

**CALENDAR ITEM
C09**

A 7
S 6

10/14/14
W 26793
V. Caldwell

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

David Manning Chodos and Mark Chodos

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 2181 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Use and maintenance of an existing uncovered floating boat dock, steel dolphin, two steel pilings, gangway, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning October 14, 2014.

CONSIDERATION:

Uncovered Floating Boat Dock, Steel Dolphin, Two Steel Pilings, and Gangway: \$357 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 action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. The uncovered floating boat dock, steel dolphin, two steel pilings, gangway and rip rap bank protection have existed at this location since early 2002 and have not been previously authorized by the Commission. Because these facilities are permissible by the Commission's statutory and regulatory authority, subject to a lease, and not inconsistent with the Public Trust, staff recommends authorization of these facilities. The

CALENDAR ITEM NO. **C09** (CONT'D)

Applicants are now applying for a General Lease – Recreational and Protective Structure Use.

3. The bank protection will mutually benefit both the public and the Applicants. The bank of the Sacramento River will have additional protection for the river channel from wave action provided at no 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. **C09** (CONT'D)

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to David Manning Chodos and Mark Chodos beginning October 14, 2014, for a term of 10 years, for the use and maintenance of an existing uncovered floating boat dock, steel dolphin, two steel pilings, gangway, and bank protection 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 existing uncovered floating boat dock, steel dolphin, two steel pilings, and gangway: \$357 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 interest; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26793

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Lot 3 of fractional Section 28, Township 9 North, Range 4 East, M.D.M., as shown on Official Government Township Plat approved January 28, 1877, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing floating boat dock, walkway, dolphin and two pilings lying adjacent to that parcel described in Grant Deed, recorded January 19, 2011 in Book 20110119 at Page 0872 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

ALSO TOGETHER WITH all those lands lying immediately beneath any existing bank protection structure adjacent to said parcel.

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 09/19/14 by the California State Lands Commission Boundary Unit



APN 274-0260-040

EXISTING DOLPHIN

EXISTING GANGWAY
3.5' X 60'

EXISTING BANK PROTECTION

EXISTING FLOATING BOAT DOCK

9' IMPACT AREA

EXISTING PILINGS (2)

APPROXIMATE SHORELINE

SACRAMENTO RIVER

EXHIBIT A

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TS 09/19/14

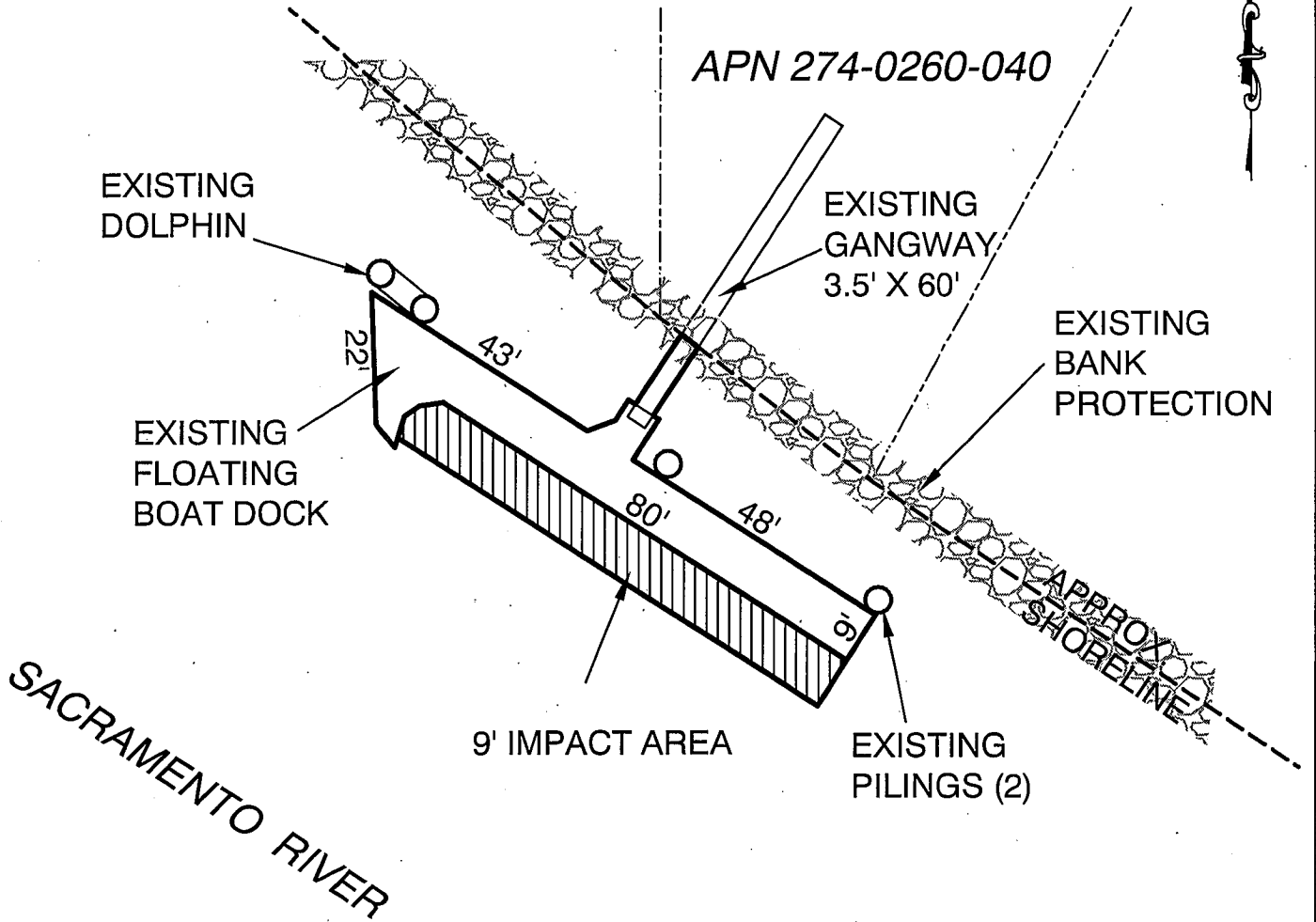
LAND DESCRIPTION PLAT
W 26793, CHODOS
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

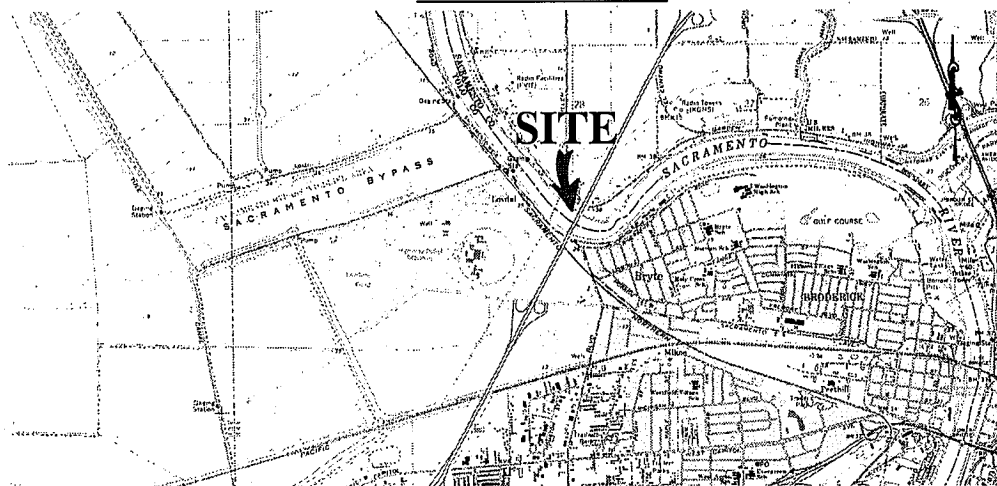
SITE



2181 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26793
 CHODOS
 APN 274-0260-040
 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.