

**CALENDAR ITEM
C66**

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S 5

04/26/13
PRC 7981.9
R. Boggiano

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

Mokelumne Village Homeowners Association, A California Corporation

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Mokelumne River, adjacent to 305, 309, 317, and 401 Mokelumne River Drive, near the city of Lodi, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of existing bank protection.

LEASE TERM:

10 years, beginning April 26, 2013.

CONSIDERATION:

The public use and benefit with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns and/or has the right to use the upland adjoining the lease premises.
2. On August 26, 1997, the Commission authorized a General Lease – Protective Structure Use to the Mokelumne Village Homeowners Association, for a period of 10 years. That lease expired on July 31, 2007. The Applicant is now applying for a new General Lease – Protective Structure Use.

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3. The bank protection will mutually benefit both the public and the Applicant. The bank of the Mokelumne River will have additional protection from wave action provided at no cost to the public.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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.

5. 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 – Protective Structure Use to Mokelumne Village Homeowners Association, A California Corporation, beginning April 26, 2013, for a term of 10 years, for the continued use and

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maintenance of existing bank protection, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest, as provided in the lease; and liability insurance with coverage of no less than \$1,000,000.

EXHIBIT A

PRC 7981.9

LAND DESCRIPTION

A strip of submerged land situate in the bed of the Mokelumne River, lying adjacent to Lots 7 and 8 of Section 36, Township 4 North, Range 6 East, Mount Diablo Meridian as shown on Official U.S. Government Plat approved October 7, 1865, San Joaquin County, State of California, bounded as follow:

Bounded on the east by the northerly prolongation of the easterly line of parcel described in Grant Deed recorded on March 21, 2008 as Document Number 2008-045708 in Official Records of said County;

Bounded on the northwest by the line perpendicular to and 35 feet southeasterly from the northwesterly end of the course South 60° 00' East 74.00 feet as described in Grant Deed recorded on June 19, 1984 as Document Number 84 042179 in Official Records of said County;

Bounded on the southwest by the low water mark of the left bank of said Mokelumne River;

Bounded on the northeast by a line parallel with and lying 20 feet measured at right angles to said low water mark.

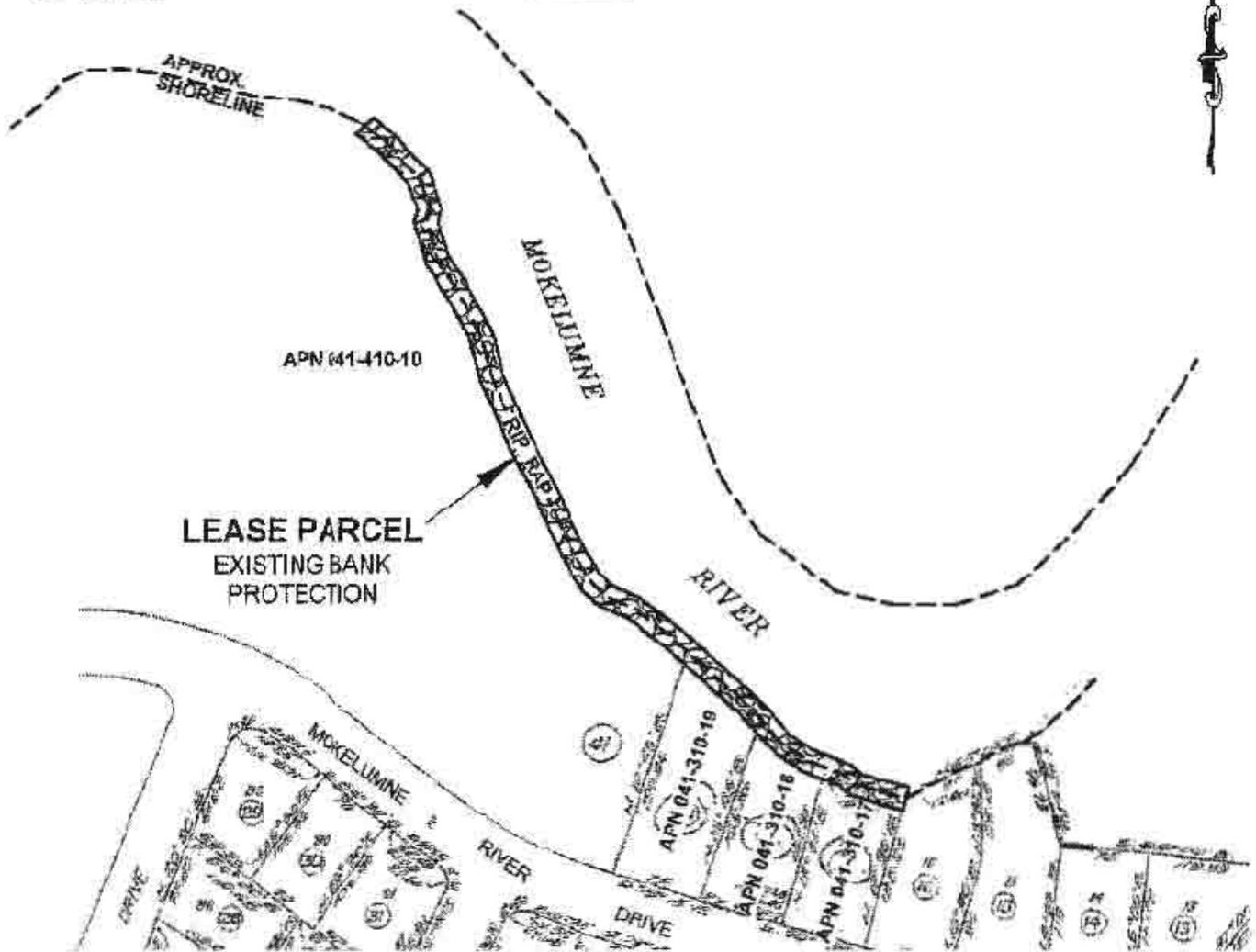
END OF DESCRIPTION

Prepared 02/06/13 by the California State Lands Commission Boundary Unit



NO SCALE

SITE



305, 309, 317 & 401 MOKELUMNE RIVER DRIVE, LODI

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7981.9
 MOKELUMNE VILLAGE HOA
 APNs 041-410-10;
 041-310-17, 18 & 19
 GENERAL LEASE -
 PROTECTIVE STRUCTURE USE
 SAN JOAQUIN 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.