

MINUTE ITEM

This Calendar Item No. C10
was approved as Minute Item
No. 10 by the State Lands
Commission by a vote of 3
to 0 at its 7/26/77
meeting.

CALENDAR ITEM

7/77
W 20094
ACS

C10.

NONCOMMERCIAL LEASE

PRC 5344

APPLICANT:

A. T. Hay and Constance D. Hay
1975 Garden Highway
Sacramento, California 95833

AREA, TYPE LAND AND LOCATION:

An 0.243 acre parcel of tide and submerged
land in the Sacramento River near the city
of Sacramento, Sacramento County.

LAND USE:

Continued maintenance of existing floating
dock and houseboat.

TERMS OF PROPOSED LEASE:

Initial period: 10 years from September 1, 1976.

Renewal options: None.

Surety bond: \$2,000.

Public liability insurance: \$300,000 per
occurrence for bodily injury
and \$100,000 for property
damage.

CONSIDERATION: \$225 per annum with the State reserving the
right to fix a different rental on each fifth
anniversary of the lease.

BASIS FOR CONSIDERATION:

\$225 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. The proposed lease was prepared prior to
the enactment of our current regulations
covering these types of facilities and
therefore was continued as a noncommercial
lease due to the size of the lease area.

A 5

S 3

CALENDAR ITEM NO. C10. (CONTD)

2. The facilities which occupy the lease area have been in existence for sometime and even though the floating boathouse is not in compliance with the Delta Master Recreation Plan it was agreed by all State agencies involved that because the houseboat predated the original Delta Plan that the houseboat could remain.
3. Special provisions are contained in the proposed lease which will require the removal of the houseboat should it be damaged beyond repairs and if removed the houseboat could not be replaced.
4. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1B which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
5. This project is situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is classified in a use category, Class B which authorizes Limited Use.

Staff has coordinated this project with those agencies and organizations who nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE PUBLIC RESOURCES CODE.

CALENDAR ITEM NO. C10. (CONTD.)

3. AUTHORIZE ISSUANCE TO A. T. HAY AND CONSTANCE D. HAY OF A 10-YEAR NONCOMMERCIAL LEASE FROM SEPTEMBER 1, 1976; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$225 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 PER OCCURRENCE FOR BODILY INJURY AND \$100,000 FOR PROPERTY DAMAGE; FOR THE CONTINUED MAINTENANCE OF AN EXISTING FLOATING DOCK AND HOUSEBOAT PROVIDED THAT IF THE HOUSEBOAT SUFFERS ANY MAJOR STRUCTURAL DAMAGE DURING THE TERM OF SAID LEASE THEN THE HOUSEBOAT WILL BE REMOVED FROM THE LEASED AREA AND SHALL NOT BE REPLACED ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20094

A portion of the State owned bed of the Sacramento River in Section 28, T 9 N, R 4 E, M.D.M., lying adjacent to that certain parcel of land acquired by A. T. Hay and Constance D. Hay by deed dated May 20, 1958, recorded in Book 3513 at Page 246 of the records of Sacramento County, California, more particularly described as follows:

COMMENCING at a concrete monument marked "NRS-3" lying S 00° 7' 30" E, 2132.16 feet from the northeast corner of said Section 28 and being on the northerly boundary of Natomas Riverside Subdivision No. 1 recorded in Map Book 15, Map No. 26 of said Sacramento County records; thence N 51° 28' 30" E a distance of 3.44 feet along said northerly boundary to the center line of a private road as platted in said subdivision; thence south a distance of 1320 feet along the center line of said private road to its intersection with the northerly line of Reclamation District No. 1000 Right-of-Way; thence continuing south along the center line of said private road, a distance of 245 feet, more or less, to the ordinary high water mark of the left bank of the Sacramento River thence S 51° 28' 30" W a distance of 42 feet along said ordinary high water mark of the TRUE POINT OF BEGINNING of the tract herein described; thence leaving said ordinary high water mark S 38° 31' 30" E a distance of 50 feet; thence S 51° 28' 30" W a distance of 100 feet; thence S 38° 31' 30" E a distance of 12 feet; thence S 51° 28' 30" W a distance of 90 feet; thence N 38° 31' 30" W a distance of 62 feet, more or less, to said ordinary high water mark; thence N 51° 28' 30" E a distance of 190 feet along said ordinary high water mark to the true point of beginning.

END OF DESCRIPTION

Prepared Shirley Webster Checked James Colvin
Reviewed W. K. Zuercher Date 10/24/76