

**CALENDAR ITEM
C37**

A 9
S 6

04/26/13
PRC 7848.1
N. Lavoie

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

APPLICANTS:

William Howard and Diane B. Howard

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 6622 Benham Way, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating single-berth boat dock, ramp, two pilings, and bank protection.

LEASE TERM:

10 years, beginning April 26, 2013.

CONSIDERATION:

Uncovered Floating Single-Berth Boat Dock, Ramp, and Two Pilings: \$269 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

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

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On June 27, 2000, the Commission authorized a 10-year General Lease – Recreational and Protective Structure Use to William Howard and Diane B. Howard. That lease expired on May 22, 2010. The Applicants are now

CALENDAR ITEM NO. **C37** (CONT'D)

applying for a new General Lease – Recreational and Protective Structure Use.

3. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento 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.

CALENDAR ITEM NO. **C37** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to William Howard and Diane B. Howard, beginning April 26, 2013, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating single-berth boat dock, ramp, two pilings, and 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 for the uncovered floating single-berth boat dock, ramp, and two pilings: annual rent in the amount of \$269 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; consideration for the 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 such action to be in the State's best interest; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7848.1

LAND DESCRIPTION

A parcel of tide and submerged land situate on the left bank of the Sacramento River lying adjacent to Swamp and Overflow Survey 282 patented July 19, 1859, Sacramento County, State of California, more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying an existing uncovered single-berth floating boat dock, ramp, and two (2) pilings lying adjacent to that Lot described in that Grant Deed recorded October 26, 1999, as Document Number 199910260970 of Official Records of said County.

TOGETHER WITH impact area.

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said lot.

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 part of this description.

END OF DESCRIPTION

Prepared November 27, 2012 by the California State Lands Commission Boundary Unit.



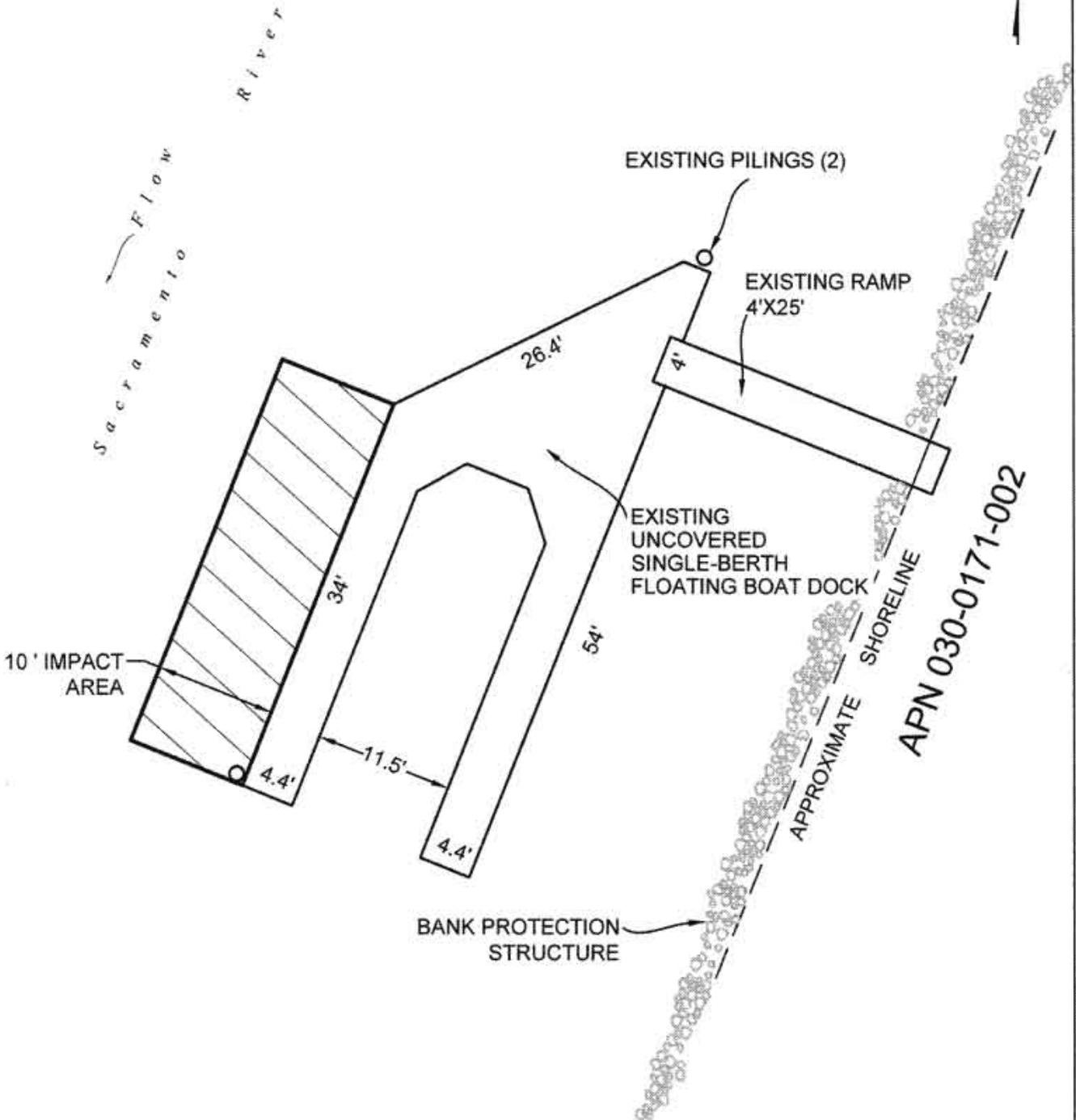


EXHIBIT A

Page 2 of 2

MJJ 11/13/12

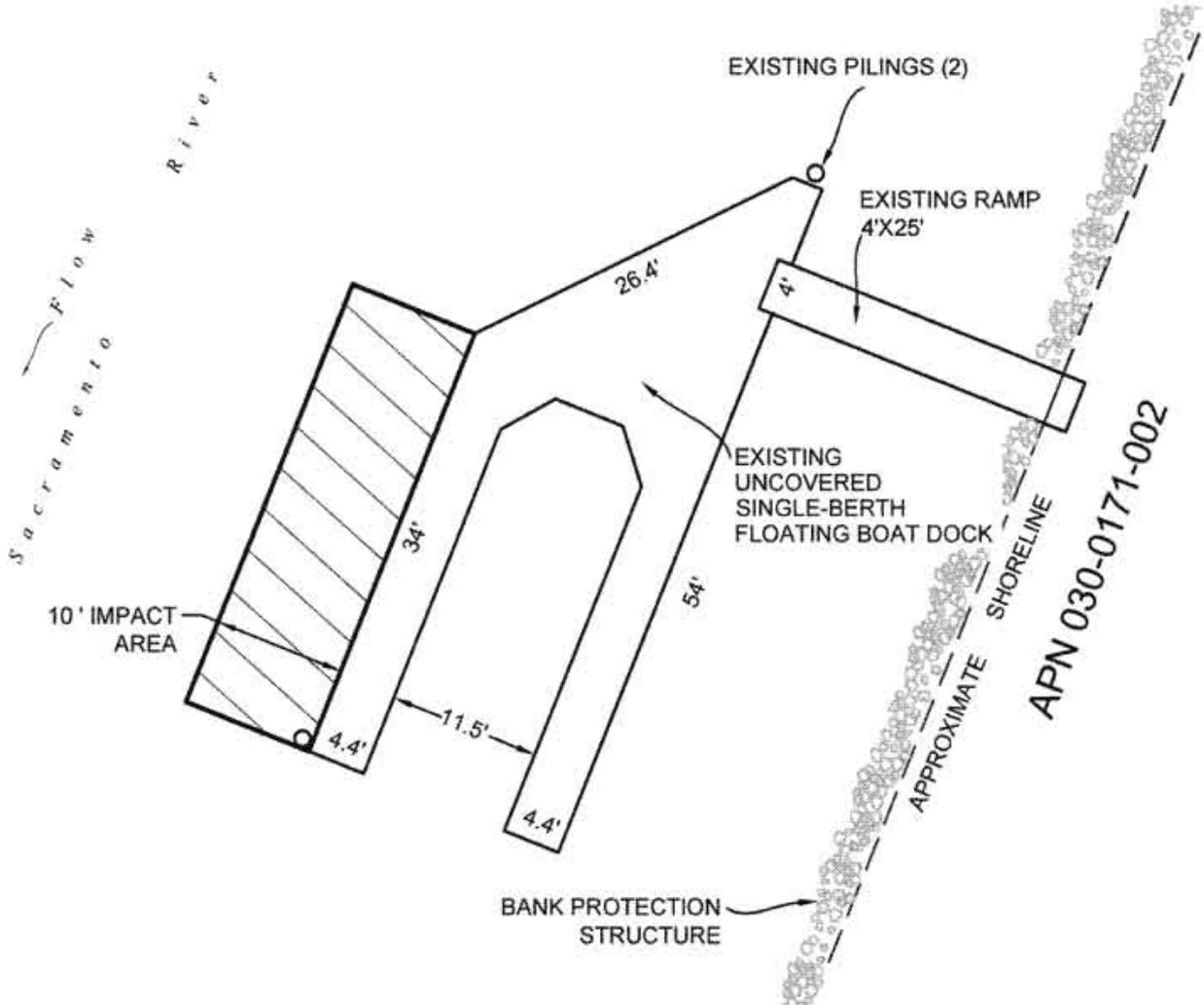
LAND DESCRIPTION PLAT
 PRC 7848.1, HOWARD
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



6622 BENHAM WAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7848.1

HOWARD

APN 030-0171-002

GENERAL LEASE -
RECREATIONAL & PROTECTIVE
STRUCTURE USE
SACRAMENTO COUNTY



SITE

MJJ 11/13/12

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.