

MINUTE ITEM

This Calendar Item No. 37
was approved as Minute Item
No. 31 by the State Lands
Commission by a vote of 2
to 0 at its 8/25/77
meeting.

MINUTE ITEM

8/25/77
MB

37. GENERAL PERMIT, RECREATIONAL USE; AUTHORIZATION FOR SETTLEMENT AND DISMISSAL OF SUIT; STANLEY J. AND RUTH L. GALE - W 503.808.

During consideration of Calendars 37 and 38, attached, Mr. Robert C. Hight, Chief Counsel, explained the items were identical and stated that they involved two people on the river who did not have a permit for a recreational pier. He also made changes to the Resolution deleting the word "NONPREJUDICIAL" in paragraph #4.

Upon motion duly made and carried, Calendars 37 and 38 were approved without objection by a vote of 2-0, amended as follows:

THE COMMISSION:

1. DETERMINES 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 15101; AND 2 CAL. ADM. CODE 2907(A).
2. FINDS THAT THE GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZES THE ISSUANCE TO STANLEY J. AND RUTH L. GALE OF A 10-YEAR GENERAL PERMIT-RECREATIONAL USE FROM MARCH 1, 1977; IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF \$40; FOR THE USE OF TIDE AND SUBMERGED LANDS IN THE SACRAMENTO RIVER, SACRAMENTO COUNTY; FOR DOCK FACILITIES ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.
4. AUTHORIZES THE STAFF TO SETTLE THE LITIGATION AND EXECUTE A DISMISSAL OF PEOPLE V. GALE, SACRAMENTO COUNTY SUPERIOR COURT NO. 25672, IN CONSIDERATION OF THE EXECUTION OF THE ABOVE PERMIT.

Attachment: Calendar Item 37 (2 pages)

8/77
W 503.808
Brady
PRC 5381

CALENDAR ITEM

37

GENERAL PERMIT RECREATIONAL USE
AUTHORIZATION FOR SETTLEMENT AND DISMISSAL OF SUIT
STANLEY J. AND RUTH L. GALE

On June 1, 1976 the State Lands Division staff filed suit against Stanley J. and Ruth L. Gale. The suit sought ejectment and damages for the unlawful use of State property located the Sacramento River, Sacramento County, approximately 3 miles north of Sacramento.

Subsequently, after some protracted pretrial litigation, the defendants agreed, in settlement, to a permit for the future use of State lands. This permit arrangement would eliminate a long standing dispute between the State and the Gales.

APPLICANT: Stanley J. and Ruth L. Gale
1963 Garden Highway
Sacramento, California

LAND USE: Existing dock

TERMS OF PROPOSED PERMIT:
Initial period: 10 years from March 1,
1977.

5 year rent review, with limitations of increase to no more than 50% of existing rental and condition that if legislation is enacted reducing or eliminating rental obligation, that such would be effective in permit arrangement.

Liability insurance: \$100,000 for bodily injury; \$10,000 for property damage or \$100,000 single liability or valid homeowner's policy.

RENEWAL OPTION: None

SURETY BOND: None

CONSIDERATION: \$40 per annum.

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CALENDAR ITEM NO. 37. (CONTD)

BASIS FOR CONSIDERATION:

Administrative Code: Title 2, Div. 3, Art. 2.

PREREQUISITE TERMS:

Applicant is owner of upland.

EXHIBITS:

A. Site 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 PRG 21085; AND 14 CAL. ADM. CODE 15101 AND 2 CAL. ADM. CODE 2907(A).
2. FIND THAT THE GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE THE ISSUANCE TO STANLEY J. AND RUTH L. GALE OF A 10-YEAR GENERAL PERMIT-RECREATIONAL USE FROM MARCH 1, 1977; IN CONSIDERATION OF ANNUAL RENTAL IN THE AMOUNT OF \$40 FOR THE USE OF TIDE AND SUBMERGED LANDS IN THE SACRAMENTO RIVER, SACRAMENTO COUNTY; FOR DOCK FACILITIES ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.
4. AUTHORIZE THE STAFF TO SETTLE THE LITIGATION AND EXECUTE A NONPREJUDICIAL DISMISSAL OF PEOPLE V. GALE, SACRAMENTO COUNTY SUPERIOR COURT NO. 256972, IN CONSIDERATION OF THE EXECUTION OF THE ABOVE PERMIT.