CALENDAR ITEM

C24

A 7 06/21/13

PRC 8494.1

S 6 W. Hall

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Mark T. O'Brien, Trustee of the Mark O'Brien Family Trust, dated January 27, 2004, and Marilyn A. O'Brien, Trustee of the Marilyn O'Brien Trust, Dated February 12, 2004

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 1715 Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, three pilings, dolphin, gangway, and bank protection.

LEASE TERM:

10 years, beginning October 1, 2013.

CONSIDERATION:

Floating boat dock, three pilings, dolphin, and gangway: $375 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 December 9, 2003, the Commission authorized a 10-year Recreational Pier Lease to Mark O'Brien for the construction of a floating boat dock,

pilings, and gangway. That lease expires on September 30, 2013. On December 3, 2008, the Commission authorized an amendment to the Recreational Pier Lease to include bank protection. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. 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.

4. 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 and Protective Structure Use to Mark T. O'Brien, Trustee of the Mark O'Brien Family Trust, dated January 27, 2004, and Marilyn A. O'Brien, Trustee of the Marilyn O'Brien Trust, Dated February 12, 2004, beginning October 1, 2013, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock, three pilings, dolphin, gangway, 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 floating boat dock, three pilings, dolphin, and gangway; annual rent in the amount of $375 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 8494.1

LAND DESCRIPTION

A parcel of tide and submerged land, situate in the bed of the Sacramento River lying adjacent to Swamp and Overflowed Lands Survey 908 patented September 30, 1872, County of Sacramento, State of California, and more particularly described as follows:

> All those lands underlying an existing covered floating dock, gangway, dolphin and three (3) pilings adjacent to those parcels as described in "Exhibit A" of that Grant Deed recorded February 22, 2005 in Book 20050222 Page 2157 in Official Records of said County.

TOGETHER WITH a 10 foot impact area.

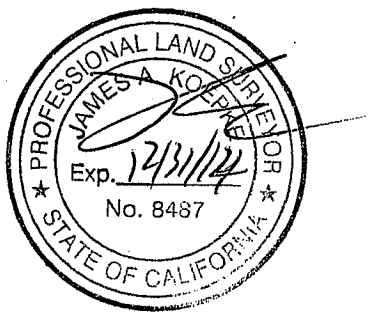
ALSO TOGETHER WITH all those lands underlying existing bank protection lying adjacent to said deed.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said river

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

PREPARED 5/13/13 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



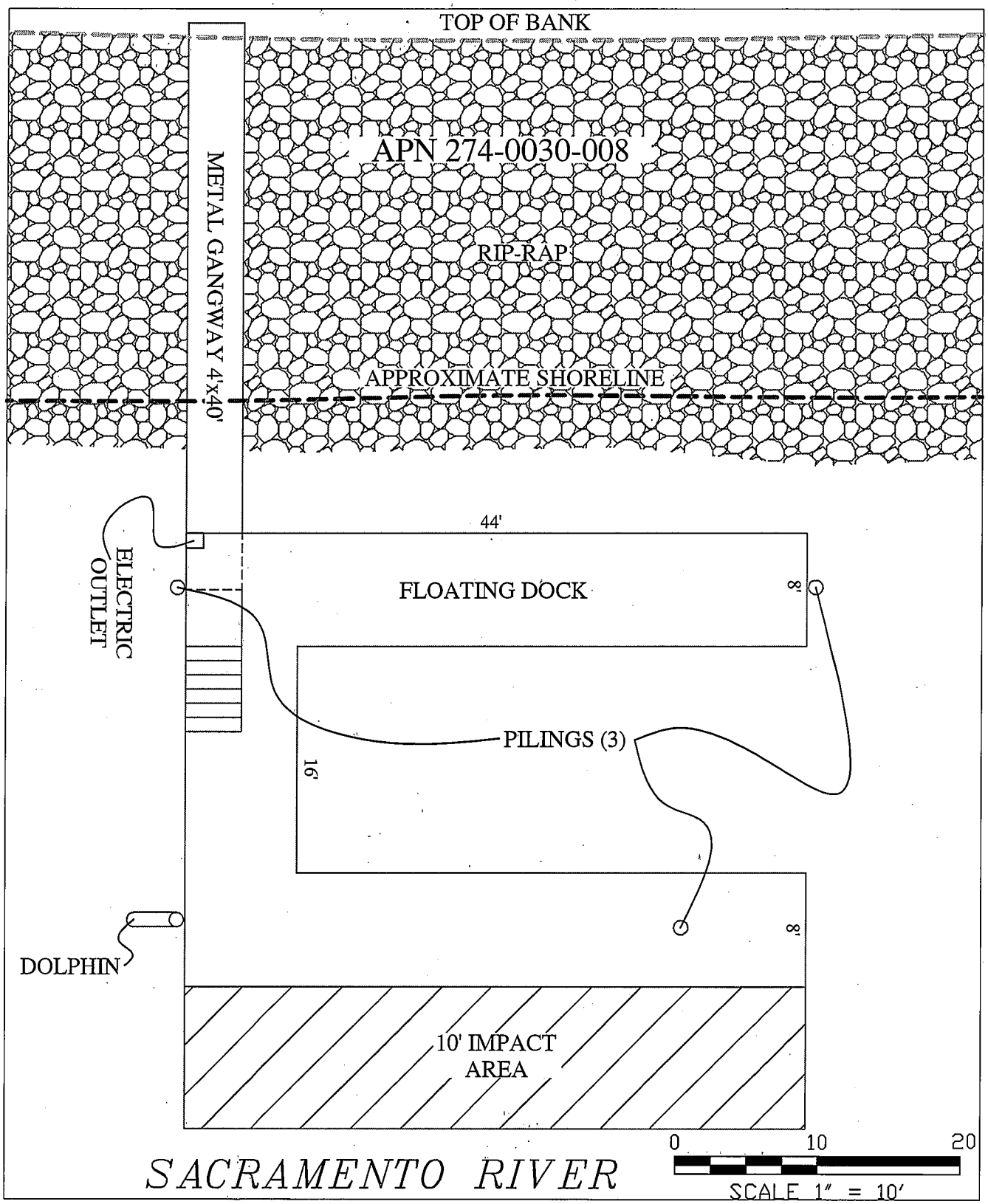


EXHIBIT A

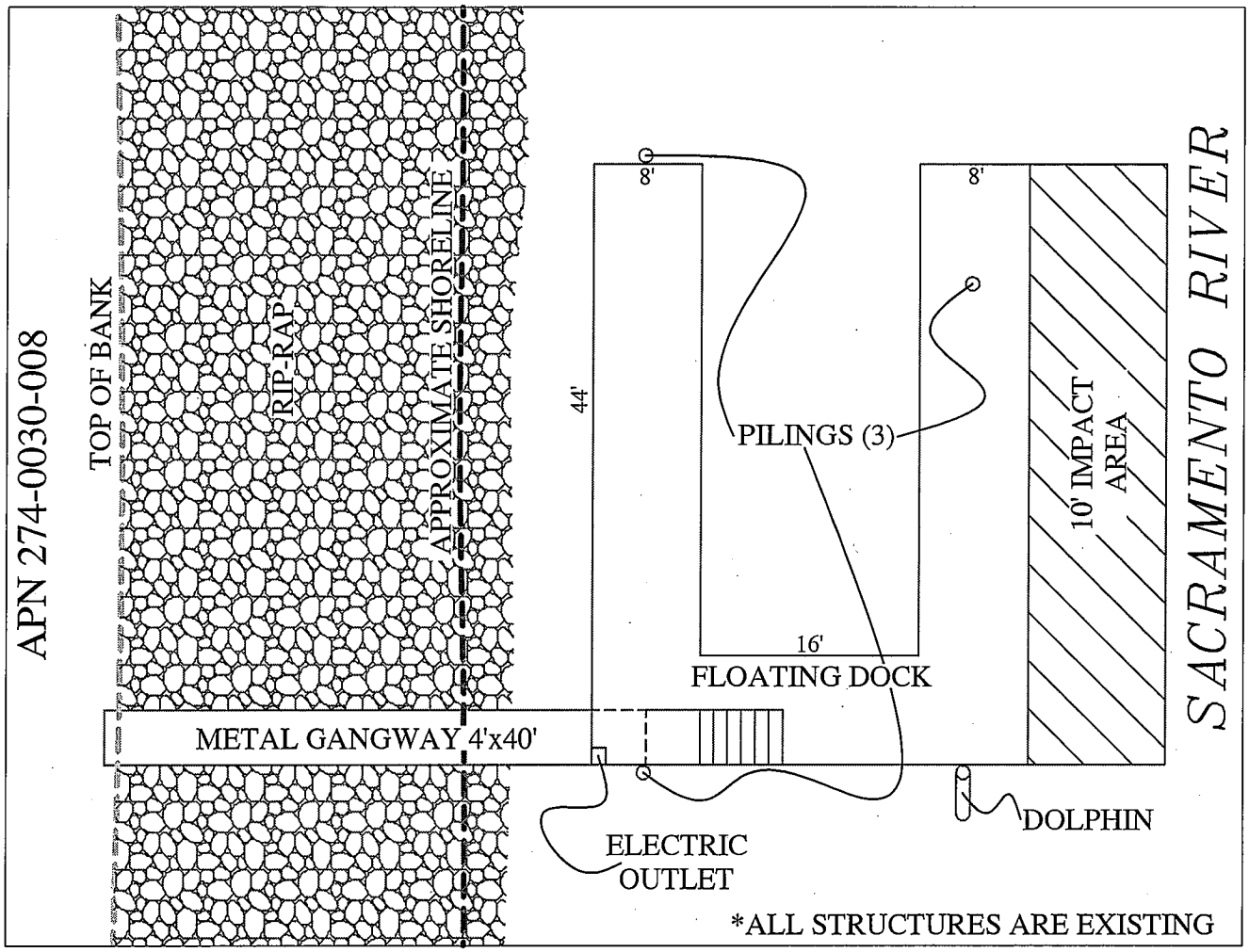
Page 2 of 2

MJF 5/13/13

LAND DESCRIPTION PLAT PRC 8494.1, O'BRIEN SACRAMENTO COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

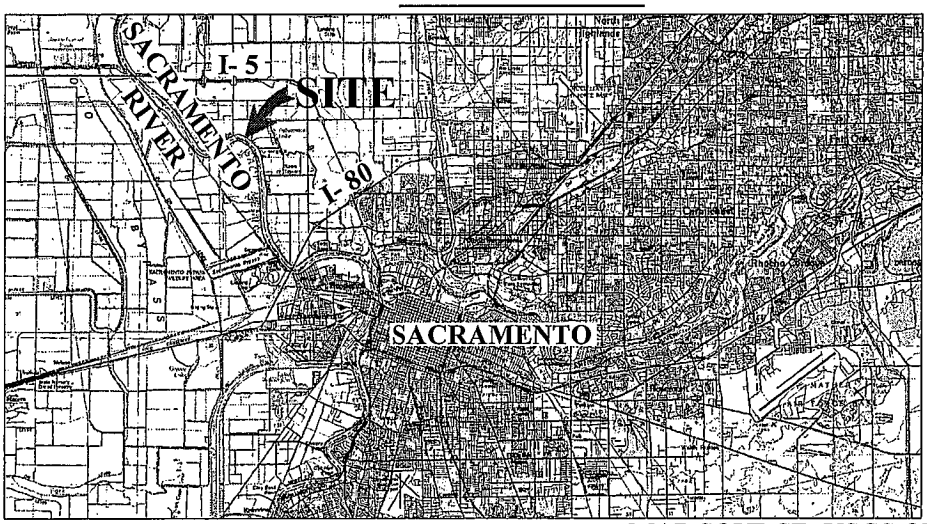
SITE



1715 Garden Highway

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8494.1
O'BRIEN
APN 274-0030-008
GENERAL LEASE -
RECREATIONAL &
PROTECTIVE STRUCTURE USE
SACRAMENTO 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.

MJF 5/13/13