

**CALENDAR ITEM
C26**

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09/01/11
W 26393
D. Simpkin

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Wayne Demmel

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Tomales Bay, adjacent to 12836 Sir Francis Drake Boulevard, city of Inverness, Tomales Bay, Marin County.

AUTHORIZED USE:

Use and maintenance of an existing pier and boat dock.

LEASE TERM:

10 years, beginning September 1, 2011

CONSIDERATION:

\$629 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Combined single-limit liability coverage in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant is the successor in interest to Tideland Survey 170 (Marin County). The Applicant owns the upland adjacent to Tideland Survey 170.
2. Tideland Survey 170 includes unfilled patented tidelands and is improved with a non-residential structure per county assessor records.
3. Approximately 3,533 square feet of the pier and boat dock extend beyond the patented tidelands and into the State's fee ownership in Tomales Bay, and have not previously been authorized by the Commission.
4. The pier and boat dock do not qualify for rent-free status as no single-family residence occupies the upland. Therefore, that portion of the pier and boat dock extending into the State's fee ownership within Tomales Bay is subject to annual rent.
5. **Existing Pier and Boat Dock:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of

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Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 3905 (a)(1).

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

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

EXISTING PIER AND BOAT DOCK: Find that the activity is exempt from the requirements of 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)(1).

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:

Authorize issuance of a General Lease - Recreational Use to Wayne Demmel, beginning September 1, 2011, for a term of 10 years, for the use, and maintenance of an existing pier and boat dock as shown on Exhibit A attached (for reference purposes only) and described on Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$629, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; combined

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single limit liability insurance coverage in the amount of no less than \$1,000,000.

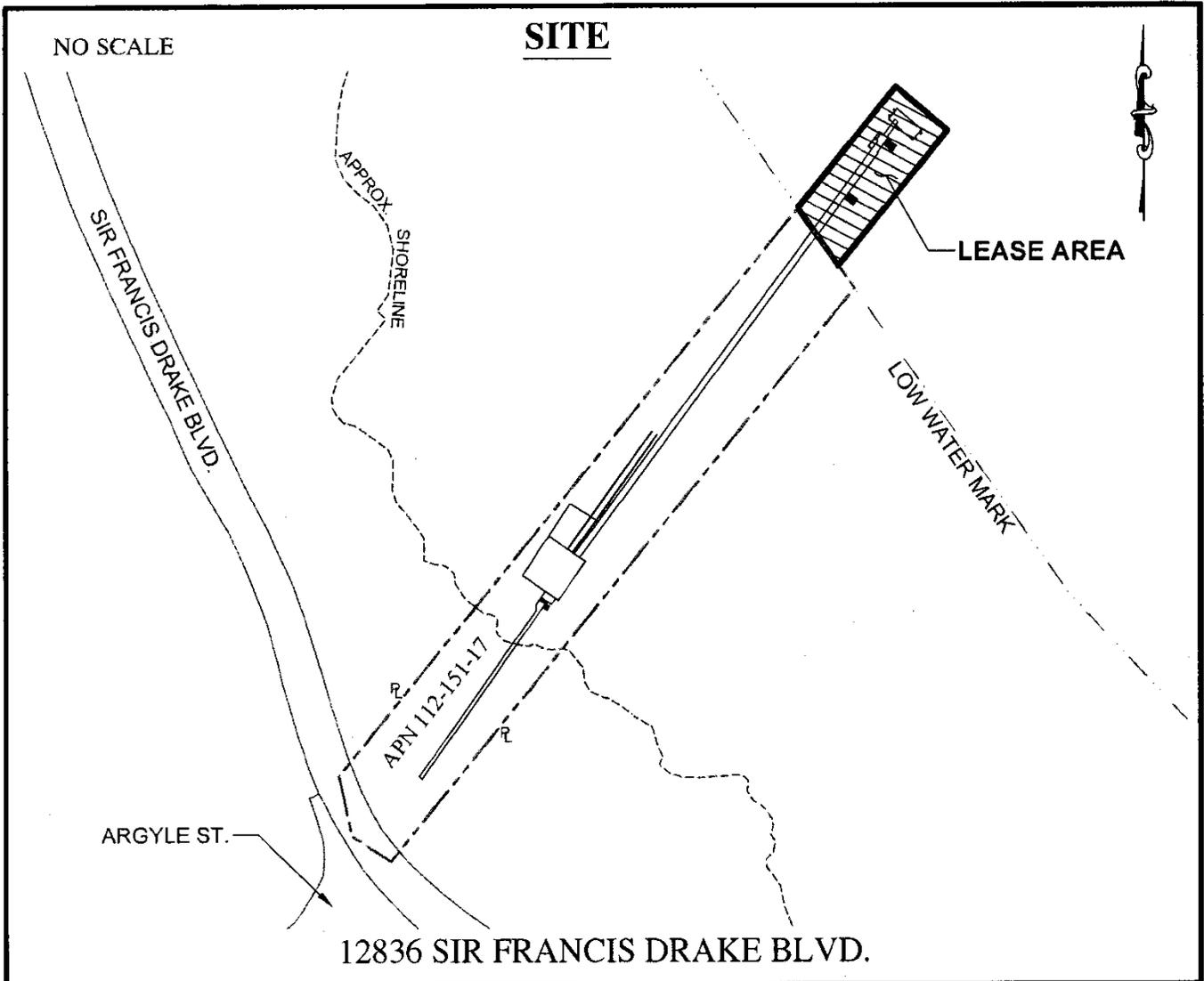


Exhibit A
 W26393
 DEMMEL, WAYNE
 APN 112-151-17
 GENERAL LEASE -
 RECREATIONAL USE
 MARIN COUNTY



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.

EXHIBIT B

W26393

LAND DESCRIPTION

A parcel of submerged land lying in the bed of Tomales Bay situate adjacent to that parcel of land described in Document Number 1995-058708, recorded December 6, 1995 in Official Records of Marin County, State of California, more particularly described as follows:

COMMENCING at an iron pipe in County monument casing, as shown on that Record of Survey of the Lands of Demmel, filed March 2, 2010 in Book 2010 of Maps at Page 32; thence North 35°59'21" East 590.55 feet to a point in the bed of said Tomales Bay, said point also being the POINT OF BEGINNING; thence South 38°59'00" West 99.16 feet more or less to the low water mark of said Tomales Bay; thence along said low water mark South 35°00'00" East 44.85 feet; thence leaving said low water mark North 38°59'00" East 110.59 feet; thence North 49°45'54" West 43.12 feet to the POINT OF BEGINNING.

BASIS OF BEARINGS for this description is that of said Record of Survey.

END OF DESCRIPTION

Prepared May 23, 2011 by the California State Lands Commission Boundary Unit.

