

**CALENDAR ITEM
C08**

A 7
S 6

06/19/14
PRC 6340.1
V. Caldwell

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Ryan Hughes

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 2345 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock and walkway previously authorized by the Commission; and use and maintenance of two existing pilings, jet-ski float, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning June 19, 2014.

CONSIDERATION:

Uncovered Floating Boat Dock, Walkway, Two Pilings, and Jet-Ski Float:

\$236 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 October 28, 1982, the Commission authorized a Recreational Pier Permit to John L. Milliken for a floating dock and walkway. On February 6,

CALENDAR ITEM NO. C08 (CONT'D)

1989, the Commission authorized termination of the permit, removal of facilities, and restoration of the permitted premises for failure to comply with the terms of the permit. However, the floating dock and walkway were not removed. During the next 20 years, the property changed ownership several times and staff was unable to get anyone to submit a complete lease application for a new lease. The upland property was last deeded to Ryan Hughes. The Applicant is now applying for a General Lease – Recreational Use.

3. A previous owner installed the two pilings and bank protection. The Applicant attached the jet-ski float to the dock without prior Commission authorization. Staff recommends including these facilities as authorized improvements under the lease.
4. 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.
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

CALENDAR ITEM NO. **C08** (CONT'D)

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 Ryan Hughes beginning June 19, 2014, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock and walkway previously authorized by the Commission; and use and maintenance of two existing pilings, jet-ski float, and bank protection not previously authorized by the Commission 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 existing uncovered floating boat dock, walkway, two pilings, and jet-ski float: \$236 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 6340.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Survey 828, patented April 5, 1869, Sacramento County, State of California, and more particularly described as follows:

PARCEL 1 - DOCK

All those lands underlying an existing uncovered floating boat dock, walkway, piling and ski float of that parcel as described in Exhibit "A" of that Grant Deed recorded January 31, 2012 in Document 20120131, Page 1889 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

PARCEL 2 – DETACHED PILING

All those lands underlying an existing detached piling adjacent to said parcel.

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

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the Sacramento River.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared May 19, 2014 by the California State Lands Commission Boundary Unit.



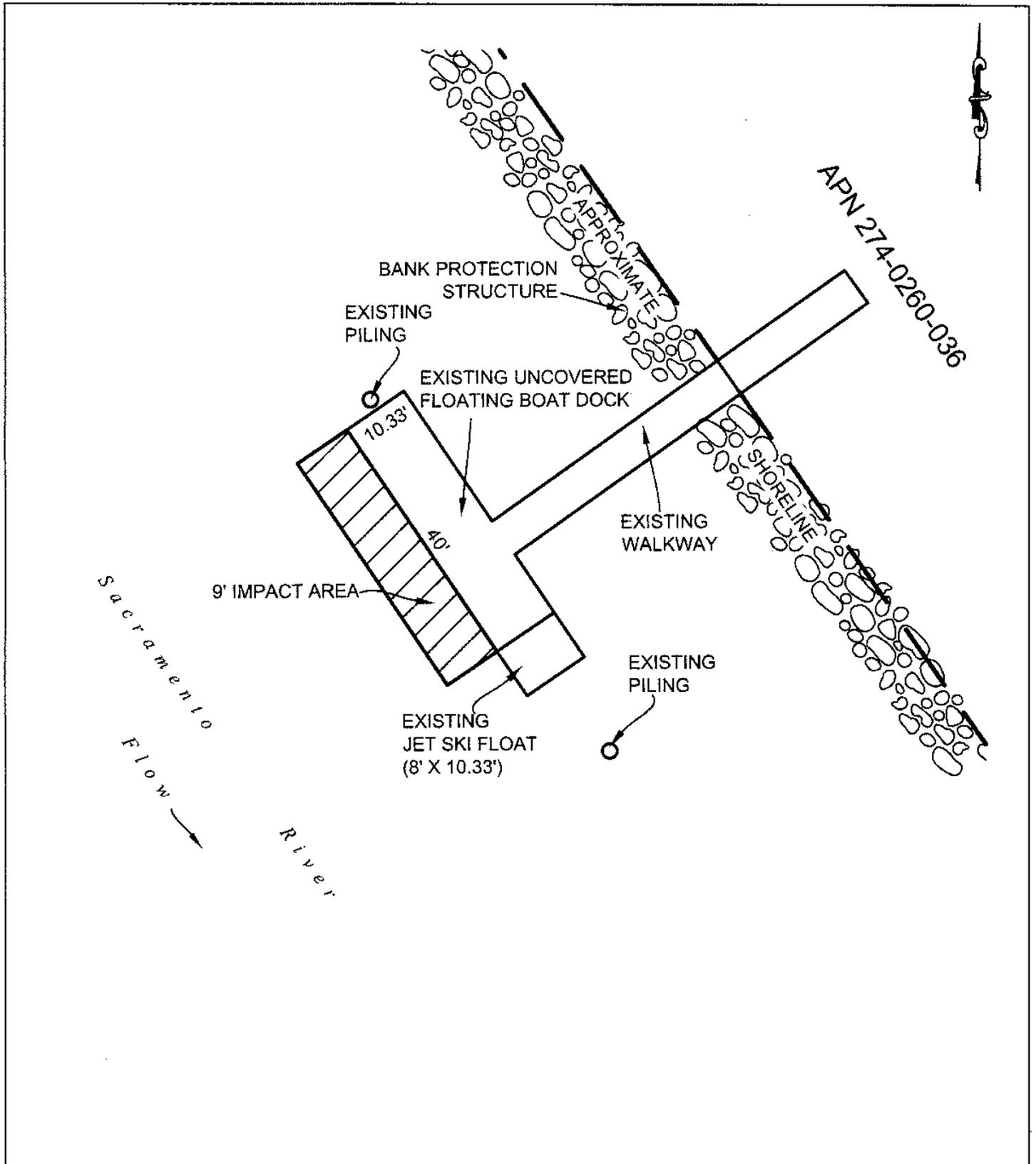


EXHIBIT A

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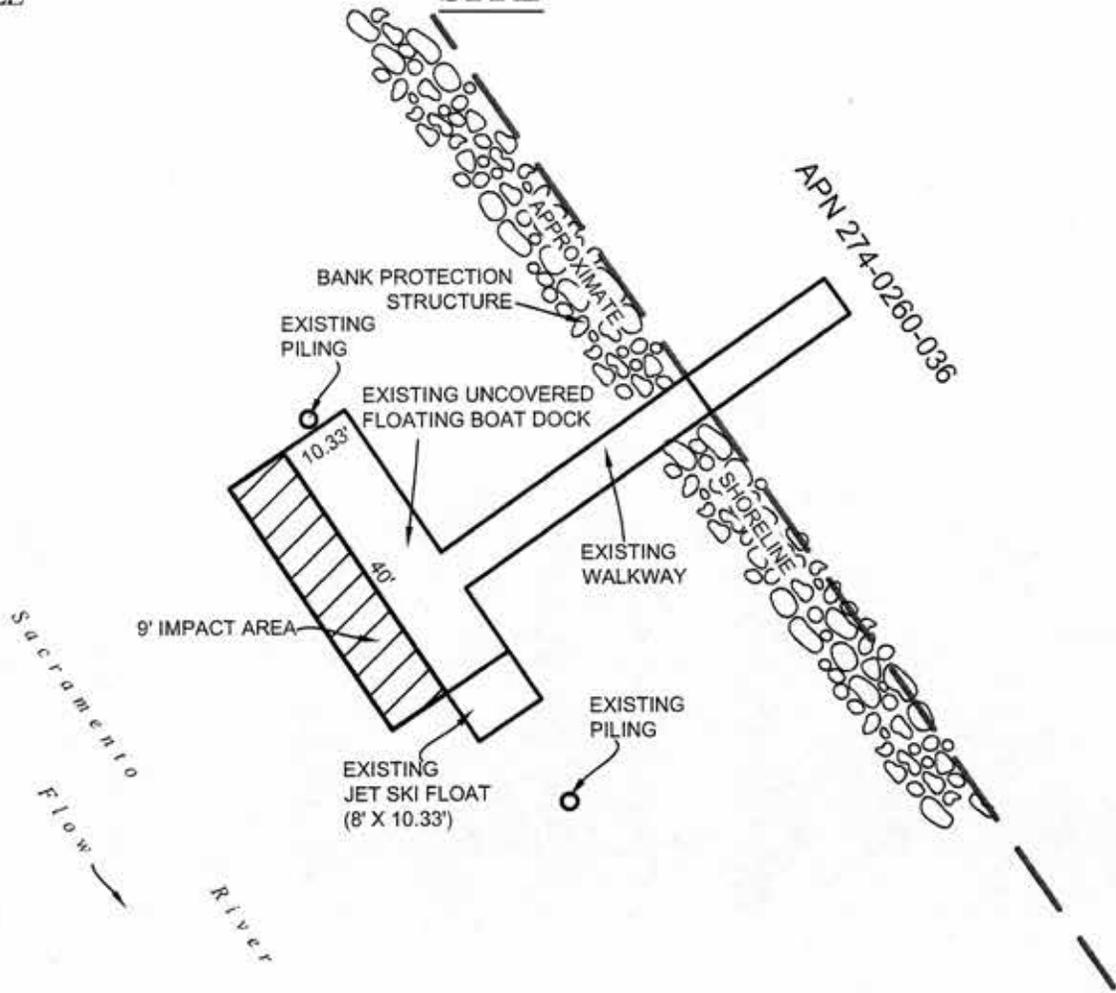
LAND DESCRIPTION PLAT
 PRC 6340.1, HUGHES
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

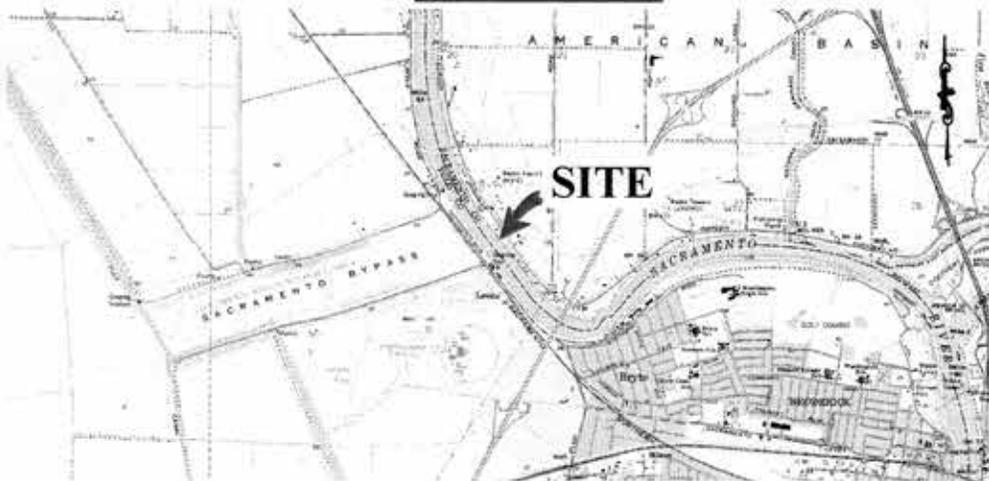
SITE



2345 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6340.1

HUGHES

APN 274-0260-036

GENERAL LEASE -

RECREATIONAL &

PROTECTIVE STRUCTURE USE

SACRAMENTO COUNTY



SITE

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.

MJJ 5/14/2014