CALENDAR ITEM

C34

A 8 03/29/12

WP 7497.1

S 4 C. Hudson

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Gregory Bret Culbreth and Terry Catherine Annesley

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 4400 South River Road, near the city of West Sacramento, Yolo County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered single-berth floating boat dock, gangway, one piling, and one two-piling dolphin.

LEASE TERM:

10 years, beginning March 29, 2012.

CONSIDERATION:

$152 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:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

2. On September 19, 2000, the Commission authorized a Recreational Pier Lease with Gregory Bret Culbreth and Terry Catherine Annesley. That lease expired on March 3, 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.

The Applicants do not qualify for an exception and the lease is subject to rent because the application was received after March 31, 2011.

4. The existing uncovered single-berth floating boat dock is improved with metal spikes along the boat dock to prevent boats from docking. Therefore, staff recommends to the Commission that the Applicant shall not be charged a 10-foot use area.

5. 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.

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. 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, subdivision (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 Gregory Bret Culbreth and Terry Catherine Annesley, beginning March 29, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered single-berth floating boat dock, gangway, one piling, and one two-piling dolphin 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 $152, 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 7497.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Survey 310 patented January 6, 1869 and Swamp and Overflow Survey 358 patented August 18, 1874 in the County of Yolo, State of California, and more particularly described as follows:

> All those lands underlying an existing floating boat dock, ramp, one piling and 2-pile dolphin, adjacent to a parcel of land described in that Grant Deed recorded December 29, 1989, in Book 2084, Page 373 in Official Records of said County.

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

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared January 19, 2012 by the California State Lands Commission Boundary Unit.

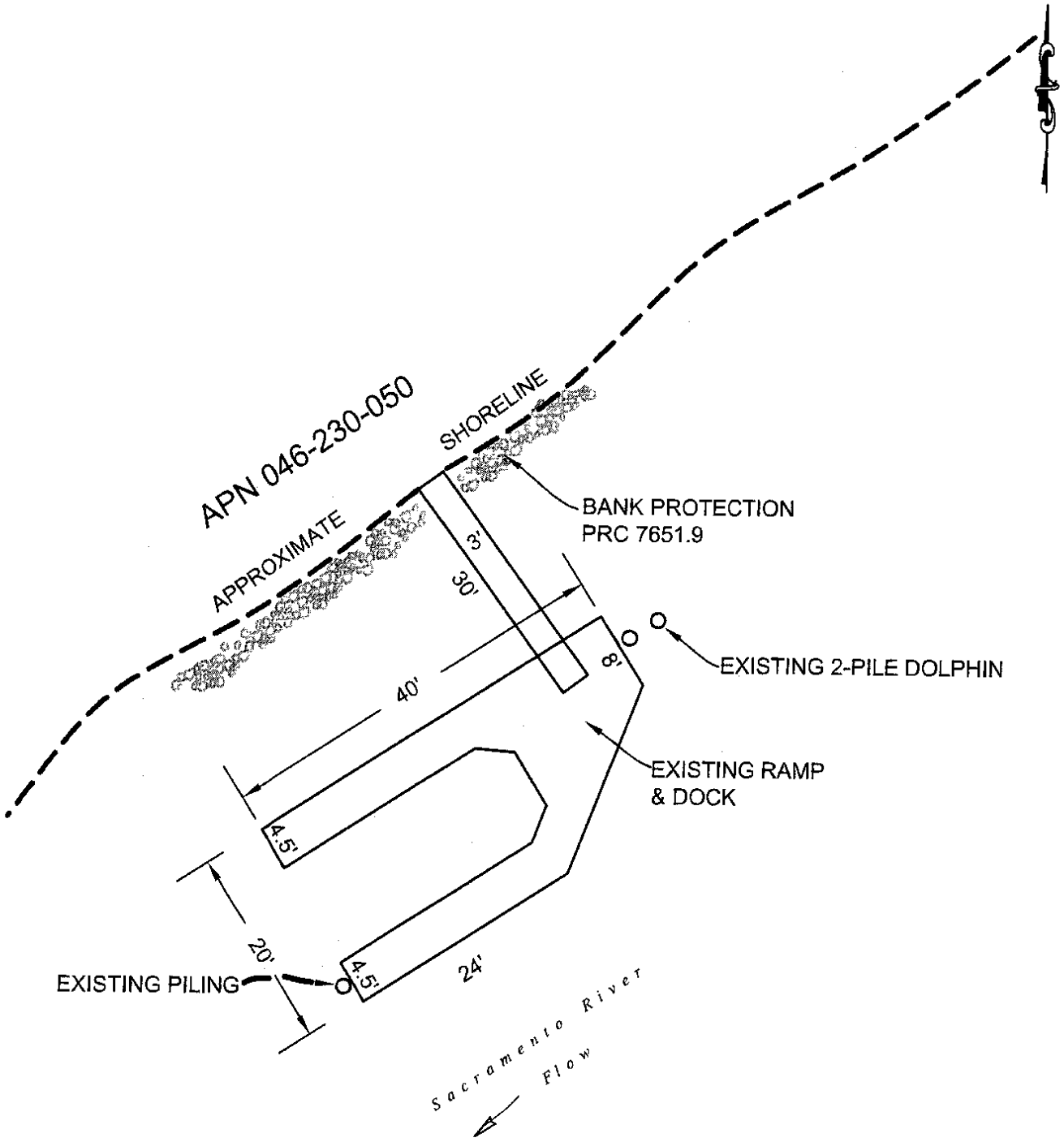

EXHIBIT A

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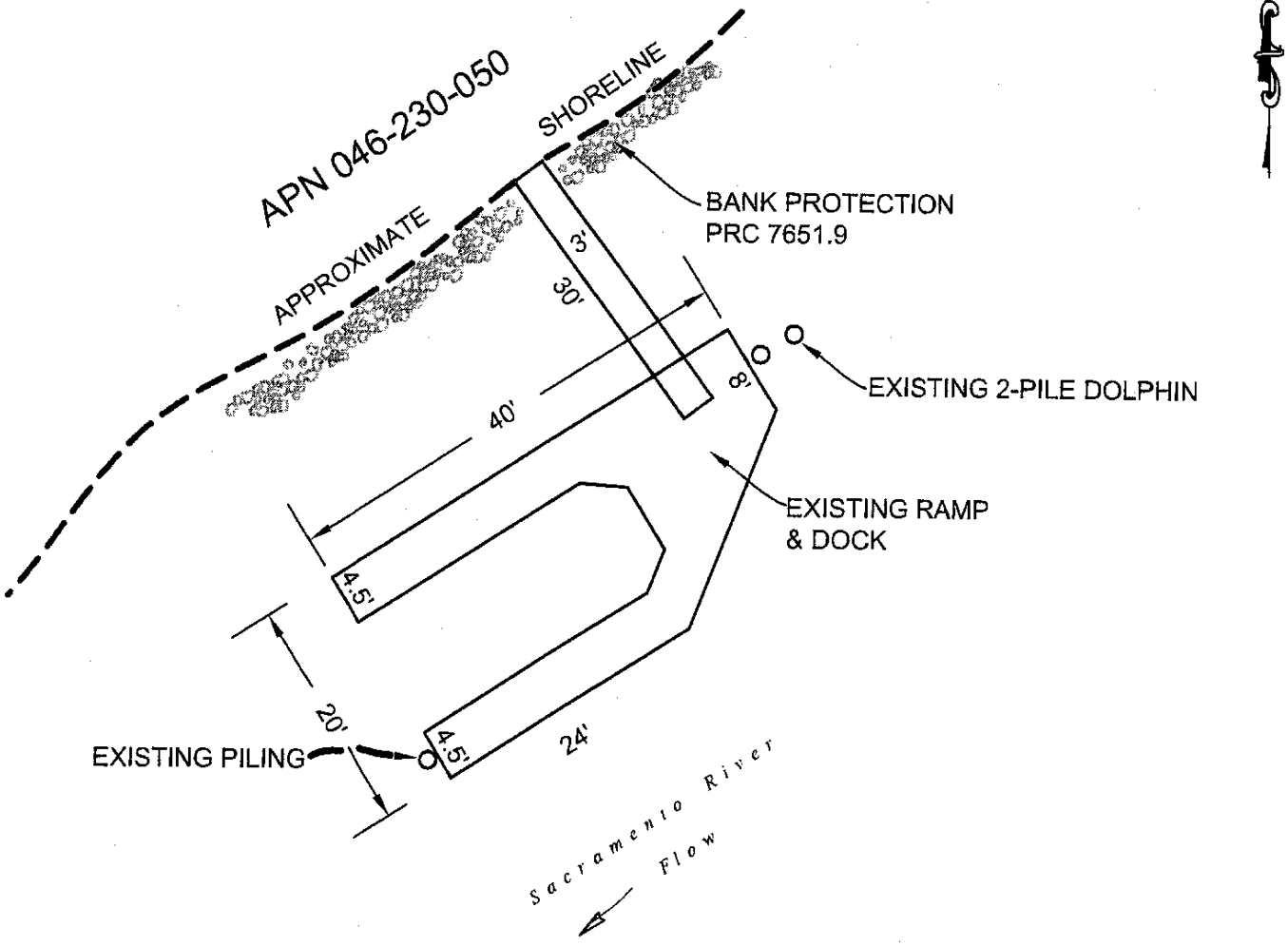
LAND DESCRIPTION PLAT PRC 7497.1, CULBRETH & ANNESLEY YOLO COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

SITE



4400 SOUTH RIVER ROAD, WEST 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

WP 7497.1
CULBRETH & ANNESLEY
APN 046-230-050
GENERAL LEASE -
RECREATIONAL USE
YOLO COUNTY

MJJ 02/09/12