

**CALENDAR ITEM
C73**

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S 5

04/23/15
PRC 7735.1
J. Sampson

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Thomas Jeffery Hightower and Vicki Mclean Hightower

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Calaveras River, adjacent to 2915 Calariva Drive, Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing covered single berth floating boat dock, two pilings, and gangway.

LEASE TERM:

10 years, beginning March 8, 2014

CONSIDERATION:

\$127 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On June 7, 2004, the Commission authorized issuance of a 10-year Recreational Pier Lease to Patricia Sherrow. That lease expired March 7, 2014. The owner deeded the upland to Thomas Jeffery Hightower and Vicki Mclean Hightower on June 10, 2013. The new owners are applying for a General Lease – Recreational Use.
3. 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,

CALENDAR ITEM NO. **C73** (CONT'D)

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.

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

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).

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Thomas Jeffery Hightower and Vicki Mclean Hightower beginning March 8, 2014, for a term of 10 years, for continued use and maintenance of an existing covered single berth floating boat dock, two pilings, and gangway, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration: \$127 per year, with an annual Consumer Price Index adjustment; liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7735.1

LAND DESCRIPTION

A parcel of submerged land situate in the bed of the Calaveras River, lying adjacent to Swamp and Overflowed Land Survey 924 patented April 19, 1876, County of San Joaquin, State of California and more particularly described as follows:

All those lands underlying an existing covered floating boat shed, walkway and pilings lying adjacent to the left bank of said river and being adjacent to and northwesterly of that parcel of land as described in that Grant Deed, recorded June 10, 2013 in Document Number 2013-076242 in Official Records of said County.

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

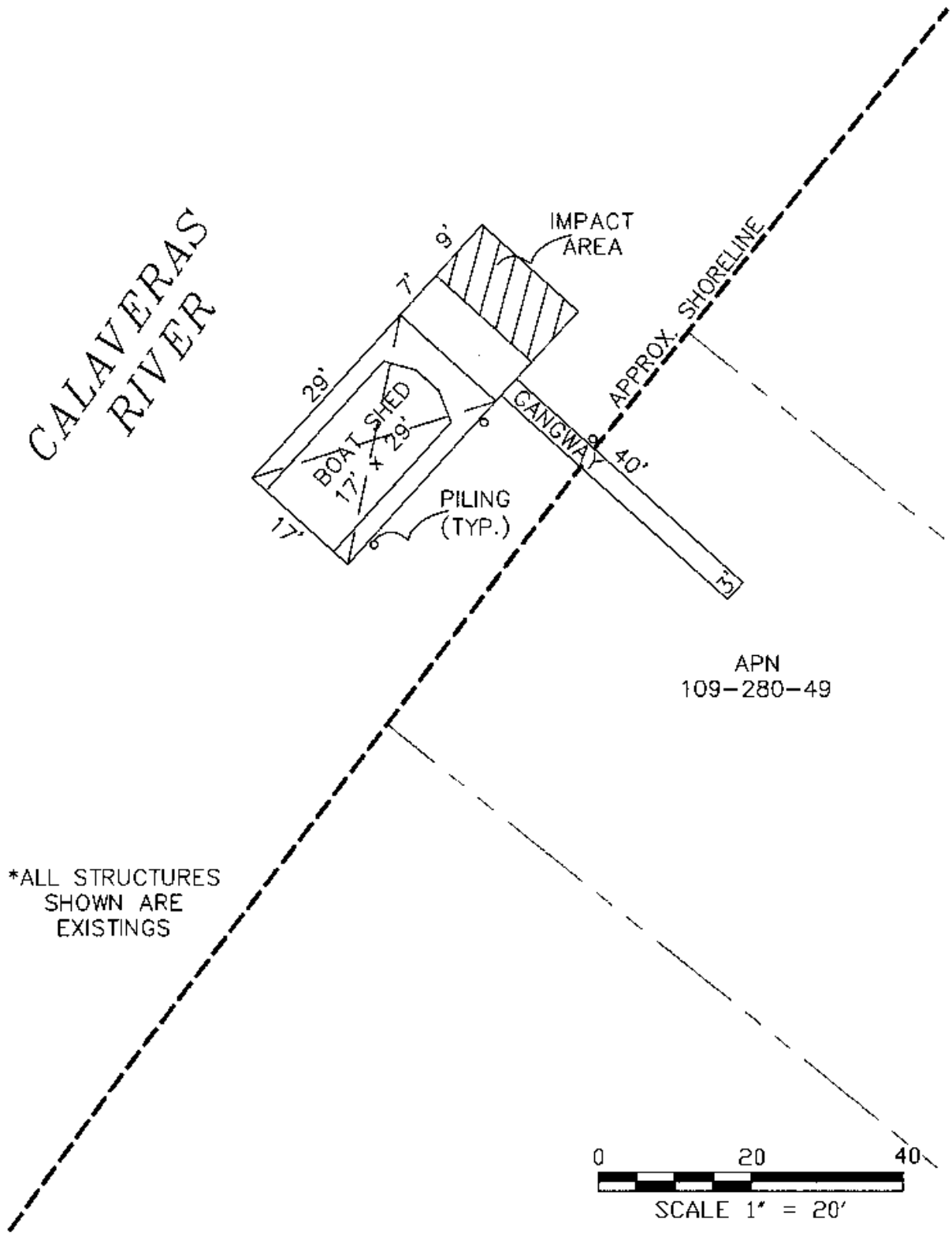
Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

PREPARED 3/09/15 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



CALAVERAS RIVER



*ALL STRUCTURES SHOWN ARE EXISTINGS

APN 109-280-49

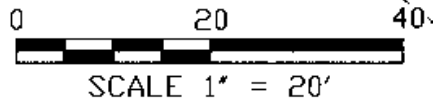


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 7735.1 - HIGHTOWER
SAN JOAQUIN COUNTY

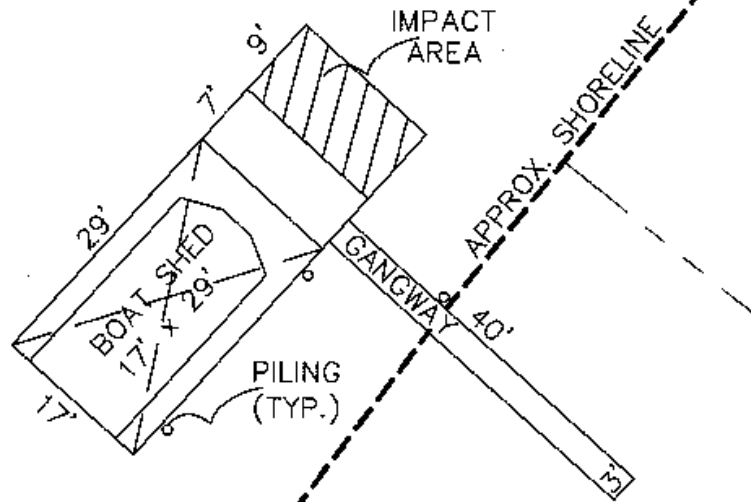
CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

CALAVERAS RIVER



APN
109-280-49

*ALL STRUCTURES SHOWN ARE EXISTINGS

2719 Calariva Drive, Stockton

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7735.1
 HIGHTOWER
 APN 109-280-49
 GENERAL LEASE -
 RECREATIONAL USE
 SAN JOAQUIN COUNTY



MF 3/13/15

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.