

**CALENDAR ITEM
C58**

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06/29/15
PRC 6879.1
A. Franzoia

**TERMINATION AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

APPLICANT:

Janet V. Brownlee, Trustee of the Brownlee Family Trust

AREA, LAND TYPE, AND LOCATION:

0.0142 acre, more or less, of tide and submerged land in the Sacramento River, adjacent to 2847 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, two wood pilings, gangway, and bank protection.

LEASE TERM:

10 years, beginning June 29, 2015.

CONSIDERATION:

\$132 per year, with an annual Consumer Price Index adjustment.

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 April 26, 2005, the Commission authorized a General Lease – Protective Structure and Recreational Use to Henry Adair and Clara E. Adair, Co-Trustees of the Adair Family Living Trust, for the continued use and maintenance of an existing floating dock, steel ramp, and bank protection commencing August 28, 2005. That lease expires on August 27, 2015.
3. A Declaration of Trust, was executed on July 30, 2013, between Janet V. Brownlee, as the Settlor and Janet V. Brownlee, as the Trustee of the Brownlee Family Trust. A Grant Deed from the Successor Co-Trustees of

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the Adair Family Living Trust to Janet Brownlee was recorded on September 19, 2013. A Grant Deed from Janet Brownlee to Janet V. Brownlee, Trustee of the Brownlee Family Trust, was recorded on October 2, 2013. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.

4. Staff recommends termination of the existing lease because the Lessee abandoned the lease by selling the property and facilities without executing a quitclaim deed.
5. **Lease Termination:** The staff recommends that the Commission find that the subject termination of lease does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Issuance of New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

7. 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

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject termination of lease is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of New Lease: 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:

1. Authorize termination of Lease No. PRC 6879.1, a General Lease – Protective Structure and Recreational Use, issued to Henry Adair and Clara E. Adair, Co-Trustees of the Adair Family Living Trust, effective June 28, 2015.
2. Authorize issuance of a General Lease - Recreational and Protective Structure Use to Janet V. Brownlee, Trustee of the Brownlee Family Trust, beginning June 29, 2015, for a term of 10 years, for an uncovered floating boat dock, two wood pilings, gangway, and bank protection as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$132 with an annual Consumer Price Index adjustment; and liability insurance with coverage of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6879.1

LAND DESCRIPTION

One parcel of tide and submerged land situated in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Lands survey 206, patented August 2, 1869 24, County of Sacramento, State of California, more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, two wood pilings, and gangway lying adjacent to that parcel described in Quitclaim Deed recorded October 2, 2013 as Document Number 20131002 at Page 1059 in Official Records of Sacramento County.

TOGETHER WITH any applicable impact area.

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

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 04/20/2015 by the California State Lands Commission Boundary Unit.

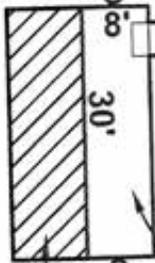


SACRAMENTO RIVER

9' IMPACT AREA

EXISTING RAMP

EXISTING WOOD PILINGS (2)



EXISTING UNCOVERED FLOATING BOAT DOCK

EXISTING BANK PROTECTION

APPROX. SHORELINE

TOP OF BANK

APN 225-0210-042



EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 6879.1, BROWNIE
SACRAMENTO COUNTY

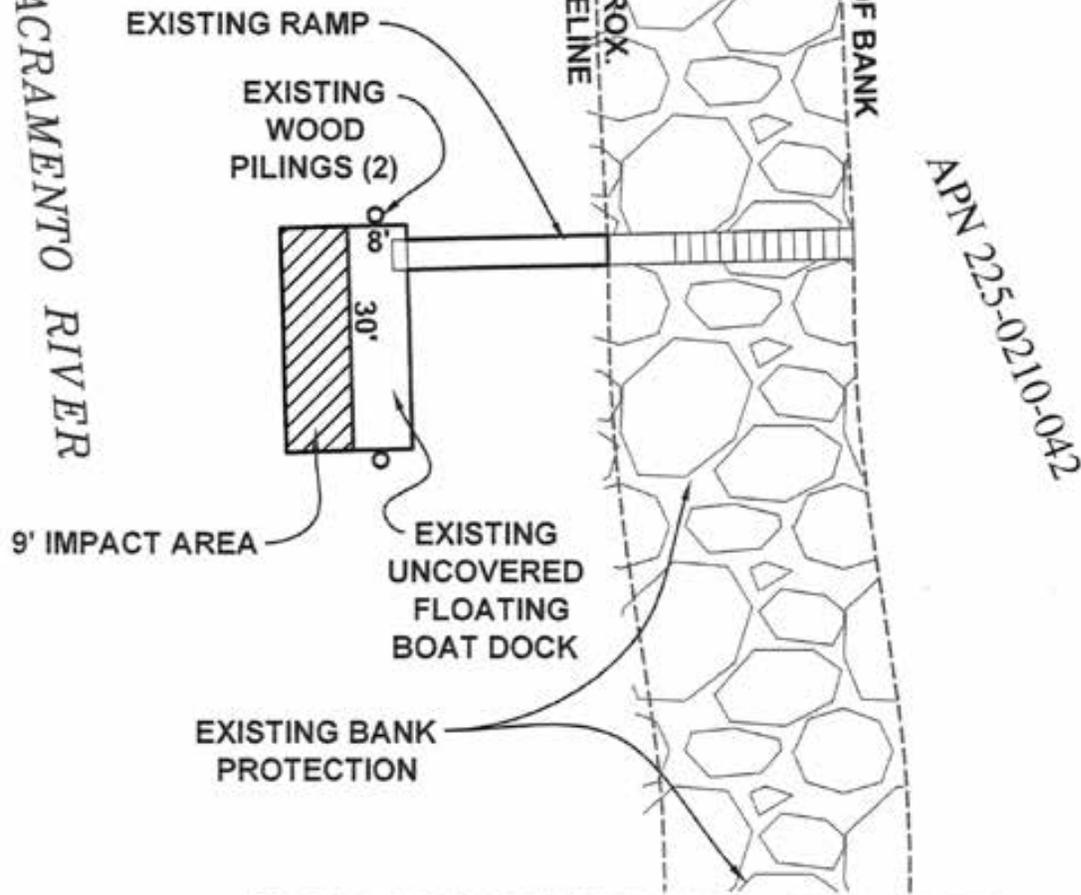
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

SACRAMENTO RIVER



2847 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6879.1
 BROWNIEE
 APN 225-0210-042
 GENERAL LEASE -
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 SACRAMENTO COUNTY



RGB 04/20/15

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.