

**CALENDAR ITEM
C49**

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09/20/13
PRC 6035.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Christopher Ahern Lee and Phyllis Fox Lee, Trustees of the Fox-Lee Living Trust dated July 10, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 13760 Highway 160, near Walnut Grove, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, a ramp, platform, two pilings, and stairs.

LEASE TERM:

10 years, beginning August 23, 2013.

CONSIDERATION:

\$98 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 an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On April 24, 2001, the Commission authorized a 10-year Recreational Pier Lease to the Fox-Lee Living Trust for a 10-foot by 20-foot floating dock and a 4-foot by 21-foot ramp. That lease expired on July 22, 2011. During the fall of 2011, the dock and piling received extensive damage. Repairs were made and a 6-foot by 24-foot uncovered floating dock and a 4-foot by 6-foot platform were installed. Applicants are now applying for a new General Lease – Recreational Use.

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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 Use to Christopher Ahern Lee and Phyllis Fox Lee, Trustees of the Fox-Lee Living Trust dated July 10, 1998, beginning August 23, 2013, for a term of 10 years, for the continued use and maintenance of the existing uncovered floating boat dock, a ramp, platform, two pilings, and stairs as described in Exhibit A

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and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$98 per year, 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 an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6035.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 305, patented November 24, 1871, County of Sacramento, State of California, more particularly described as follows:

All those lands underlying an existing floating boat dock, two (2) pilings, ramp, and stairs lying adjacent to that parcel as described in Exhibit "A" of that Grant Deed recorded July 14, 2006, in Book 20060714, Page 0524 in Official Records of said County.

TOGETHER WITH a 10 foot impact area.

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 June 17, 2013 by the California State Lands Commission Boundary Unit.





Sacramento

Flow River

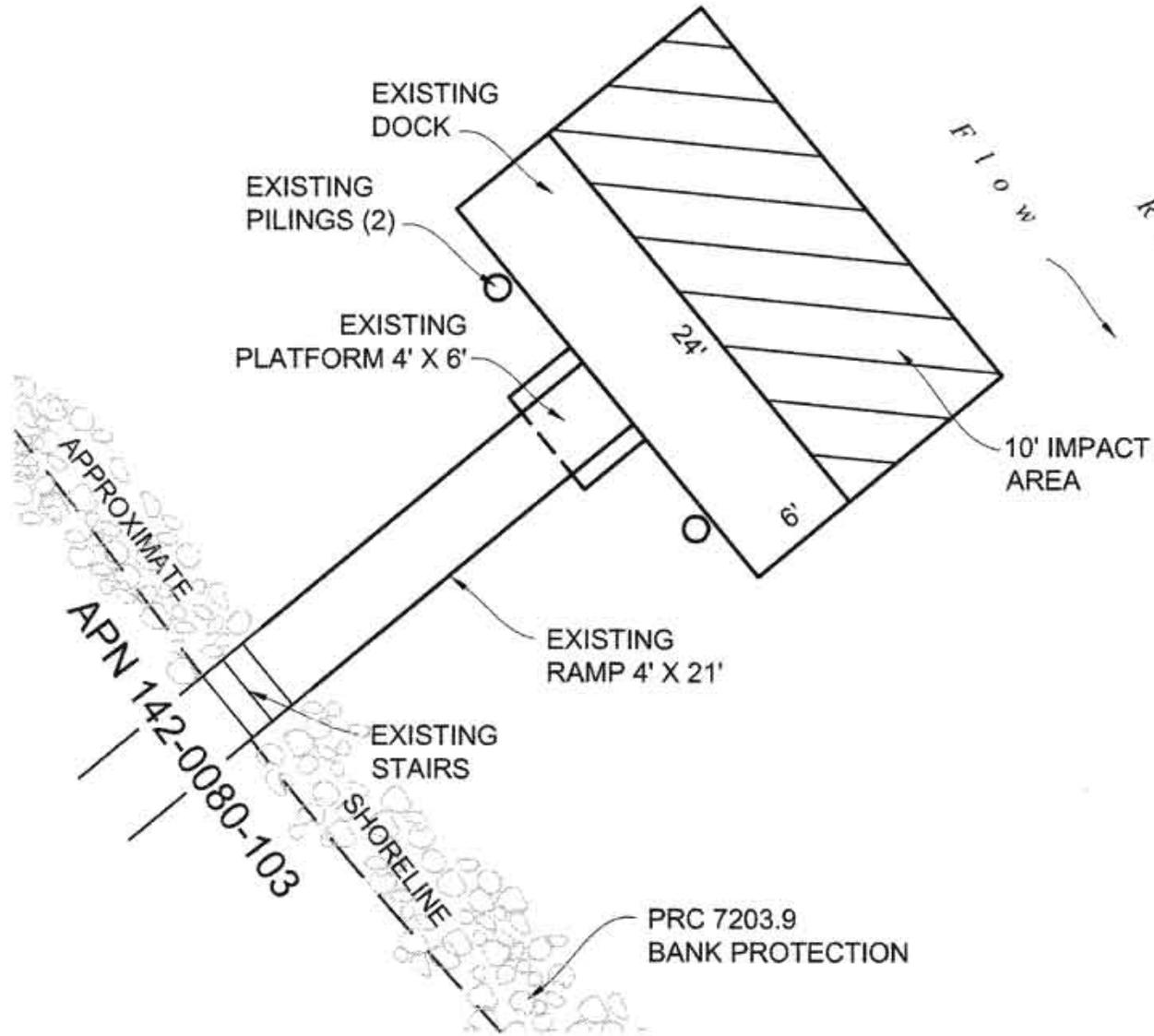
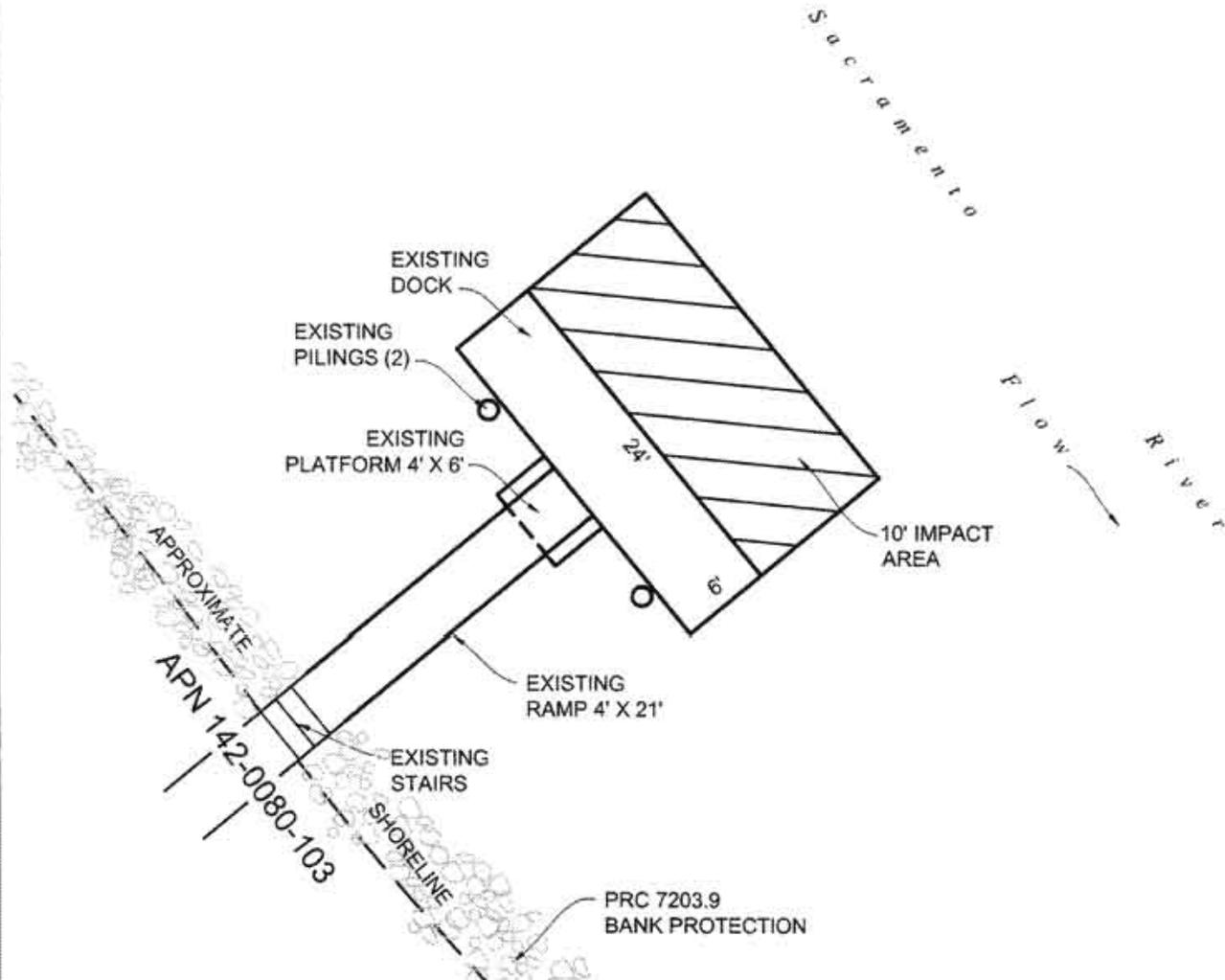


EXHIBIT A



NO SCALE

SITE



13760 HWY. 160, NEAR WALNUT GROVE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6035.1
 FOX-LEE TRUST
 APN 142-0080-103
 GENERAL LEASE -
 RECREATIONAL 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.