

**CALENDAR ITEM
C52**

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08/19/15
PRC 4777.1
N. Lavoie

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

APPLICANT:

Keith Hillen and Mary Hillen

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 5307 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Use and maintenance of an existing single-berth floating boat dock, two jet-ski floats, gangway, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning August 19, 2015.

CONSIDERATION:

Single-Berth Floating Boat Dock, Two Jet-Ski Lifts, and Gangway: \$221 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 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 February 21, 2003, the Commission authorized issuance of a 10-year Recreational Pier Lease to Don Angel and Jean Angel. That lease expired February 28, 2013. On November 17, 2010, the Lessees deeded their interest to new owners Keith Hillen and Mary Hillen. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.

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3. In 2011, the Applicant replaced the floating boat dock, gangway, and concrete steps previously authorized by the Commission with the existing single-berth floating boat dock, two jet-ski lifts, and gangway. The bank protection has existed for many years but was not previously authorized by the Commission. Staff recommends bringing these existing facilities under lease.
4. Staff recommends that the Commission accept compensation in the amount of \$506 for the unauthorized occupation of State land, for the period beginning March 1, 2013, when the prior lease expired, through August 18, 2015.
5. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection for the river channel from wave action provided at no cost to the public.
6. 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.

7. 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

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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:

1. Authorize acceptance of compensation in the amount of \$506, for the unauthorized occupation of State land, for the period of March 1, 2013, through August 18, 2015.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Keith Hillen and Mary Hillen beginning August 19, 2015, for a term of 10 years, for the use and maintenance of an existing single-berth floating boat dock, two jet-ski floats, gangway, 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 single-berth floating boat dock, two jet-ski lifts, and gangway: \$221 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 4777.1

LAND DESCRIPTION

One parcel of tide and submerged land situated in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Lands survey 404 Sutter County patented January 6, 1869, County of Sacramento, State of California, more particularly described as follows:

All those lands underlying an existing gangway, single-berth floating boat dock, and two (2) jet ski floats, lying adjacent to that parcel described in Grant Deed recorded November 17, 2010 as Document Number 20101117 at Page 1655 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 left bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 02/28/2015 by the California State Lands Commission Boundary Unit.



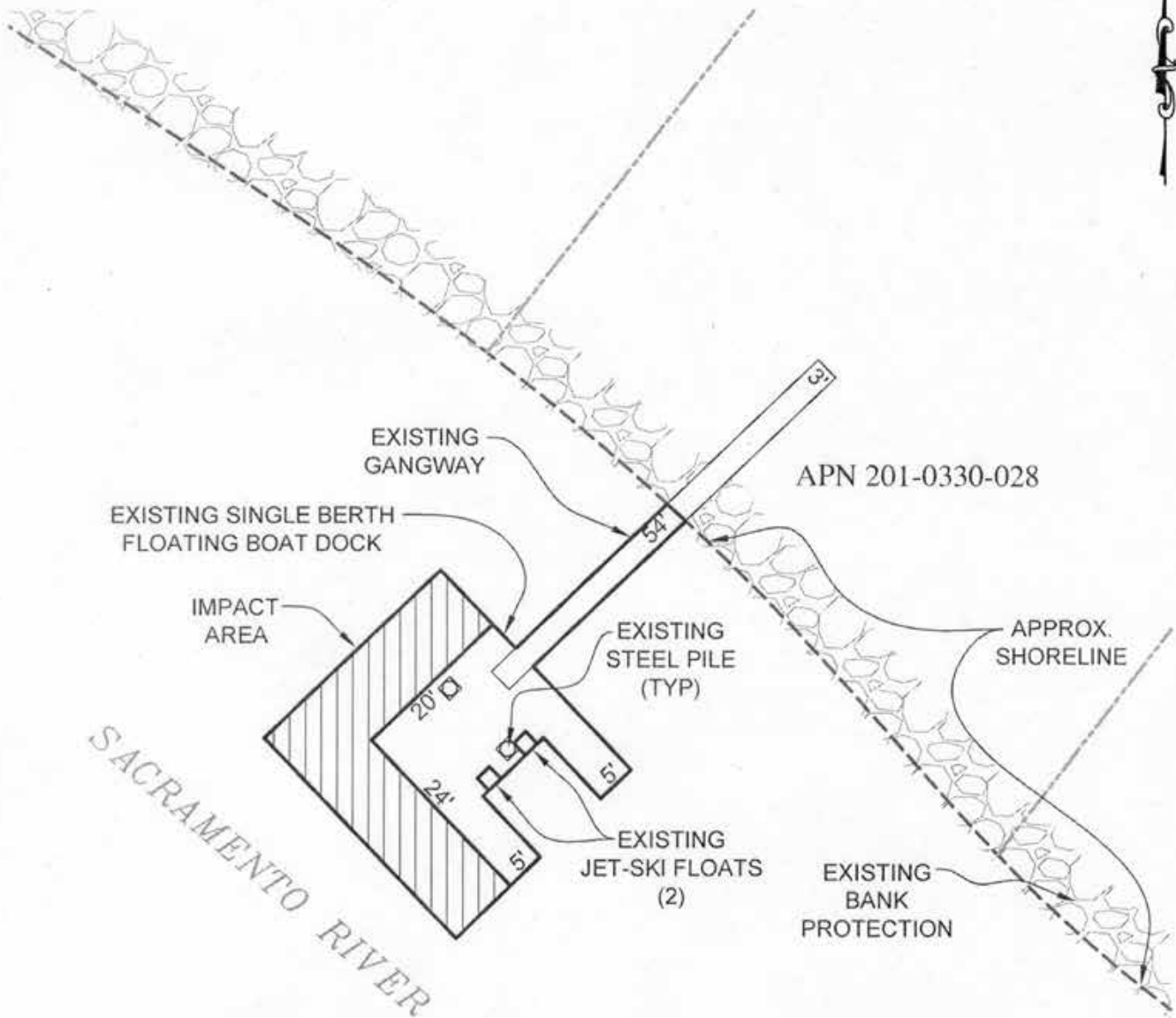


EXHIBIT A

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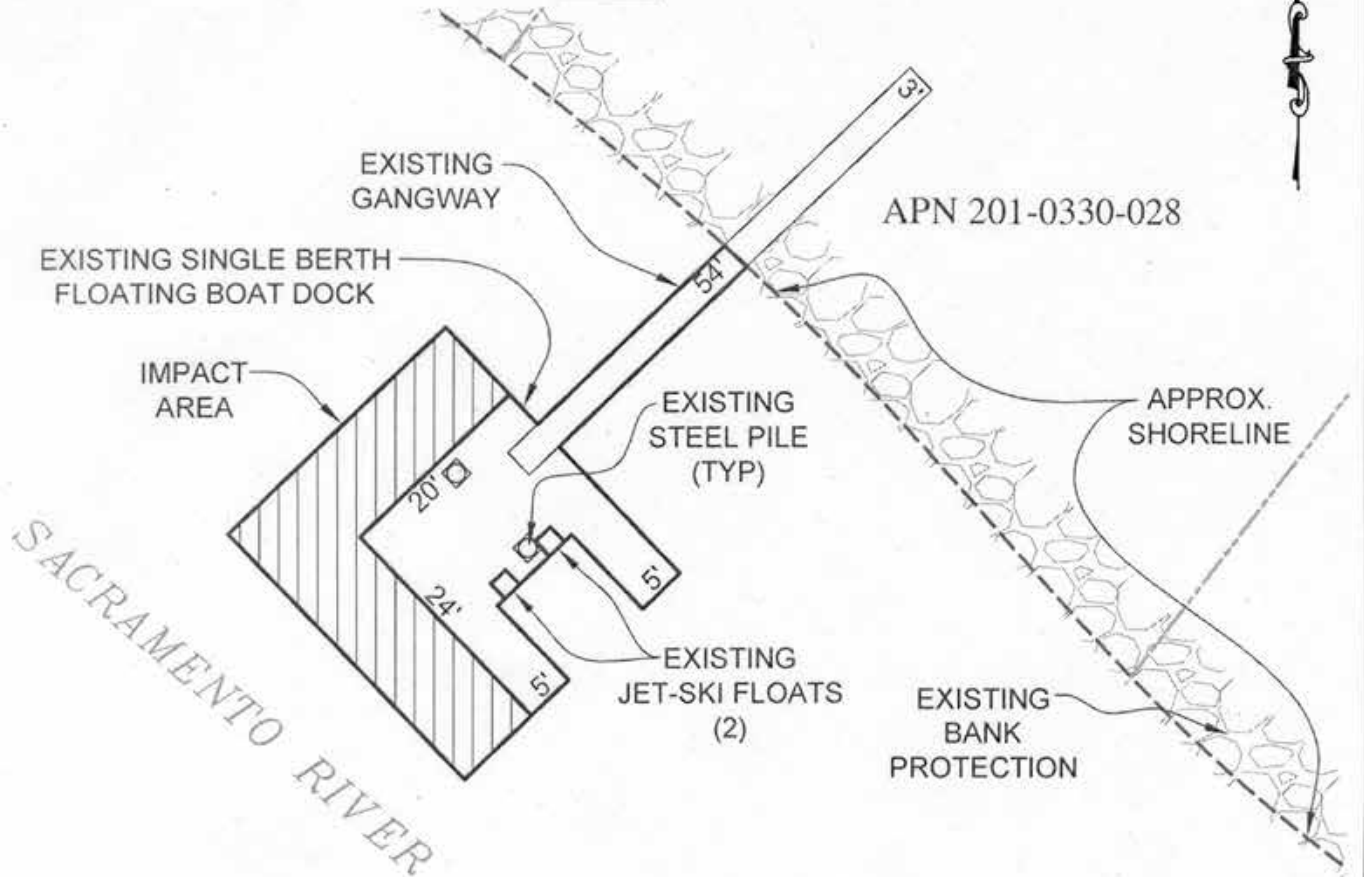
LAND DESCRIPTION PLAT
PRC 4777.1, HILLEN
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



5307 GARDEN HWY, NORTH OF SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4777.1

HILLEN

APN 201-0330-028

GENERAL LEASE -
RECREATIONAL & PRO-
TECTIVE 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.

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