

**CALENDAR ITEM  
C03**

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S 6

10/14/14  
PRC 5155.1  
G. Asimakopoulos

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

**APPLICANT:**

Andrew Jackson Cody

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in the Sacramento River, adjacent to 3101 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered floating boat dock and gangway previously authorized by the Commission, and three existing wood pilings, a two-pile wooden dolphin, and bank protection not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning October 1, 2014.

**CONSIDERATION:**

**Uncovered Floating Dock, Gangway, Three Wood Pilings, and a Two-Pile Wooden Dolphin:** \$220 per year, with an annual Consumer Price Index adjustment.

**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.

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2. On October 6, 2004, the Commission authorized a 10-year Recreational Pier Lease with Roberta F. Sylte for the floating boat dock and gangway. That lease expired on September 30, 2014. On April 17, 2014, the upland parcel was deeded to Andrew Jackson Cody. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.
3. Between 2004 and 2014, ownership of the upland parcel changed several times. It is not known who placed the unauthorized structures or when they were placed. The owner prior to the Applicant replaced the dock with the currently existing dock and obtained an after-the-fact permit from the U.S. Army Corps of Engineers in 2012 for the dock, three pilings and two-pile dolphin. The bank protection has existed for many years but has not been previously authorized.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection for the river channel 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. **C03** (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 Andrew Jackson Cody beginning October 1, 2014, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock and gangway previously authorized by the Commission, and three existing wood pilings, a two-pile wooden dolphin, 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, gangway, three wood pilings, and two-pile wooden dolphin: \$220 per year, with an annual Consumer Price Index adjustment; 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 5155.1**

**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 284, certificate of purchase dated March 12, 1860, County of Sacramento, State of California and more particularly described as follows:

**PARCEL 1 – BOAT DOCK**

All those lands underlying an existing uncovered floating boat dock, walkway, two-pile wood dolphin and two wood pilings lying adjacent to that parcel described in Grant Deed, recorded April 17, 2014 in Book 20140417 at Page 0031 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

ALSO TOGETHER WITH all those lands lying immediately beneath any existing 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.

**PARCEL 2 – UNATTACHED PILING**

All those lands underlying an existing wood piling lying adjacent to that parcel described in Grant Deed, recorded April 17, 2014 in Book 20140417 at Page 0031 in Official Records of said County.

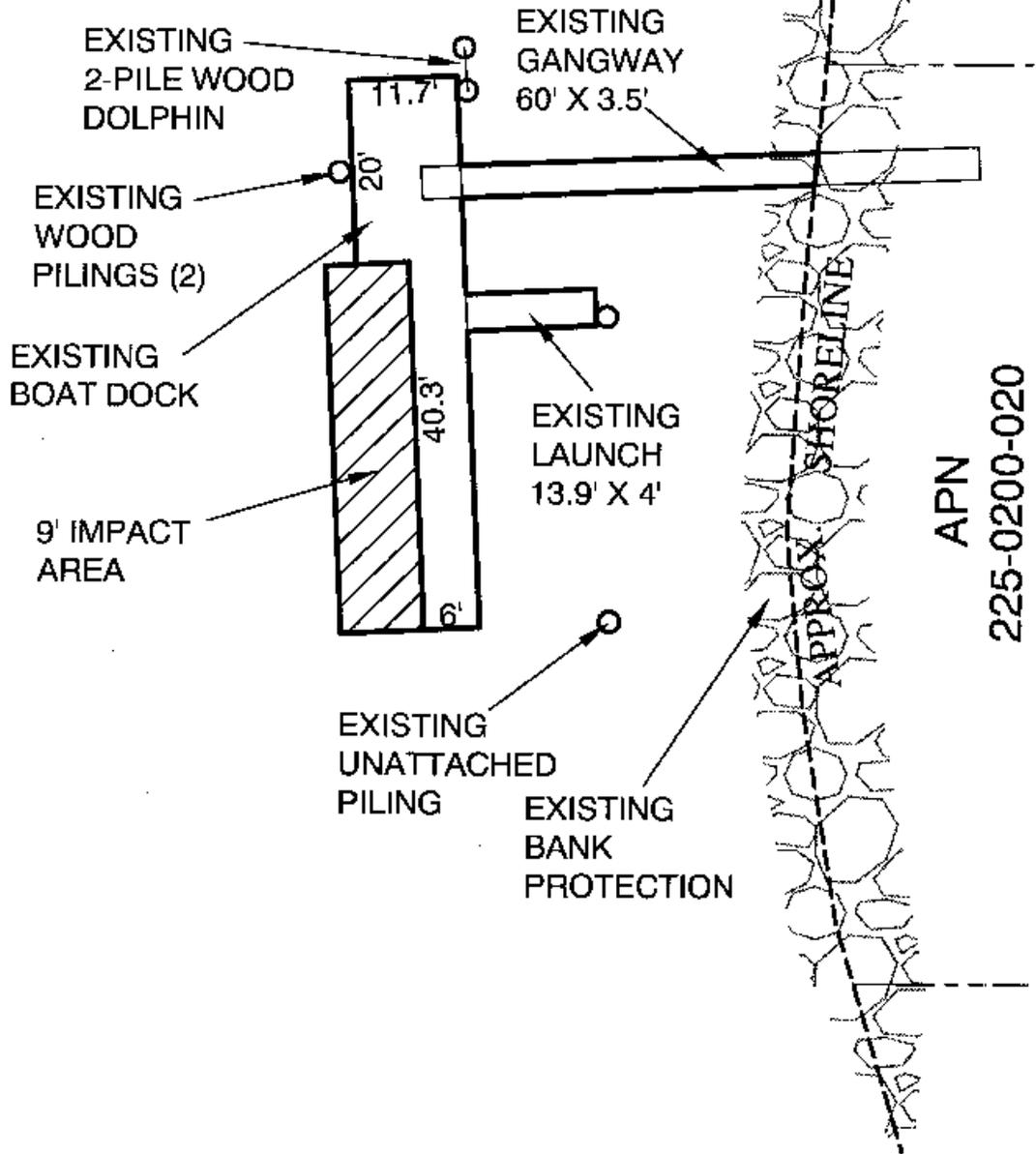
Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 08/25/14 by the California  
State Lands Commission Boundary Unit



SACRAMENTO RIVER



APN 225-0200-020

### EXHIBIT A

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LAND DESCRIPTION PLAT  
PRC 5155.1, CODY  
SACRAMENTO COUNTY

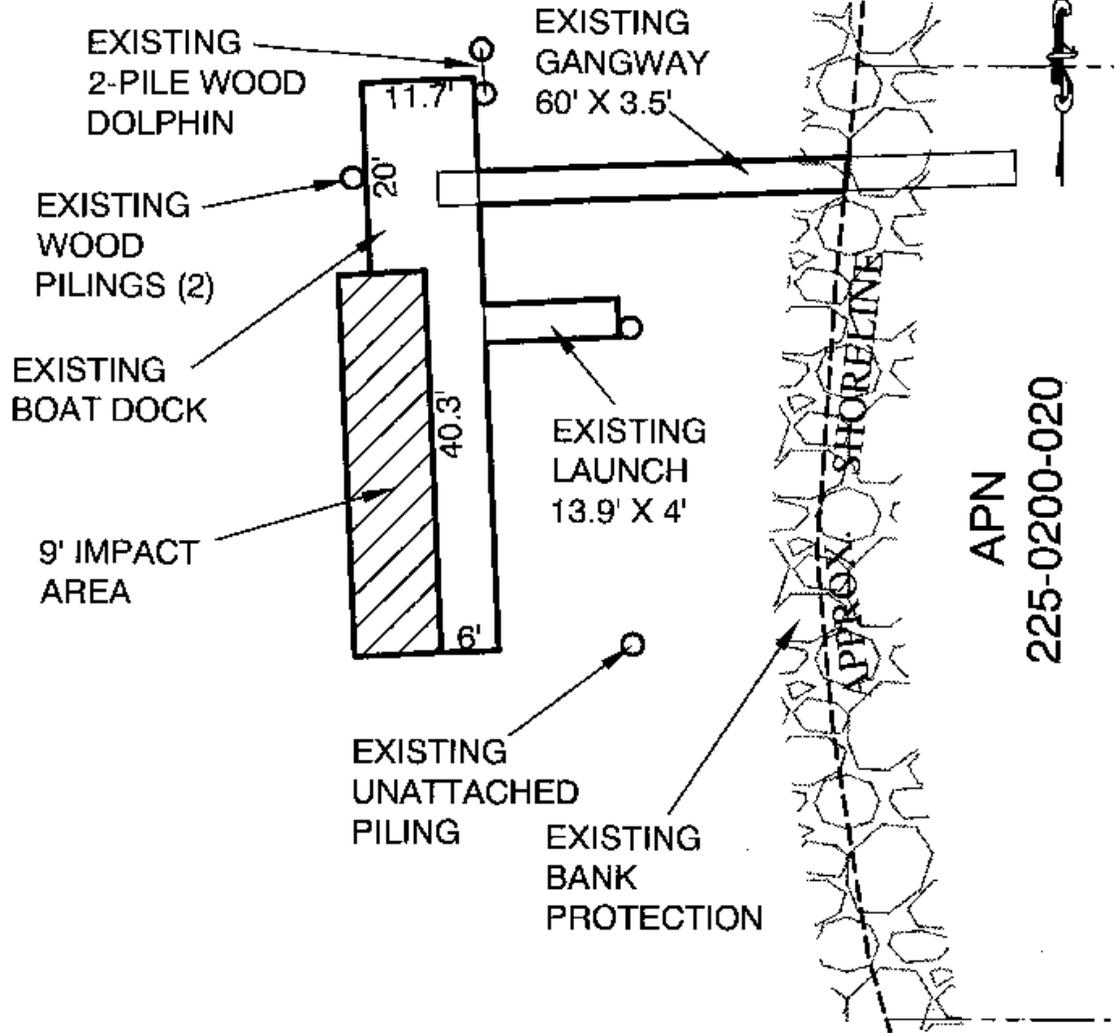
CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

### SITE

SACRAMENTO RIVER



3101 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 5155.1

CODY

APN 225-0200-020

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.