

**CALENDAR ITEM
C29**

A 5
S 6

12/05/12
PRC 5344.1
N. Lavoie

**GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

APPLICANT:

Brian Perry

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 1977 Garden Highway, in the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, ramp, three pilings, one two-piling dolphin, four metal brace attachments from piles to deadmen on the upland, and bank protection.

LEASE TERM:

10 years, beginning October 4, 2012.

CONSIDERATION:

Dock Facilities: \$912 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

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 interest.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On November 21, 2006, the Commission authorized a General Lease – Recreational and Protective Structure Use to Brian Perry, Jamie Bobolis, and Ken Perry. That lease expired on August 29, 2011. On October 4,

CALENDAR ITEM NO. **C29** (CONT'D)

2012, Jamie Bobolis and Ken Perry quitclaimed the property to Brian Perry. Brian Perry is now applying for a new General Lease – Recreational and Protective Structure Use.

3. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection from wave action provided at little cost to the public.
4. The 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.

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

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.

CALENDAR ITEM NO. **C29** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Brian Perry beginning October 4, 2012, for a term of 10 years, for the continued use and maintenance of an existing floating boat dock, ramp, three pilings, one two-piling dolphin, four metal brace attachments from piles to deadmen on the upland, and bank protection 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 dock facilities: \$912 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; 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 to be in the State's best interest; liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 5344.1

LAND DESCRIPTION

A parcel of tide and submerged land, in the bed of the Sacramento River situate in Section 28, T9N, R4E, MDM, Sacramento County, State of California, lying adjacent to that certain parcel of land described in a deed dated May 20, 1958, recorded in Book 3513 at Page 246 Sacramento County Records, said parcel bounded to the northwest by the ordinary high water mark on the left bank of the Sacramento River; bounded to the northeast by a line beginning at the intersection of the ordinary high water mark and the East line of said parcel recorded in Book 3513 at Page 246, being perpendicular to said ordinary high water mark and extending southeasterly; bounded on the southeast by a line lying 50 feet perpendicular and parallel to said ordinary high water mark and the west line of said parcel, being perpendicular to said ordinary high water mark and extending southeasterly.

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

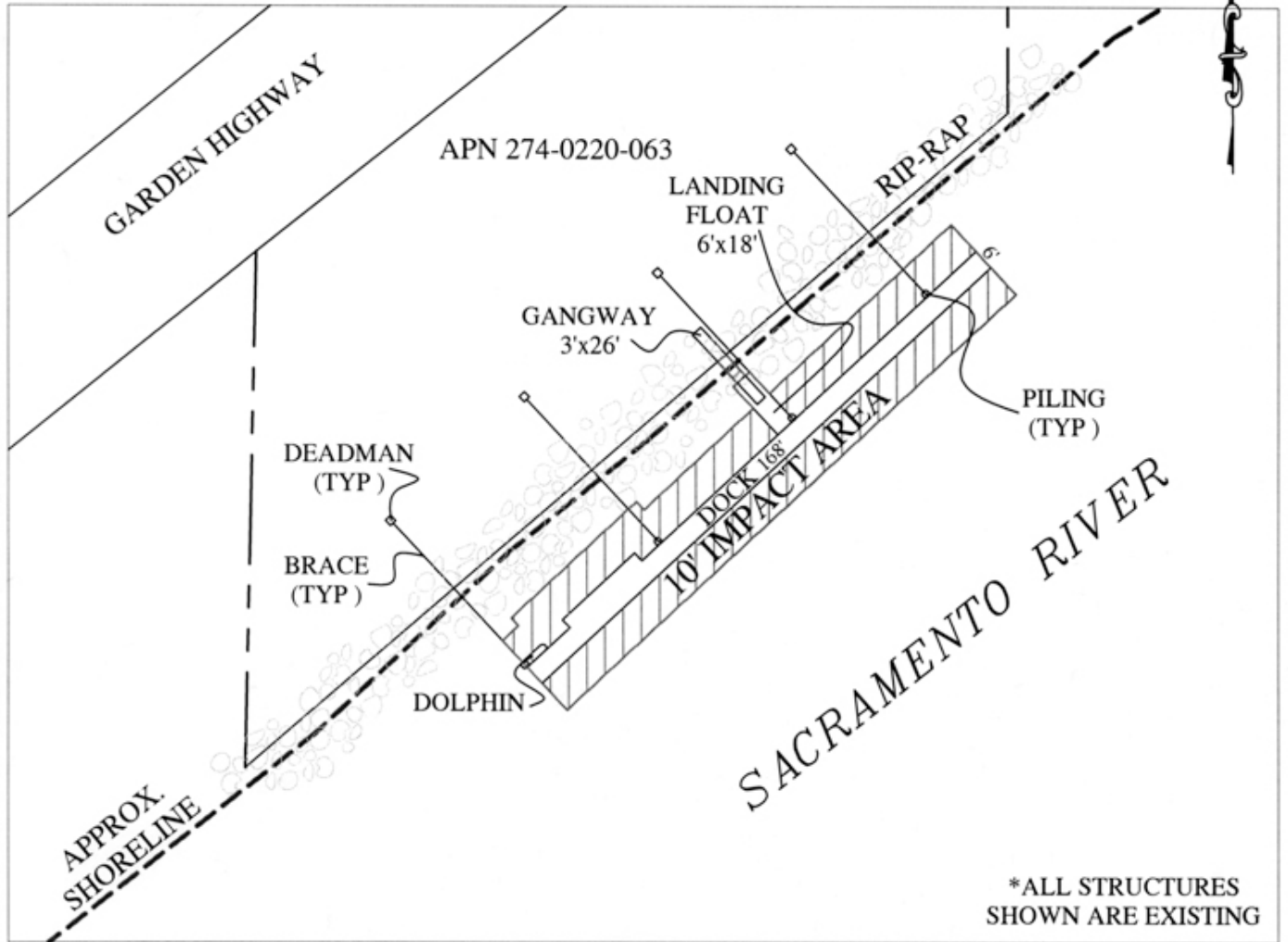
END OF DESCRIPTION

PREPARED 7/5/11 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

SITE



1977 Garden Highway - Sacramento

NO SCALE

LOCATION



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

Exhibit B

PRC 5344.1
 PERRY
 APN 274-0220-063
 GENERAL LEASE -
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 SACRAMENTO COUNTY

