CALENDAR ITEM

C03

A 7 12/02/13

PRC 5376.1

S 6 G. Asimakopoulos

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Charlotte P. (Shirley) Mencarini, Trustee of the Mencarini Family Trust, dated July 29, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 3563 Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, gangway, dolphin, piling, 3/8-inch cable, and bank protection.

LEASE TERM:

10 years, beginning December 2, 2013.

CONSIDERATION:

Uncovered Floating Boat Dock, Gangway, Dolphin, Piling, and 3/8-inch Cable: $152 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. Applicant owns the upland adjoining the lease premises.

2. On January 29, 1999, the Commission authorized a 10-year Recreational Pier Lease to the Mencarini Family Trust Dated July 29, 1998. That lease

expired on January14, 2009. Charlotte P. (Shirley) Mencarini, Trustee of the Mencarini Family Trust, dated July 29, 1998, is now 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.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Charlotte P. (Shirley) Mencarini, Trustee of the Mencarini Family Trust, dated July 29, 1998, beginning December 2, 2013, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, gangway, dolphin, piling, 3/8-inch cable, 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 boat dock, gangway, dolphin, piling, and 3/8-inch cable: annual rent in the amount of $152 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 5376.1

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 178 patented June 10, 1869, County of Sacramento, State of California and more particularly described as follows:

> All those lands underlying an existing uncovered floating boat dock, gangway, dolphin, piling and 3/8" cable lying adjacent to that parcel as described in Grant Deed, recorded September 28, 1998 in Document Number 199809280821 in Official Records of said County.

TOGETHER WITH a 10' impact area.

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

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 08/27/13 by the California State Lands Commission Boundary Unit

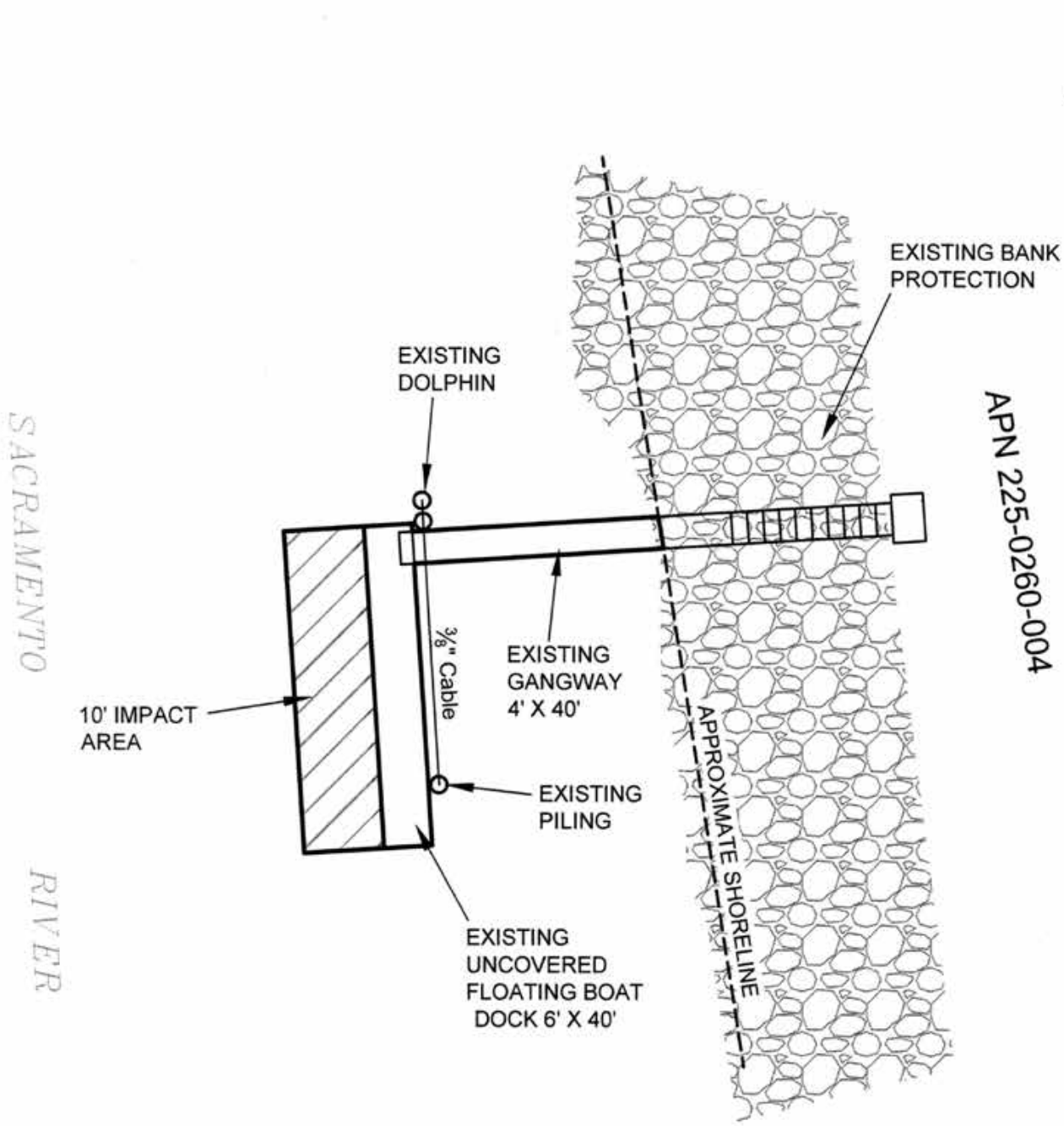

EXHIBIT A

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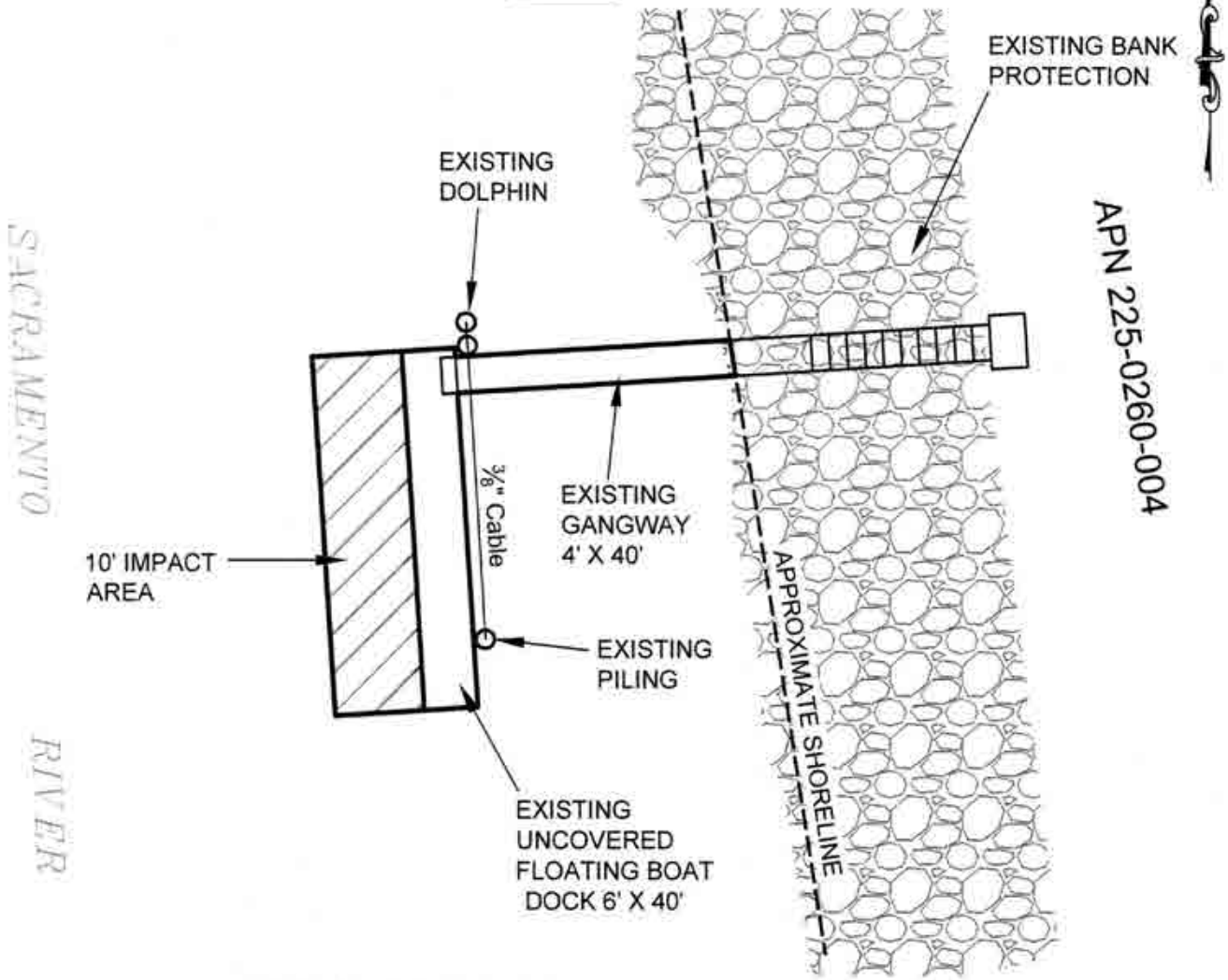
LAND DESCRIPTION PLAT PRC 5376.1, MENCARINI FAMILY TRUST SACRAMENTO COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

SITE



3563 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION

MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 5376.1
MENCARINI FAMILY TRUST
APN 225-0260-004
GENERAL LEASE-
RECREATIONAL & PROTECTIVE
STRUCTURE USE
SACRAMENTO COUNTY

TS 08/27/13