

**CALENDAR ITEM
C36**

A 7
S 6

06/19/14
PRC 5933.1
J. Sampson

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Ted Constantine and Nicola Constantine

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 3777 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing single-berth covered floating boat dock, gangway, debris diverter, four metal pilings, and a two-pile dolphin.

LEASE TERM:

10 years, beginning June 1, 2014.

CONSIDERATION:

\$531 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided for 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 June 7, 2004, the Commission authorized a 10-year Recreational Pier Lease to Ted Constantine and Nicola Constantine. That lease expires May 31, 2014. The Applicants are now applying for a General Lease – Recreational Use.
3. 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,

CALENDAR ITEM NO. **C36** (CONT'D)

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.

4. 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.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Ted Constantine and Nicola Constantine beginning June 1, 2014, for a term of 10 years, for the continued use and maintenance of an existing single-berth covered floating boat dock, gangway, debris diverter, four metal pilings, and a two-pile dolphin as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in an amount of \$531, 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 5933.1

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 905, patented June 10, 1869, Sacramento County, State of California, more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying an existing covered floating boat dock, gangway, four (4) pilings, and one (1) two-pile dolphin lying adjacent to that parcel as described in that Grant Deed recorded December 20, 1999, in Book 19991220, Page 1982 in Official Records of said County.

PARCEL 2 – DEBRIS DEFLECTOR

All those lands underlying an existing debris deflector lying adjacent to said parcel.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the right bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

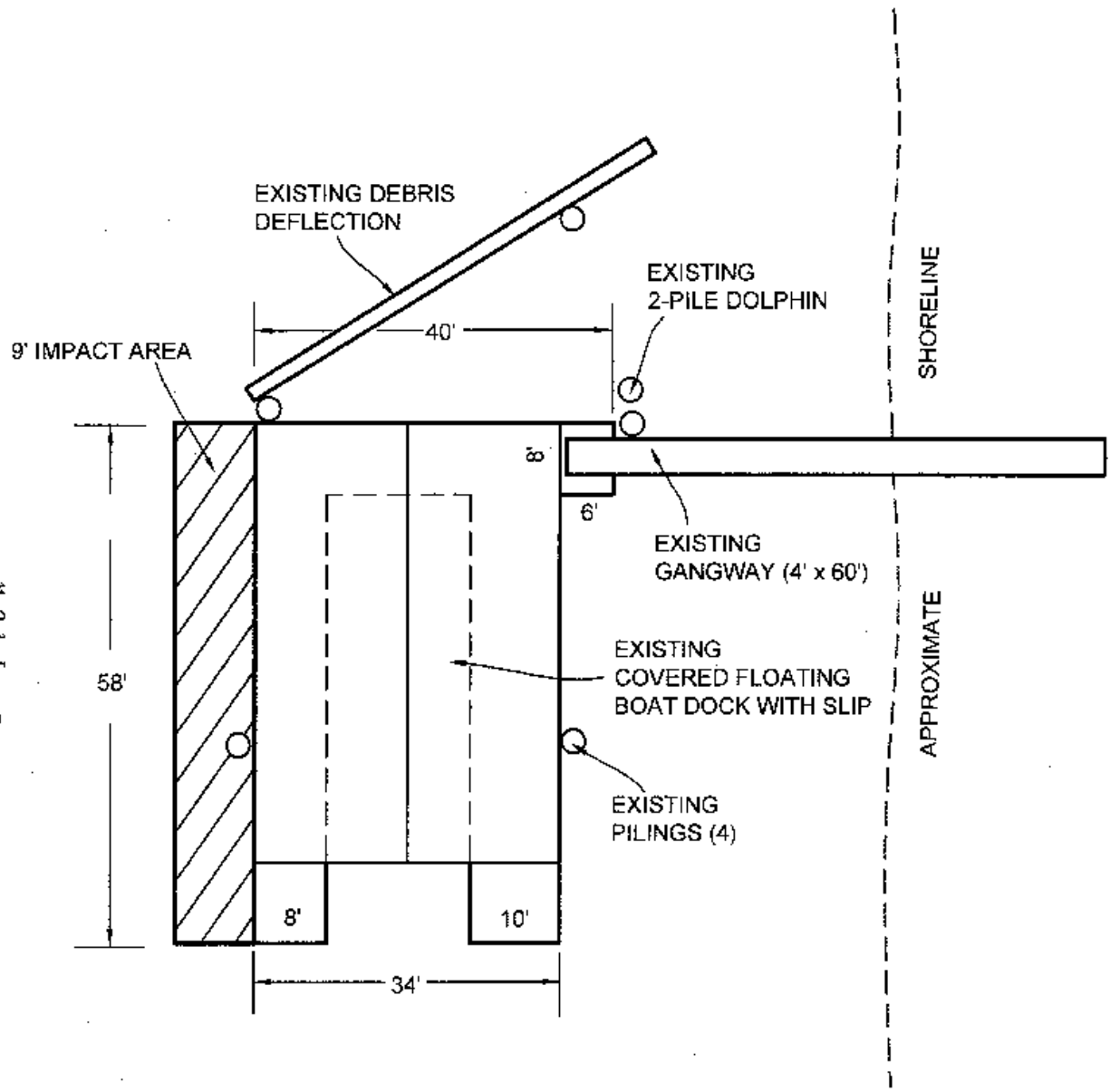
Prepared May 5, 2014 by the California State Lands Commission Boundary Unit.





SACRAMENTO RIVER

Flow



APN 225-0110-002

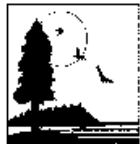
EXHIBIT A

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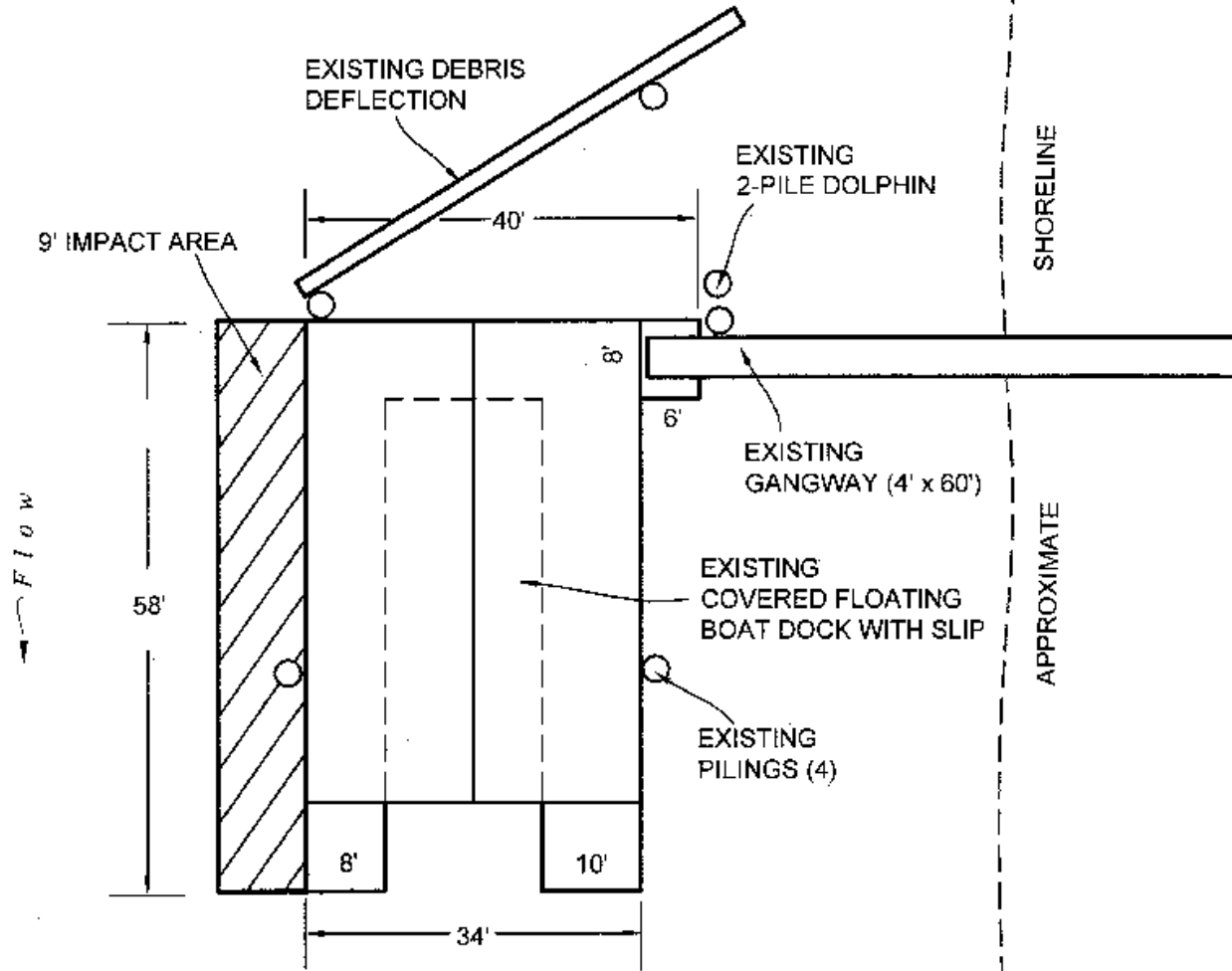
LAND DESCRIPTION PLAT
 PRC 5933.1, CONSTANTINE
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



APN 225-0110-002

3777 GARDEN HWY., SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5933.1
 CONSTANTINE
 APN 225-0110-002
 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 03/05/14