

**CALENDAR ITEM
C23**

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05/24/12
PRC 8414.1
N. Lavoie

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Joseph F. Davi, Sr. and Laura L. Wright, as Trustees of The Davi Wright Revocable Trust dated November 30, 2009

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Three-Mile Slough, adjacent to 18164 Sherman Island East Levee Road, near Rio Vista, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an uncovered floating boat dock, landing, ramp, walkway, four pilings, and a two-pile dolphin.

LEASE TERM:

10 years, beginning August 1, 2012.

CONSIDERATION:

\$233 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On October 1, 2002 the Commission authorized a Recreational Pier Lease with Joseph F. Davi, Sr. and Laura L. Wright. The lease will expire on July 31, 2012. On January 4, 2010 ownership of the upland parcel was deeded to Joseph F. Davi, Sr. and Laura L. Wright, as Trustees of The Davi Wright Revocable Trust dated November 30, 2009. The Applicants are now applying for a new General Lease – Recreational Use.

CALENDAR ITEM NO. **C23** (CONT'D)

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law became effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:
 - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
 - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

The Applicants do not qualify for an exception and the lease is subject to rent because the application was received after March 31, 2011.

4. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined 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.

5. 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. **C23** (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 10-year General Lease – Recreational Use to Joseph F. Davi, Sr. and Laura L. Wright, as Trustees of The Davi Wright Revocable Trust dated November 30, 2009, beginning August 1, 2012, for the continued use and maintenance of an uncovered floating boat dock, landing, ramp, walkway, four pilings, and a two-pile dolphin as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; \$233 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 8414.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of Three-Mile Slough, lying adjacent to Swamp and Overflowed Land Survey 583 patented December 19, 1867, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, landing, metal ramp, walkway, four pilings, and a two-pile dolphin lying adjacent to and east of that parcel of land as described in "Exhibit A" of that Quitclaim Deed, recorded January 4, 2010 in Book 20100104, Page 1474 in Official Records of said County.

TOGETHER WITH a 10' use area.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said slough.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

PREPARED 11/30/11 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



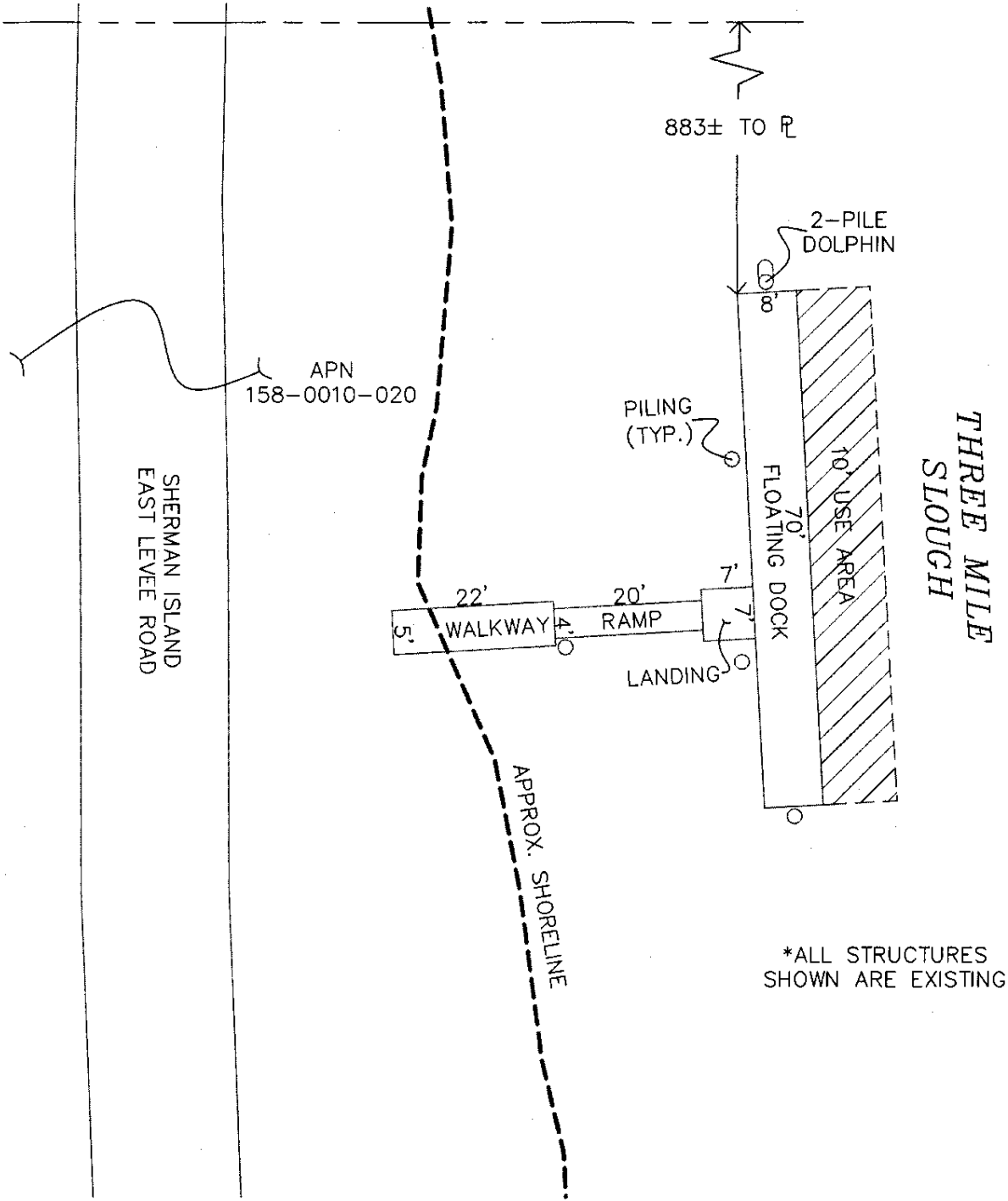


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 8414.1, DAVI - WRIGHT
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



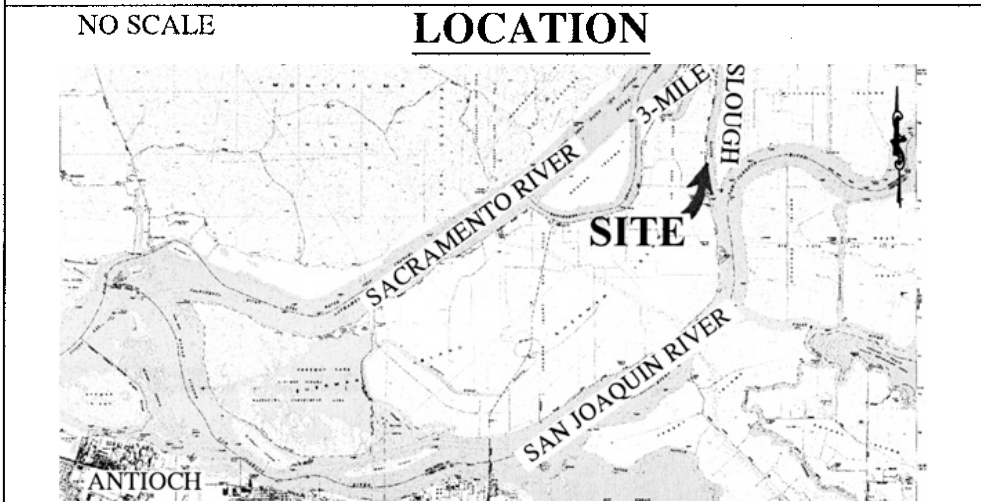
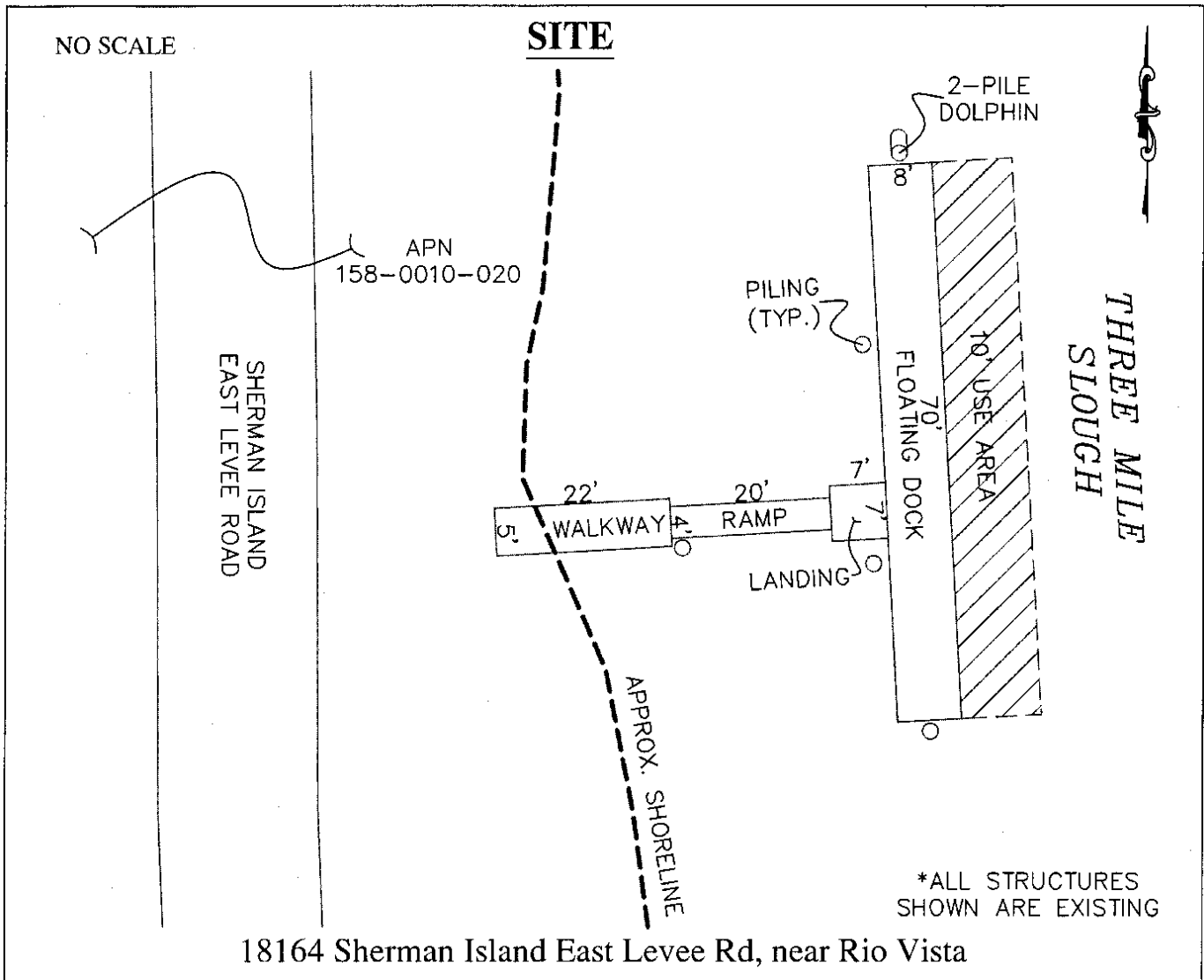


Exhibit B
 PRC 8414.1
 DAVI - WRIGHT
 APN 158-0010-020
 GENERAL LEASE -
 RECREATIONAL USE
 SACRAMENTO COUNTY



MAP SOURCE: USGS QUAD

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.