

**CALENDAR ITEM
C04**

A 7
S 6

09/20/13
PRC 6064.1
G. Asimakopoulos

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

APPLICANTS:

Colin Boone Arnold and Victoria Lynn Arnold, Trustees of the Arnold Family Revocable Trust, Dated August 23, 1994

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 2915 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, gangway, two steel pilings, debris deflector and bank protection.

LEASE TERM:

10 years, beginning August 23, 2013.

CONSIDERATION:

Floating Boat Dock, Gangway, Two Steel Pilings, and Debris Deflector:

\$230 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 November 7, 1997, the Commission authorized a 10-year General Lease – Recreational and Protective Structure Use to James A. Carter

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and Judith M. Carter. That lease expired on November 18, 2007. On July 12, 2006, the upland property was transferred to Colin Boone Arnold and Victoria Lynn Arnold, Trustees of the Arnold Family Revocable Trust, dated August 23, 1994. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. In the previous lease approved in 1997, an incorrect dock design was authorized which incorporated a proposal for a rebuild of the dock that never took place. The current proposed lease corrects the design as shown in Exhibit B.
4. The bank protection will mutually benefit both the public and the Applicants. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
5. 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.

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).

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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 Colin Boone Arnold and Victoria Lynn Arnold, Trustees of the Arnold Family Revocable Trust, Dated August 23, 1994, beginning August 23, 2013, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock, gangway, two steel pilings, debris deflector, 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, gangway, debris deflector and two pilings: annual rent in the amount of \$230 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 6064.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 206, patented August 2, 1869, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying uncovered floating boat dock, gangway, two steel pilings and debris deflector lying adjacent to that Parcel 1 described in Exhibit "A" of Grant Deed, recorded July 12, 2006 in Book 20060712 at Page 0700 in Official Records of said County.

TOGETHER WITH a 10 foot impact area.

ALSO TOGETHER WITH that land lying immediately beneath any Bank Protection Structure adjacent to said Parcel 1.

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 07/10/2013 by the California State Lands Commission Boundary Unit





APN 225-0210-032

SACRAMENTO RIVER

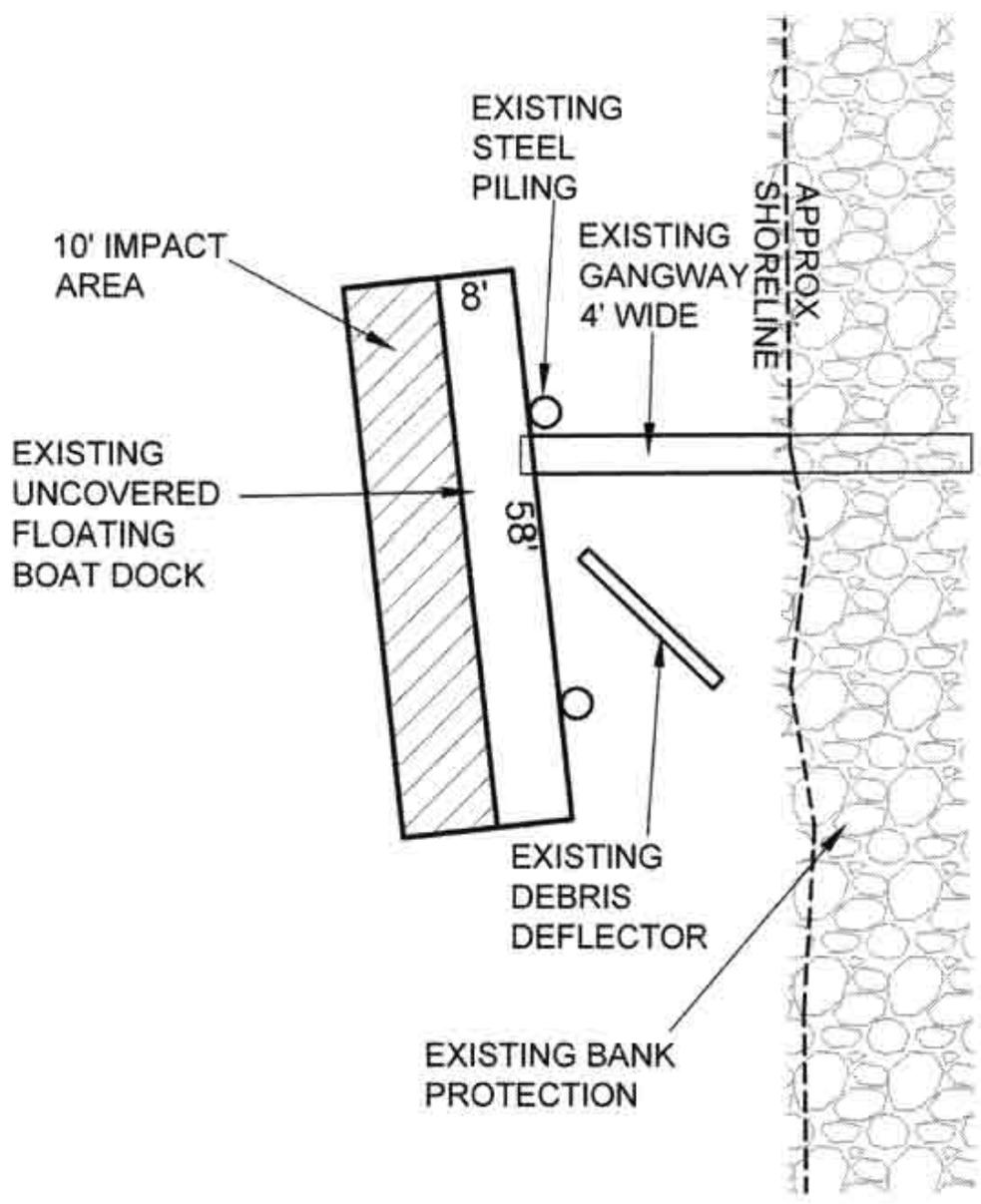


EXHIBIT A

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LAND DESCRIPTION PLAT
 PRC 6064.1, ARNOLD FAMILY
 REVOCABLE TRUST
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION

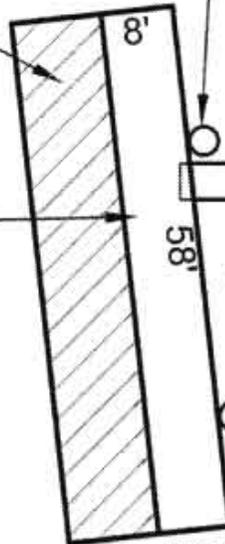


NO SCALE

SITE

SACRAMENTO RIVER

10' IMPACT AREA
EXISTING UNCOVERED FLOATING BOAT DOCK



EXISTING DEBRIS DEFLECTOR
EXISTING BANK PROTECTION

EXISTING STEEL PILING
EXISTING GANGWAY 4' WIDE

APPROX. SHORELINE

APN 225-0210-032

2915 GARDEN HIGHWAY, NEAR SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6064.1
ARNOLD FAMILY REVOCABLE TRUST
APN 225-0210-032
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.

TS 07/10/13