

MINUTE ITEM

This Calendar Item No. C 1
was proposed as Minute Item
No. 7 on the State Lands
Commission agenda for 3/24/83
meeting.

CALENDAR ITEM

C 0 1

3/24/83
WP 5344 PRC 5344
J. Ludlow

GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Bender and Sons, Incorporated,
A California Corporation,
Daniel A. Bender and John C. Bender
185 A Commerce Circle
Sacramento, California 95815

AREA, TYPE LAND AND LOCATION:
A 0.243-acre parcel of tide and submerged
land in the Sacramento River, Sacramento
County.

LAND USE: Use and maintenance of an existing recreational
dock.

TERMS OF PROPOSED PERMIT:
Initial period: Ten years from November 11,
1982.
Public liability insurance: Combined single
limit coverage of \$100,000.

CONSIDERATION: \$330 per annum with the State reserving
the right to fix a different rental on
each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

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PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee and first year's annual rent have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. The property was leased to Constance D. Hay for a ten (10) year term beginning September 1, 1976, under Lease No. PRC 5344.1. The upland property has been sold to the new applicant, Bender and Sons, Inc., Daniel A. Bender and John C. Bender. Mrs. Hay is quitclaiming her interest in the leasehold back to the State of California.
2. This project is exempt from CEQA because it is within the purview of 2 Cal. Adm. Code, Section 2905, Class 1, which exempts existing structures in an acceptable state of repair.
3. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category "B" which authorizes Limited Use. The project as proposed will not have a significant effect upon the identified environmental values.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. TERMINATE LEASE NO. PRC 5344.1 ISSUED TO CONSTANCE D. HAY AND ACCEPT AND APPROVE A QUITCLAIM DEED FROM

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CONSTANCE D. HAY, TRANSFERRING HER INTEREST IN THE LEASEHOLD BACK TO THE STATE OF CALIFORNIA.

2. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2905, AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.
3. AUTHORIZE ISSUANCE TO BENDER AND SONS, INCORPORATED, A CALIFORNIA CORPORATION, DANIEL A. BENDER AND JOHN C. BENDER, OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE, FROM NOVEMBER 11, 1982; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$330, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$100,000; FOR THE USE AND MAINTENANCE OF AN EXISTING RECREATIONAL DOCK ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 20094

A portion of the State owned bed of the Sacramento River in Section 28, T9N, R4E, NDM, lying adjacent to that certain parcel of land described in deed dated May 20, 1958, recorded in Book 3513 at Page 246 of the records of Sacramento County, California, more particularly described as follows:

COMMENCING at a concrete monument marked "NRS-3" lying S 00° 7' 30" E, 2132.16 feet from the northeast corner of said Section 28 and being on the northerly boundary of Natomas Riverside Subdivision No. 1 recorded in Map Book 15, Map No. 26 of said Sacramento County records; thence N 51° 28' 30" E a distance of 3.44 feet along said northerly boundary to the center line of a private road as platted in said subdivision; thence south a distance of 1320 feet along the center line of said private road to its intersection with the northerly line of Reclamation District No. 1000 Right-of-Way; thence continuing south along the center line of said private road, a distance of 245 feet, more or less, to the ordinary high water mark of the left bank of the Sacramento River; thence S 51° 28' 30" W a distance of 42 feet along said ordinary high water mark to the TRUE POINT OF BEGINNING of the tract herein described; thence leaving said ordinary high water mark S 38° 31' 30" E a distance of 50 feet; thence S 51° 28' 30" W a distance of 100 feet; thence S 38° 31' 30" E a distance of 12 feet; thence S 51° 28' 30" W a distance of 90 feet; thence N 38° 31' 30" W a distance of 62 feet, more or less, to said ordinary high water mark; thence N 51° 28' 30" E a distance of 190 feet along said ordinary high water mark to the true point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION

REVIEWED NOV. 24, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

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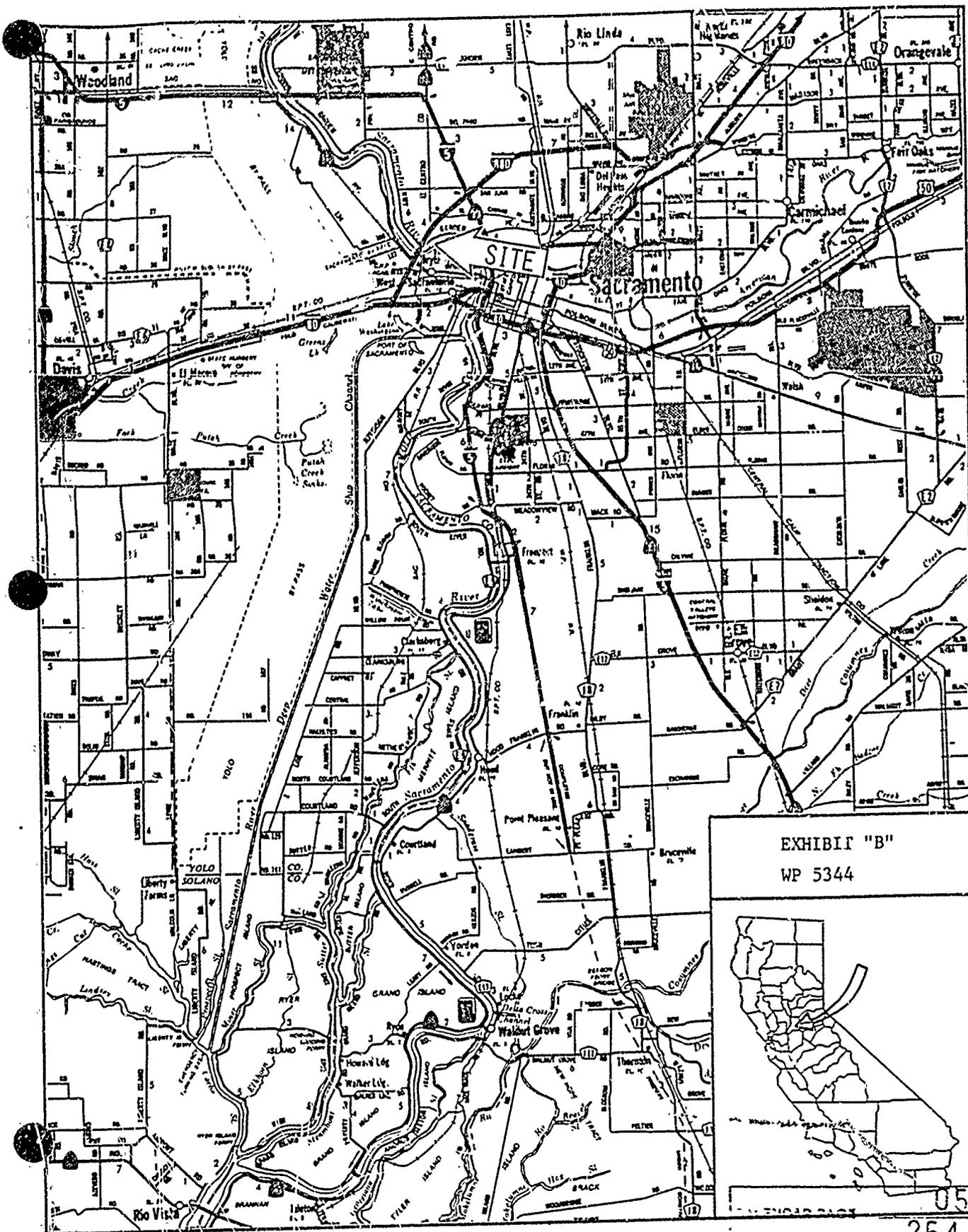


EXHIBIT "B"
WP 5344

