

MINUTE ITEM

This Calendar Item No. C35 was approved as Minute Item No. 35 by the California State Lands Commission by a vote of 3 to 0 at its 8/24/06 meeting.

CALENDAR ITEM

C35

A 9

08/24/06

PRC 5621

WP 5621.9

S 6

J. McComas

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

APPLICANTS:

Neil E. Kelly and Mary Jo Kelly, Trustees of the Kelly Family Revocable Trust.

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of an existing covered single berth U-shaped floating boat dock, ramp, pilings, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning August 24, 2006.

CONSIDERATION:

Covered Single Berth U-Shaped Floating Boat Dock:

No monetary consideration pursuant to Public Resources Code section 6503.5

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 that such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability Insurance: Combined single limit coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

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2. On March 8, 1994, the Commission issued a General Lease - Recreational and Protective Structure Use Lease No. PRC 5621.9 to William R. Knudson and Bradley E. Long, effective March 19, 1991, for a single berth boatshed, gangway, pilings, and bank protection. That lease has expired. The uplands have subsequently been transferred to Neil E. Kelly and Mary Jo Kelly, as Trustees of the Kelly Family Revocable Trust, dated August 31, 1998. Applicants are now applying for a new General Lease - Recreational and Protective Structure Use. Applicants qualify for a rent-free boat dock, ramp, and pilings because the Applicants are natural persons who have improved the uplands with, and use the upland for, a single family dwelling.
3. The bank protection at this location mutually benefits both the public and the Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

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CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

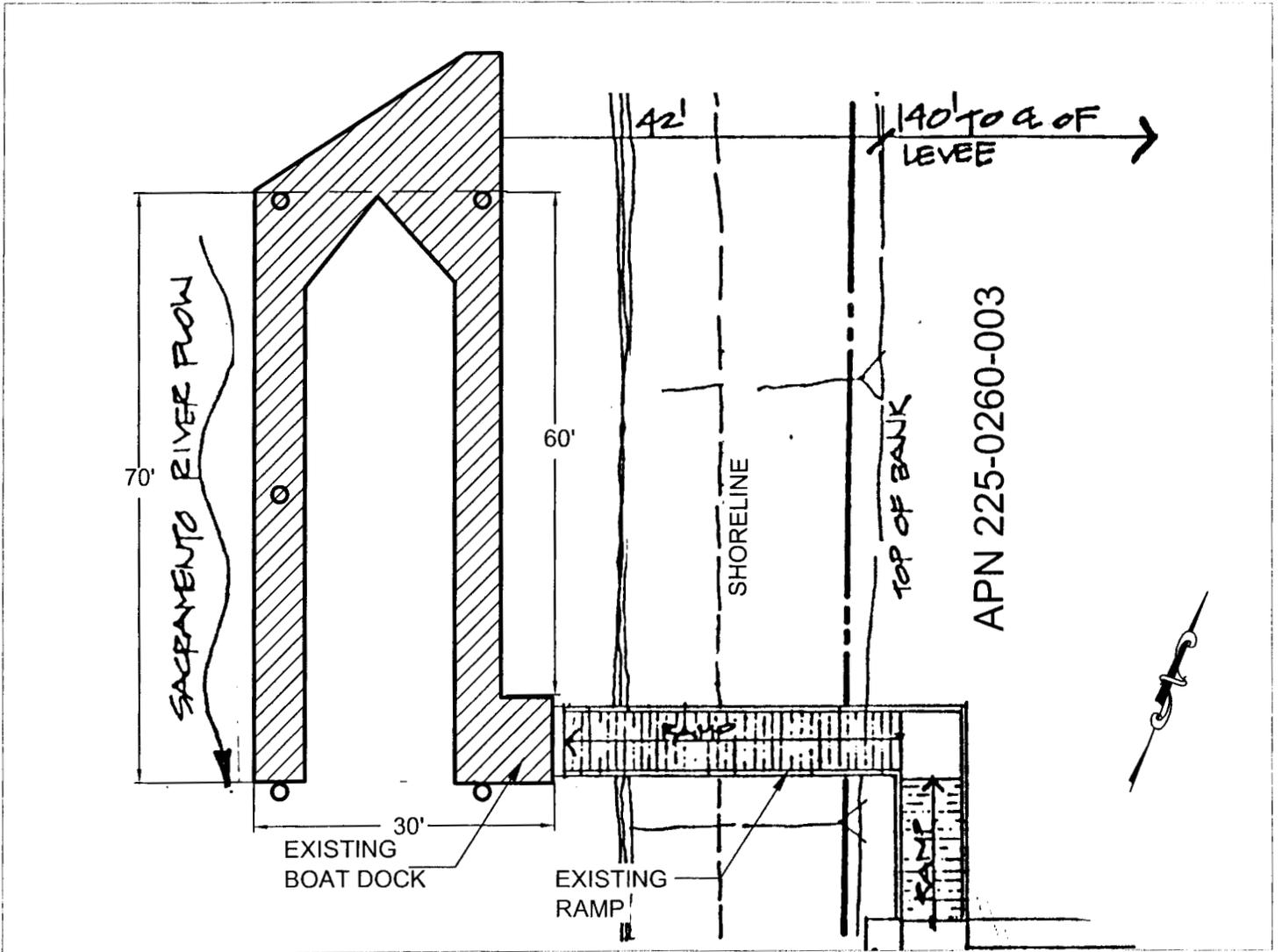
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO NEIL E. KELLY AND MARY JO KELLY, TRUSTEES OF THE KELLY FAMILY REVOCABLE TRUST OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING AUGUST 24, 2006, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING COVERED SINGLE BERTH U- SHAPED FLOATING BOAT DOCK, RAMP, PILINGS, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: COVERED SINGLE BERTH U-SHAPED FLOATING BOAT DOCK, RAMP, AND PILINGS- NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; BANK PROTECTION - THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE: COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$500,000.

NO SCALE

SITE



3575 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION

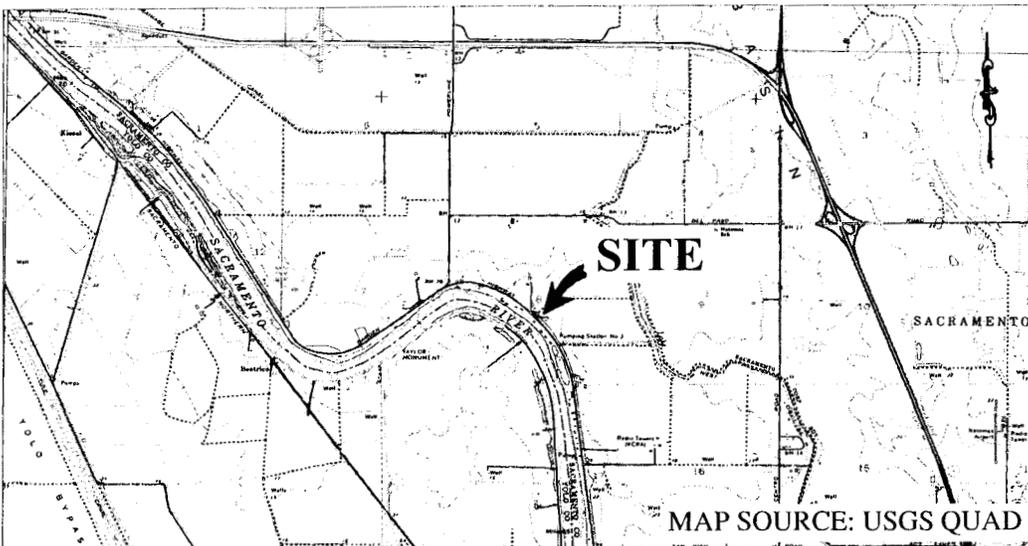


Exhibit A

WP5621.9
 KELLY
 GENERAL LEASE
 RECREATIONAL USE
 APN 225-0260-003
 SACRAMENTO CO.



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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MJ 06/06