Parcel Number 156-0010-005 adjoining the lease premises.
2. On April 28, 1993, the Commission authorized a General Lease – Commercial Use to Dale E. Dorn, dba Ko-Ket Resort, for the continued operation, use, and maintenance of an existing commercial marina known as Ko-Ket Resort. On January 2, 2009, APN 156-0010-003 was transferred to Dale E. Dorn 1983 Revocable Trust. The lease expired on December 17, 2012. The Applicant is now applying for a new General Lease – Commercial Use.
3. The 18 docks with gangways, 14 wood decks, accommodation dock, launch ramp, electrical and water utility outlets, and two bulkheads with fill have existed for a long time at this location but were not previously authorized by the Commission. Because the residential use deck improvements were previously approved by the Commission, the improvements constitute a relatively minor encroachment below the high water line, the use does not currently interfere with the public's needs, and the improvements do not appear to constitute a nuisance, staff

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recommends including these facilities as authorized improvements under the subject to the specific provision referenced above.

4. The bank protection and bulkheads mutually benefit both the public and the Applicant. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
5. 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.

6. 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).

CALENDAR ITEM NO. **C03** (CONT'D)

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 – Commercial Use to Dale E. Dorn 1983 Revocable Trust, beginning December 18, 2014, for a term of 25 years, for the continued operation, use, and maintenance of an existing commercial marina, known as Ko-Ket Resort, consisting of 18 existing boat docks with gangways, launch ramp, and fuel dock with gangway previously authorized by the Commission; and an accommodation dock with gangway, 14 existing wood decks, electrical and water utility outlets, two bulkheads with fill, 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 18 existing boat docks with gangways, launch ramp, fuel dock with gangway, accommodation dock with gangway, 14 existing wood decks, electrical and water utility outlets, and fill: \$3,259 per year, adjusted every five-years using the Consumer Price Index, as provided in the lease; consideration for the two bulkheads and 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; liability insurance in an amount no less than \$2,000,000 per occurrence; and bond or other Surety in the amount of \$5,000.

EXHIBIT A

PRC 2049.1

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 327 patented June 29, 1869, County of Sacramento, State of California and more particularly described as follows:

COMMENCING at a 5/8" rebar, capped L.S. 3625 on the westerly line of said Swamp and Overflowed Land Survey 327 as shown on that Parcel Map "A Portion of Swamp Land Survey No 326" filed December 24, 1984 in Book 84, of Parcel Maps at Page 24, Sacramento County Records, from which a 3/4" iron pipe, no tag, marking the southwest corner of said Swamp and Overflowed Land Survey 327, bears South 17°51'56" East 852.34 feet; thence leaving said westerly line North 23°15'13" East 1760.00 feet to a point on the left bank of said river, said point also being the POINT OF BEGINNING; thence leaving said bank North 35°14'51" West 63.57 feet; thence along the following six (6) courses:

- 1) North 54°39'00" East 187.92 feet;
- 2) North 69°56'02" East 245.03 feet;
- 3) North 88°58'37" East 307.90 feet;
- 4) North 80°53'38" East 88.76 feet;
- 5) North 87°27'23" East 193.51 feet;
- 6) South 02°41'54" East 58.07 feet to a point on the left bank of said river;

thence along the left bank of said river the following four (4) courses:

- 1) South 86°59'13" West 318.41 feet;
- 2) South 83°56'57" West 303.24 feet;
- 3) South 69°17'30" West 102.57 feet;
- 4) South 59°36'09" West 256.04 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

BASIS OF BEARING is CCS83, Zone 2 (Epoch 2010.000).

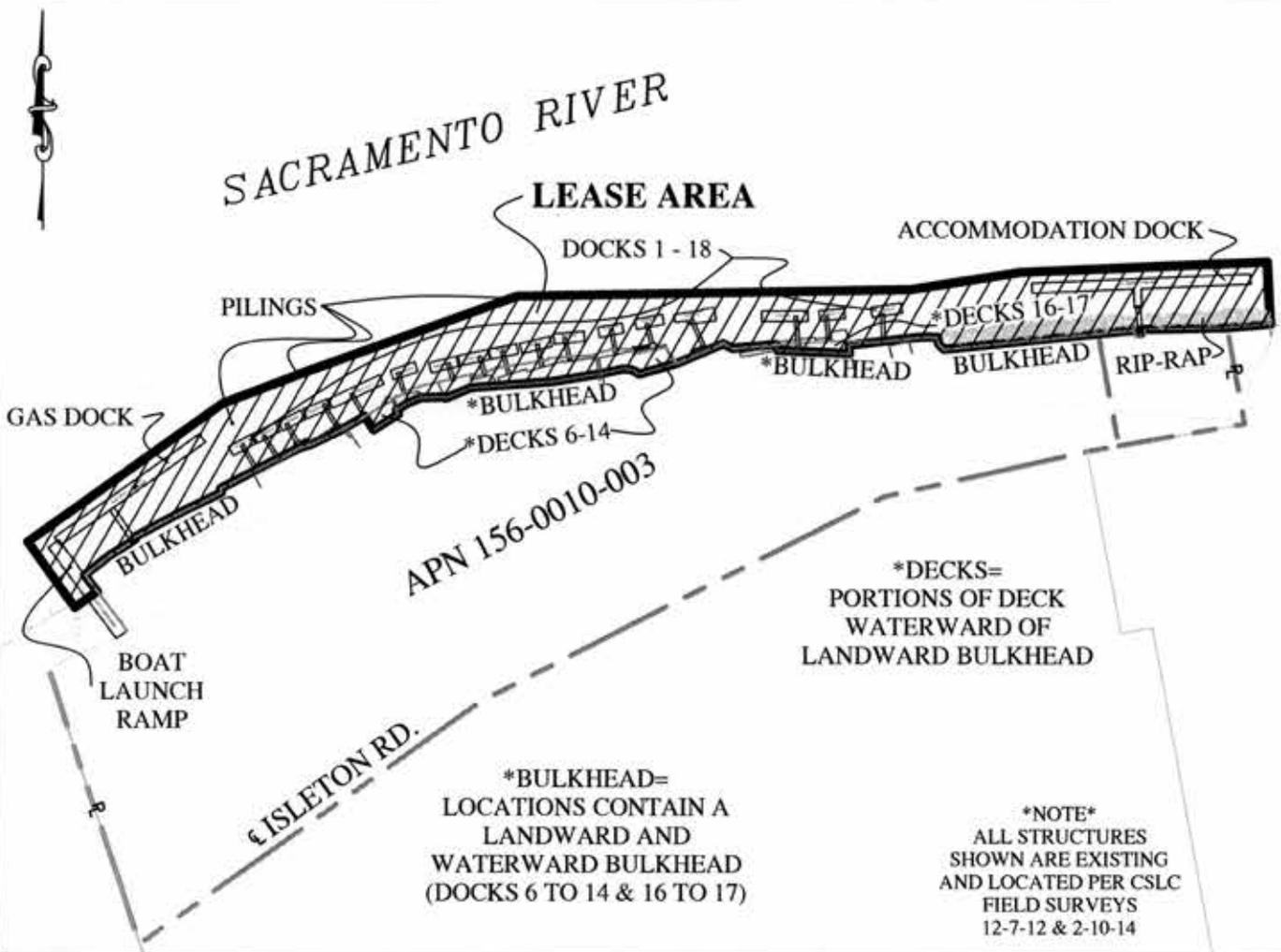
END OF DESCRIPTION

PREPARED 3/11/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

SITE



14174 Isleton Rd., Isleton

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 2049.1
 DALE E. DORN, TRUSTEE dba
 KO-KET RESORT
 APN 156-0010-003
 GENERAL LEASE -
 COMMERCIAL USE
 SACRAMENTO COUNTY



MIF 3/05/14

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.