

CALENDAR ITEM
C26

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10/13/16
PRC 5699.1
J. Holt

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Drew Pefferle

APPLICANT/ASSIGNEE:

Neil A. Clark and Julia L. Clark

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 3843 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock with two uncovered single berths, gangway, one three-pile wood dolphin, two two-pile steel dolphins, two steel pilings, two wood pilings, storage shed, and bank protection.

LEASE TERM:

10 years, beginning March 14, 2014.

CONSIDERATION:

Boat Dock with Two Uncovered Single Berths, Gangway, One Three-Pile Wood Dolphin, Two Two-Pile Steel Dolphins, Two Steel Pilings, Two Wood Pilings, and Storage Shed: \$978 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.

CALENDAR ITEM NO. **C26** (CONT'D)

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

On February 20, 2015, the Commission authorized a General Lease – Recreational and Protective Structure Use to Drew Pefferle ([Calendar Item C34, February 20, 2015](#)). That lease will expire on March 13, 2024. On August 17, 2016, ownership of the upland parcel was deeded to Neil A. Clark and Julia L. Clark. The Applicant owns the upland parcel adjoining the lease premises and is applying for an assignment of the lease. The assignment will be made effective August 17, 2016.

Assignment of this lease from Drew Pefferle (Assignor) to Neil A. Clark and Julia L. Clark (Applicant/Assignee) will not result in a change in the use of public resources or the impacts thereto. Commission staff believes approval of this assignment is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. Approving the lease assignment is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, sections 15378, subdivision (b)(5).

EXHIBITS:

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

CALENDAR ITEM NO. **C26** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the assignment of the existing lease will not substantially interfere with the Public Trust needs and values at this location at this time, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 5699.1, a General Lease – Recreational and Protective Structure Use, of sovereign land as described in Exhibit A attached and by this reference made a part hereof, from Drew Pefferle (Assignor) to Neil A. Clark and Julia L. Clark (Applicant/Assignee); effective August 17, 2016.

EXHIBIT A

PRC 5699.1

LAND DESCRIPTION

A 100 foot wide strip of tide and submerged land lying in the bed of the Sacramento River, adjacent to that parcel described in Exhibit A of Grant Deed recorded on March 14, 2014, recorded in Book 20140314, Page 0615, Official Records of Sacramento County, State of California, the sidelines of which lie 80 feet westerly, and 20 feet easterly of the following described line:

BEGINNING at a point lying on the south line, or the prolongation thereof, of that parcel described in Exhibit A of Grant Deed recorded on November 15, 2007, recorded in Book 2007115, Page 0318, Official Records of Sacramento County, said point being 245 feet West of the southeasterly corner of said parcel; thence northerly to a point on the north line, or the prolongation thereof, of said parcel, said point lying 250 feet West of the northeasterly corner of said parcel, said point also being the terminus of said strip.

The sidelines of said strip shall be prolonged or shortened so as to terminate at a line perpendicular to the beginning and terminus of said strip.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

END OF DESCRIPTION

Prepared 1/21/2015 by the California State Lands Commission Boundary Unit.

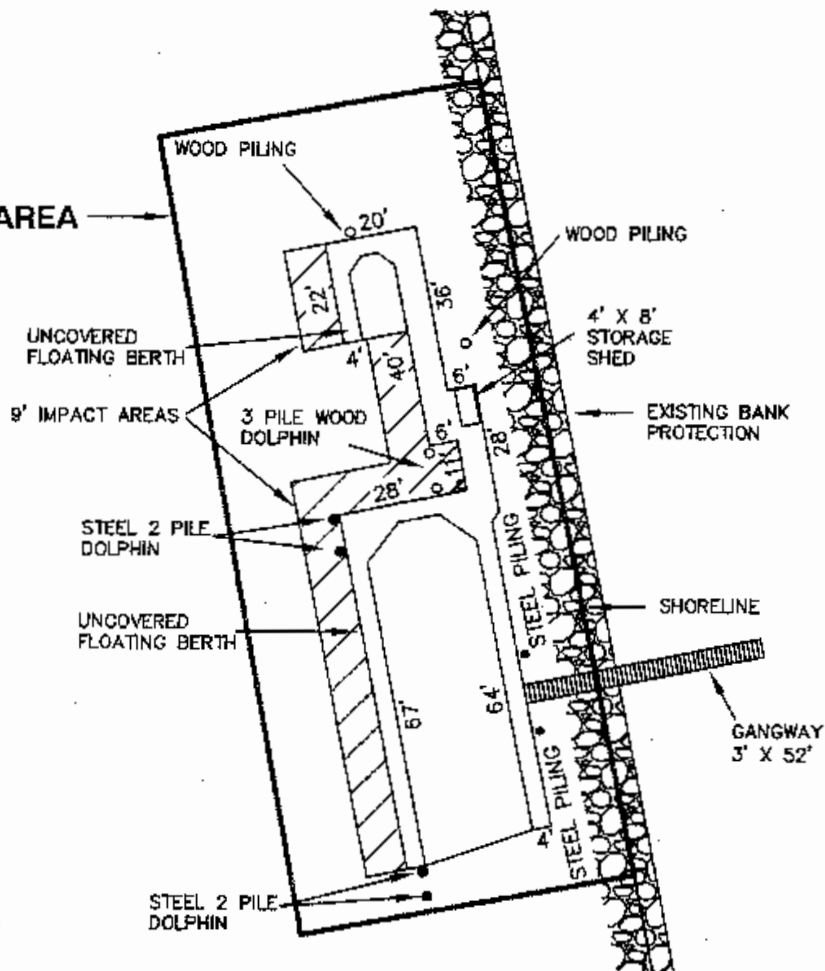


NO SCALE

SITE

LEASE AREA

SACRAMENTO RIVER



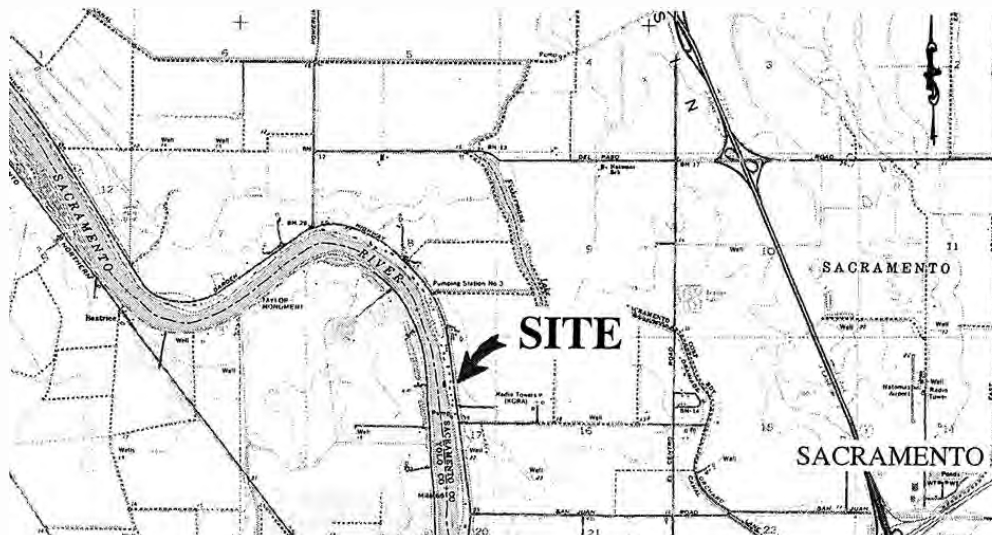
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NOTE: ALL STRUCTURES ARE EXISTING.

3843 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 5699.1

CLARK

APN 225-0110-007

GENERAL LEASE -

RECREATIONAL

AND PROTECTIVE

STRUCTURE USE

SACRAMENTO COUNTY

