

**CALENDAR ITEM
C85**

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S 3

12/18/15
PRC 6889.1
S. Kreutzburg

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Thomas M. Gilbert, Trustee of The Gilbert Family 2006 Revocable Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to Sacramento County Assessor's Parcel Number 274-0220-056, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning October 1, 2015.

CONSIDERATION:

Uncovered floating boat dock, gangway, three wood pilings, a three-pile dolphin, and covered single-berth floating boat dock with boat lift: \$491 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 to be in the State's best interests.

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 April 26, 2005, the Commission authorized a General Lease - Protective Structure and Recreational Use to Thomas M. Gilbert. That lease expired on September 30, 2015. On May 2, 2007, ownership of the upland parcel was deeded to Thomas M. Gilbert, Trustee of The Gilbert Family 2006 Revocable Trust. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use, for the previously authorized facilities and for an existing covered single-berth floating boat dock with boat lift not previously authorized by the Commission.
3. The covered single-berth floating boat dock with boat lift was moved into the site two years ago without Commission approval. The Applicant has applied for an after-the-fact permit from Central Valley Flood Protection Board. Staff recommends bringing the existing covered single-berth floating boat dock with boat lift under lease.
4. The bank protection will mutually benefit both the public and the Applicant by protecting the river channel from wave action at no cost to the State.
5. 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 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.

FURTHER APPROVALS REQUIRED:

Central Valley Flood Protection Board

EXHIBITS:

- A. Land Description
- B. Site and Location Map

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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 INVENTORY LANDS 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 Thomas M. Gilbert, Trustee of The Gilbert Family 2006 Revocable Trust, beginning October 1, 2015, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, gangway, three wood pilings, a three-pile dolphin and bank protection previously authorized by the Commission, and an existing covered single-berth floating boat dock with boat lift 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 uncovered floating boat dock, gangway, three wood pilings, a three-pile dolphin, and covered single-berth floating boat dock with boat lift: \$491 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 interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6889.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow 183 patented February 1, 1866, County of Sacramento, State of California, and more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying an existing uncovered floating boat dock, one gangway, three pilings, one covered single-berth floating boathouse with one boat lift and one 3-pile dolphin lying adjacent to that parcel as described in that Trust Transfer Deed recorded May 2, 2007 in Book 20070502, Page 0725 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

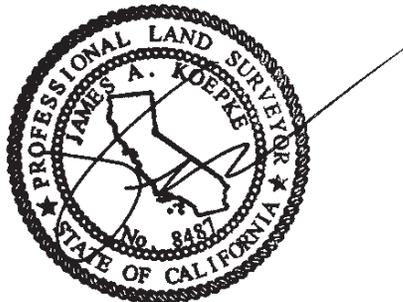
ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure lying adjacent to said parcel.

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 October 21, 2014 by the California State Lands Commission Boundary Unit.



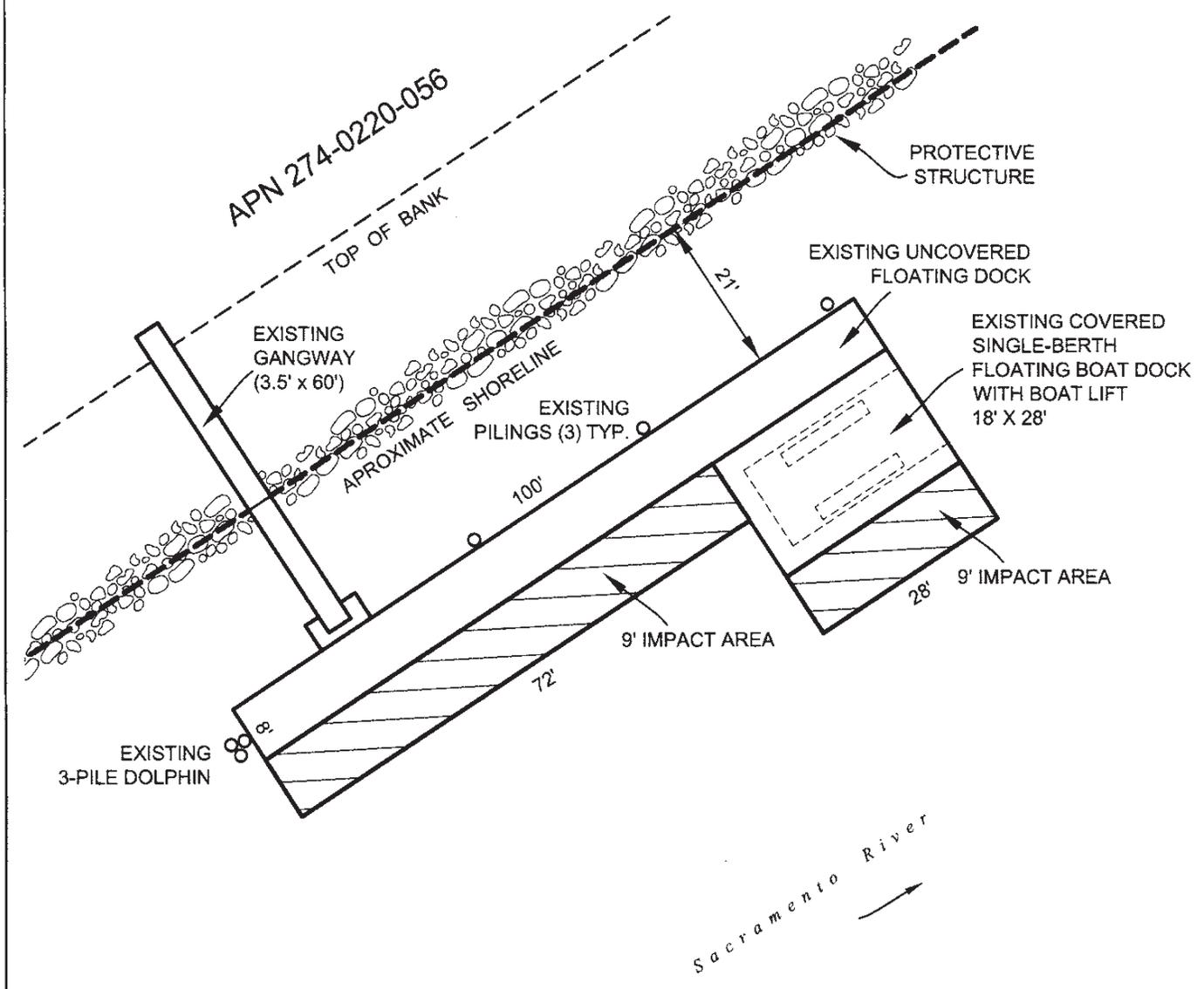


EXHIBIT A

MJJ 10/21/2014

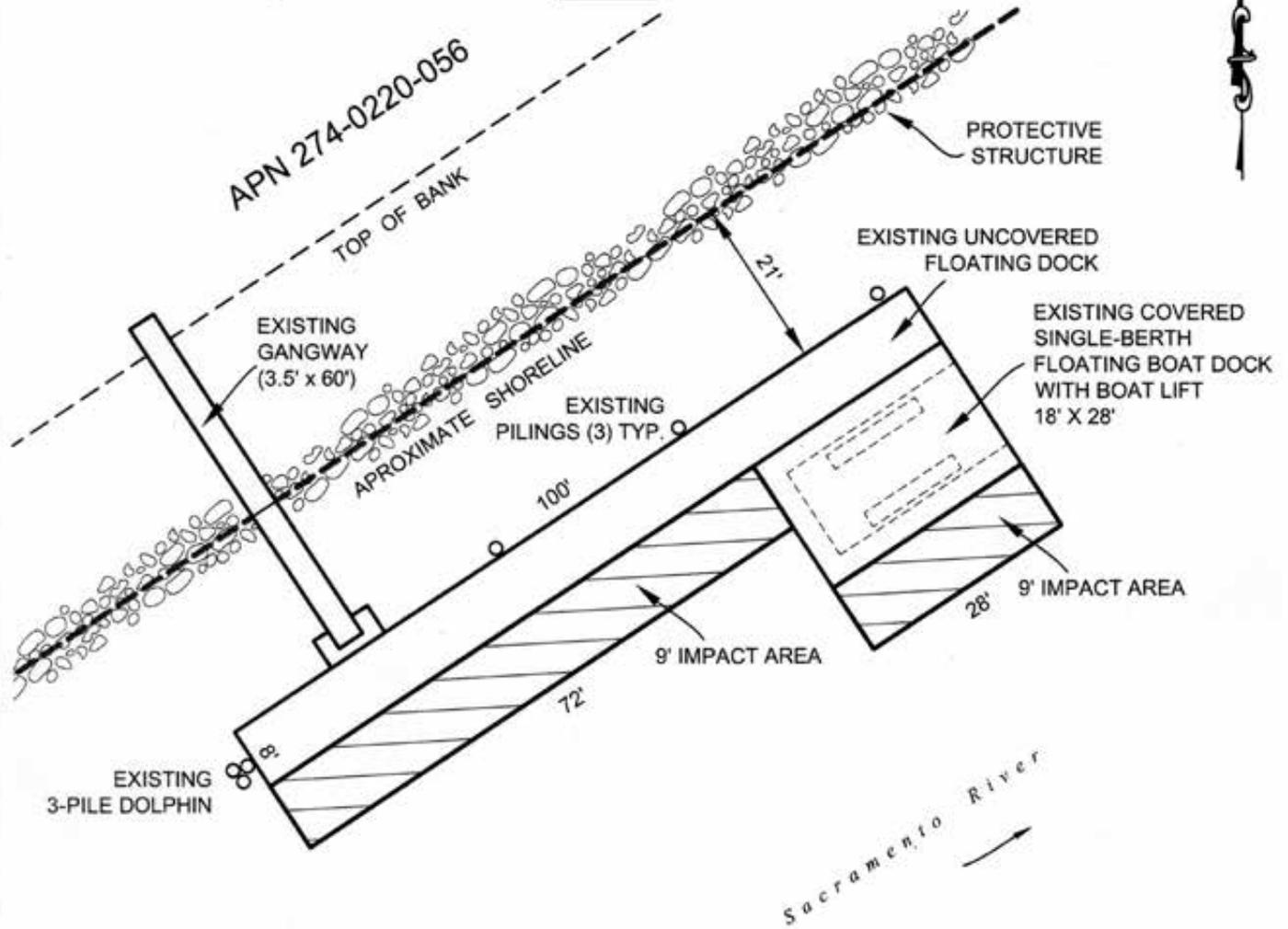
LAND DESCRIPTION PLAT
 PRC 6889.1, GILBERT TRUST
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



CITY OF SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6889.1
 GILBERT TRUST
 APN 274-0220-056
 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.