

**CALENDAR ITEM
C39**

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08/19/15
PRC 8628.1
G. Asimakopoulos

**GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

APPLICANT:

Gregory A. Cruz and Gladys Cruz, Trustees, or Their Successors in Trust, Under the Cruz Family Trust, Dated June 29, 1984, and Any Amendments Thereto

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Georgiana Slough, adjacent to 17071 Terminous Road, near the city of Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing covered single-berth floating boat dock with boat lift, gangway, ramp, three pilings, jet-ski ramp, and bank protection.

LEASE TERM:

10 years, beginning August 8, 2015.

CONSIDERATION:

Covered Single-Berth Floating Dock with Boat Lift, Gangway, Ramp, Three Pilings, and Jet-Ski Ramp: \$262 per year, with an annual Consumer Price Index adjustment.

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 interests.

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 August 8, 2005, the Commission authorized a 10-year Recreational Pier Lease with Gregory A. Cruz and Gladys Cruz. That lease expired on August 7, 2015. On August 20, 2013, the upland property was transferred

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to Gregory A. Cruz and Gladys Cruz, Trustees, or Their Successors in Trust, Under the Cruz Family Trust, Dated June 29, 1984, and Any Amendments Thereto. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.

3. The bank protection will mutually benefit both the public and the Applicant. The bank of Georgiana Slough will have additional protection from wave action provided at no cost to the public.
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 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.

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).

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AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Gregory A. Cruz and Gladys Cruz, Trustees, or Their Successors in Trust, Under the Cruz Family Trust, Dated June 29, 1984, and Any Amendments Thereto, beginning August 8, 2015, for a term of 10 years, for the continued use and maintenance of an existing covered single-berth floating boat dock with boat lift, gangway, ramp, three pilings, jet-ski ramp, and bank protection, 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 covered single-berth floating boat dock with boat lift, gangway, ramp, three pilings, and jet-ski ramp: \$262 per year, with an annual Consumer Price Index adjustment; consideration for the 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 interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8628.1

LAND DESCRIPTION

One parcel of tide and submerged land situated in the bed of the Georgiana Slough, lying adjacent to Swamp and Overflow Lands survey 849, patented April 2, 1873, County of Sacramento, State of California, more particularly described as follows:

All those lands underlying an covered single-berth floating boat dock, boat lift, jet ski ramp, gangway, and three pilings lying adjacent to that parcel described in Grant Deed recorded August 20, 2013 as Document Number 20130820 at Page 338 in Official Records of Sacramento County.

TOGETHER WITH any applicable impact area.

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure lying adjacent to said deed.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of Georgiana Slough.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 3/30/2015 by the California State
Lands Commission Boundary Unit.



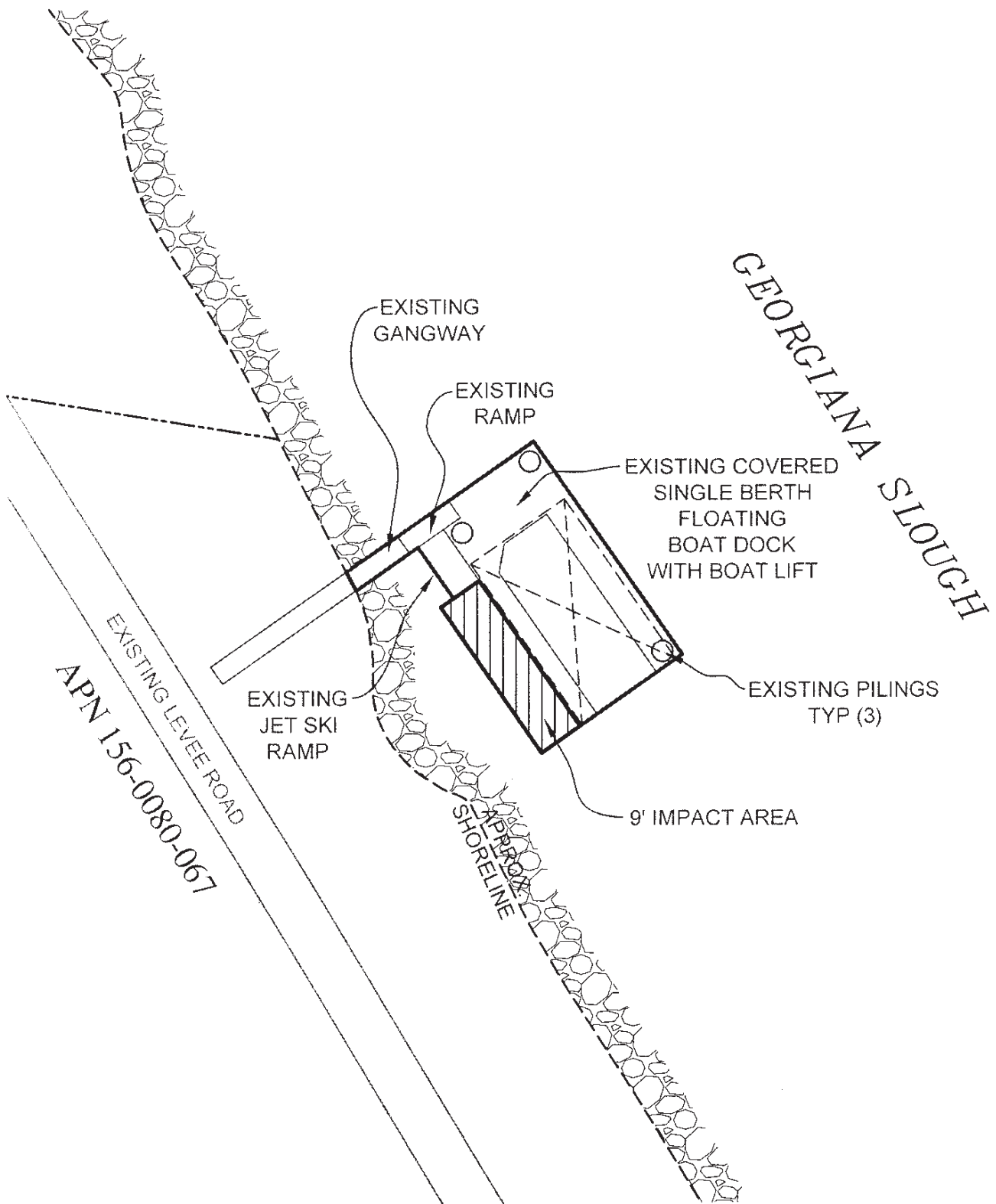


EXHIBIT A



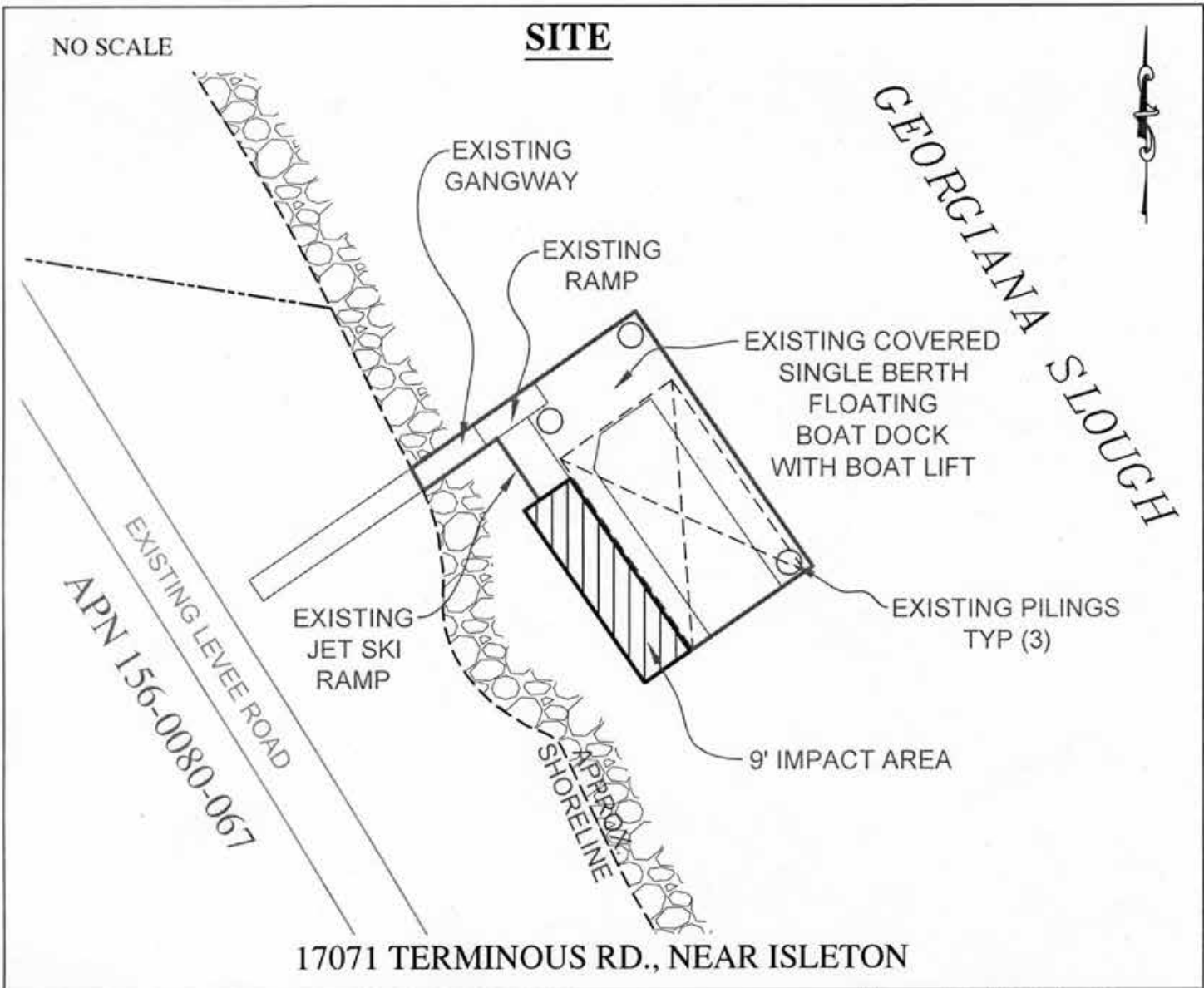


Exhibit B

PRC 8628.1
 CRUZ FAMILY TRUST
 APN 156-0080-067
 GENERAL LEASE -
 RECREATIONAL & PROTECTIVE
 STRUCTURE 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.