CALENDAR ITEM

C05

A 8 | 01/26/12
PRC 8352.1
S 4 | R. Boggiano

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Charles R. Williams and Josephine F. Williams

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, adjacent to 19900 Sherman Island Cross Road, near the city of Rio Vista, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing fixed platform with an uncovered floating U-shaped boat dock, gangway, and 16 pilings.

LEASE TERM:

10 years, beginning January 26, 2012.

CONSIDERATION:

$631 per year; with the State reserving the right to fix a different rent periodically during the lease, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than $1,000,000.

Other:

The lease includes a provision requiring the Applicants, within two years of execution of the lease, to submit an application to amend the lease to consider an extension of the dock facility to accommodate three unattached pilings waterward of the dock or provide for removal of the pilings.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

2. On November 26, 2001, the Commission authorized a Recreational Pier Lease with Charles R. Williams and Josephine F. Williams. That lease expired on October 31, 2011. The Applicants are now applying for a new General Lease – Recreational Use.

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission "shall charge rent for a private recreational pier constructed on state lands." The law provides for two exceptions to the imposition of rent. Those exceptions are for:

   A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and

   B A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

   Because the application was not submitted to the Commission prior to March 31, 2011, the lease does not meet the statutory requirements for an exception to recently enacted changes to Section 6503.5 of the Public Resources Code.

4. On November 26, 2001, the Commission originally approved the construction of a fixed platform, gangway, floating dock section, and 16 pilings. Three of the 16 pilings were constructed waterward of the U-shaped boat dock with the intent to extend the dock at a later date. The Applicants are required, within two years of execution of the proposed lease, to submit an application to amend the lease for the extension of the dock to the three pilings or provide for their removal.

5. In the winter of 2007, the previously authorized floating rectangular dock section located at the end of the gangway was damaged by storms and removed. The existing gangway was then shifted diagonally and directly attached to the remaining U-Shaped dock. The removal of the damaged section does not impair use of the docking facilities.

6. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §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; 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 categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, 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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Charles R. Williams and Josephine F. Williams, beginning January 26, 2012, for a term of 10 years, for the continued use and maintenance of an existing fixed platform with an uncovered floating U-shaped boat dock, gangway, and 16 pilings as described in Exhibit A and shown on Exhibit B (for

reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of $631, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than $1,000,000.

EXHIBIT A

PRC 8352.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the San Joaquin River, lying adjacent to Swamp and Overflow Survey 555, patented March 6, 1868, and Swamp and Overflow Survey 570 patented June 10, 1869, in the County of Sacramento, State of California, and more particularly described as follows:

> All those lands underlying an existing dock, platform, and gangway, adjacent to Parcel Three (3) as described in Exhibit A in that Grant Deed recorded November 30, 1995, as Document Number 199511301501 in Official Records of said County.

TOGETHER WITH a ten foot use area.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the right bank of the San Joaquin River.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared November 22, 2011 by the California State Lands Commission Boundary Unit.

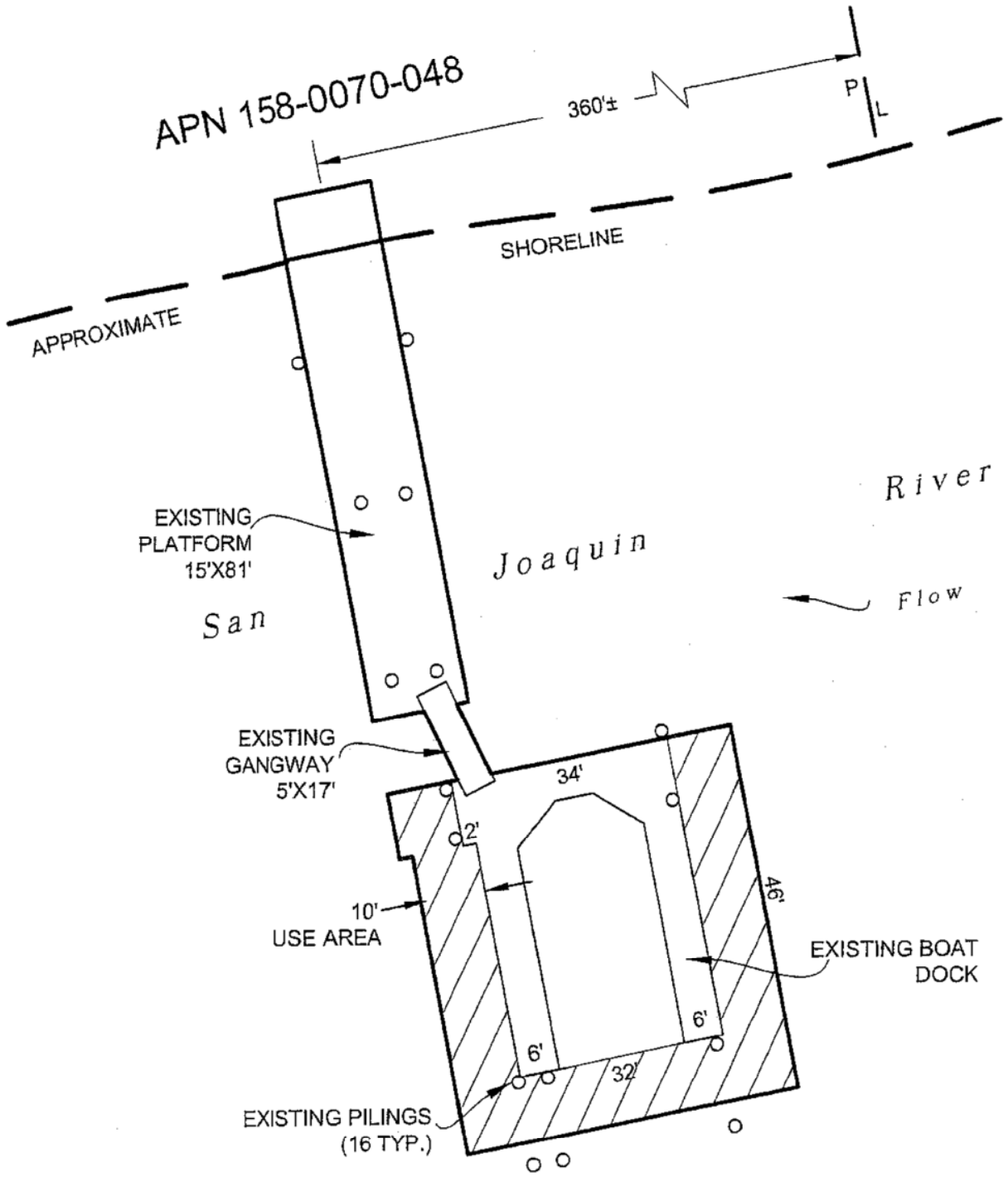

EXHIBIT A

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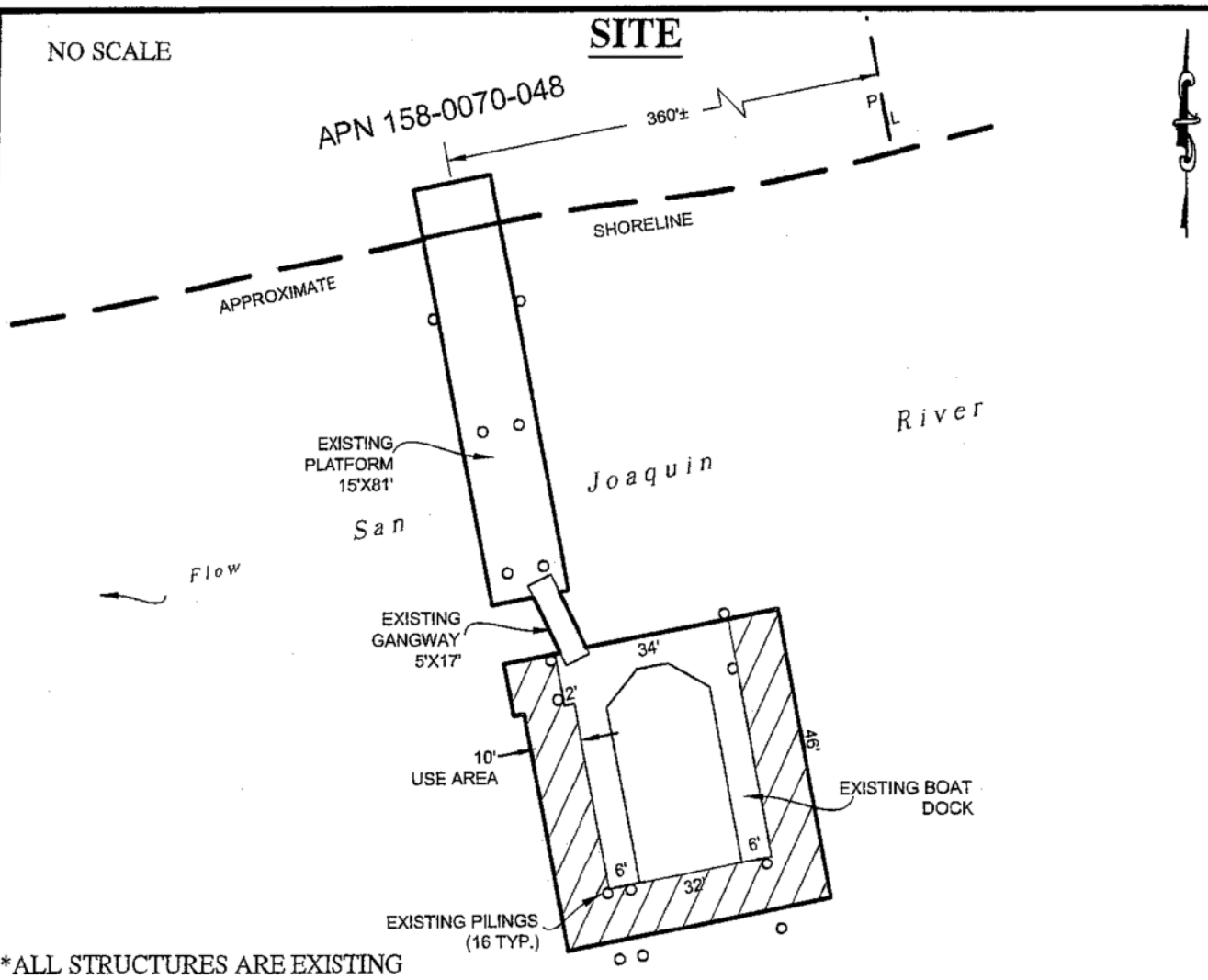
LAND DESCRIPTION PLAT PRC 8352.1, WILLIAMS SACRAMENTO COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

SITE

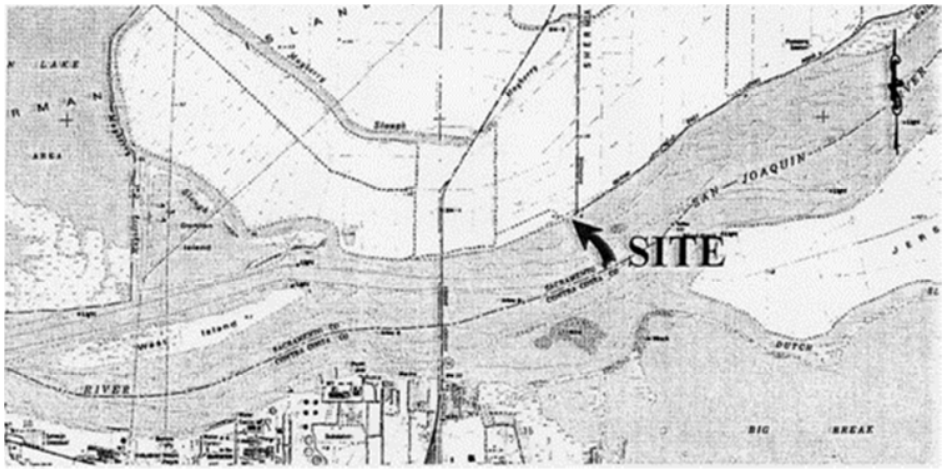


*ALL STRUCTURES ARE EXISTING

19900 SHERMAN ISLAND CROSS ROAD, SHERMAN ISLAND

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 8352.1
WILLIAMS
APN 158-0070-048
GENERAL LEASE - RECREATIONAL USE
SACRAMENTO COUNTY

MJJ 12/23/11