

**CALENDAR ITEM
C04**

A 11
S 3

06/19/14
PRC 2049.1
V. Caldwell

**CORRECTION TO
GENERAL LEASE – COMMERCIAL USE**

LESSEE:

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

CORRECTED NAME OF LESSEE:

Dale E. Dorn and Willa Dean Dorn, Trustees of the 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 Bocks 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.

CALENDAR ITEM NO. **C04** (CONT'D)

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.

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. On April 23, 2014, the Commission authorized a General Lease – Commercial Use to Dale E. Dorn 1983 Revocable Trust, dba Ko-Ket Resort. Staff has since been made aware that, in addition to Dale E. Dorn, Willa Dean Dorn is a trustee of the Dale E. Dorn 1983 Revocable Trust. Therefore, staff is requesting Commission approval to correct the Lessee name to Dale E. Dorn and Willa Dean Dorn, Trustees of the Dale E. Dorn 1983 Revocable Trust, dba Ko-Ket Resort.

2. The staff recommends that the Commission find that the subject correction of lease 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.

CALENDAR ITEM NO. **C04** (CONT'D)

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject correction of prior authorization 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.

AUTHORIZATION:

Authorize correction of the Commission's prior authorization of a General Lease – Commercial Use, issued to Dale E. Dorn 1983 Revocable Trust, dba Ko-Ket Resort to change the Lessee name to Dale E. Dorn and Willa Dean Dorn, Trustees of the Dale E. Dorn 1983 Revocable Trust, dba Ko-Ket Resort; all other terms and conditions of the prior authorization and lease remain unchanged and in effect.

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).

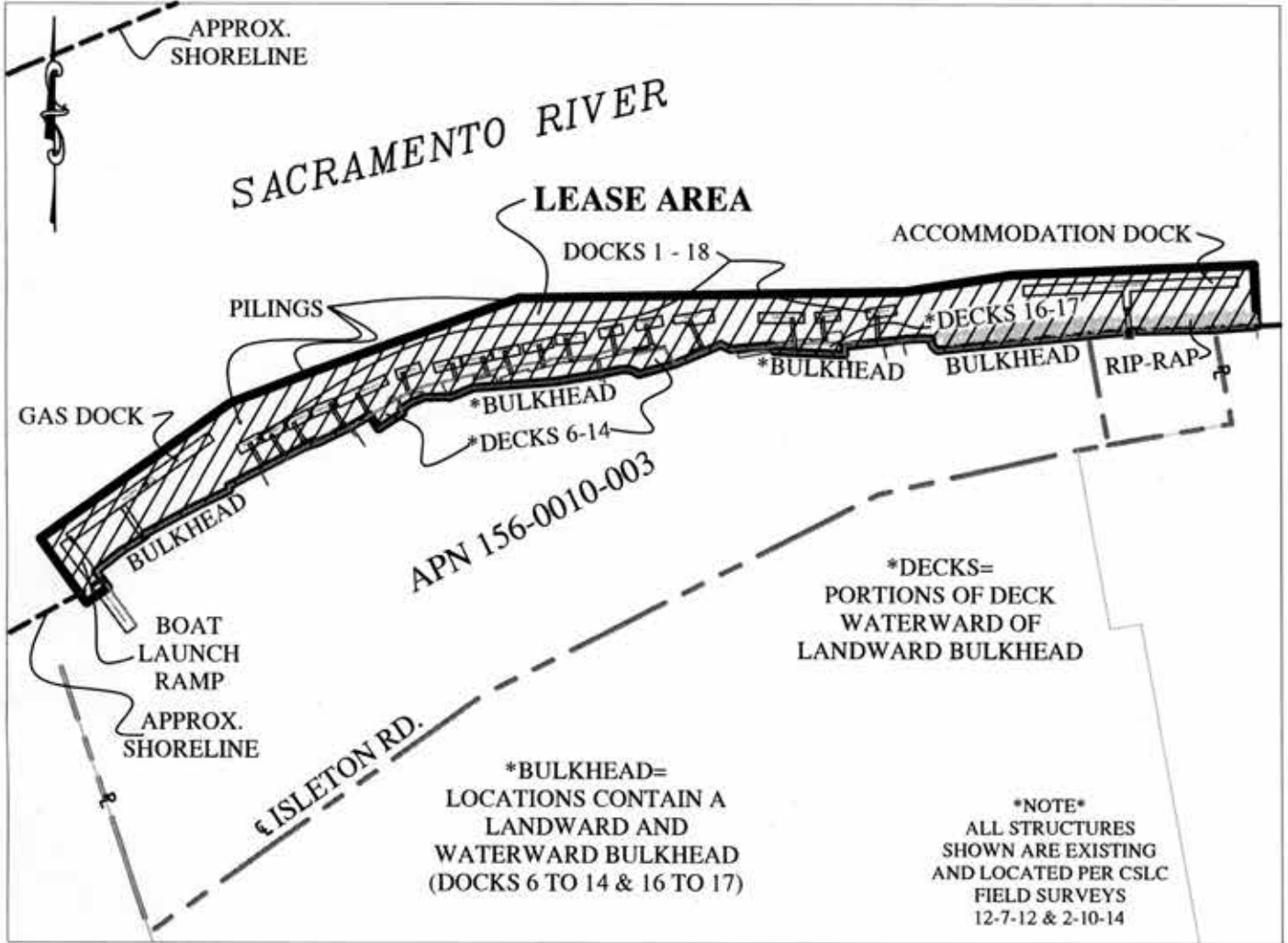
END OF DESCRIPTION

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



NO SCALE

SITE



14174 Isleton Rd., Isleton

NO SCALE

LOCATION



Exhibit B

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



MJF 5/12/14

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.