

**CALENDAR ITEM
C16**

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10/13/16
PRC 5124.1
G. Asimakopoulos

**ACCEPTANCE OF A QUITCLAIM DEED AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

LESSEE:

Steven E. Ames and Linda S. Ames

APPLICANT:

James Grimes and Kim Grimes, Co-Trustees Under the Grimes Living Trust dated July 8, 2014 (as restated on August 21, 2015)

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 3445 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, gangway, two-pile dolphin, one piling, and bank protection.

LEASE TERM:

10 years, beginning August 15, 2016.

CONSIDERATION:

Uncovered Floating Boat Dock, Gangway, Two-Pile Dolphin, and One Piling: \$196 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 interests.

SPECIFIC LEASE PROVISIONS:

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

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STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

On January 29, 2009, the Commission authorized a 10-year General Lease - Recreational and Protective Structure Use to Steven E. Ames and Linda S. Ames ([Calendar Item C20, January 29, 2009](#)). That lease will expire on January 28, 2019. On August 15, 2016, the upland parcel was deeded to James Grimes and Kim Grimes, Co-Trustees Under the Grimes Living Trust dated July 8, 2014 (as restated on August 21, 2015). The Applicant is now applying for a General Lease – Recreational and Protective Structure Use for the existing structures.

The subject dock and appurtenant facilities are for the docking and mooring of boats. Recreational boating is water-dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5). The dock and appurtenant facilities have existed for many years at this location; the facilities do not significantly alter the land, the lease does not alienate the State's fee simple interest, and neither permanently impairs public rights. Upon termination of the lease, the lessee may be required to remove any improvements and restore the lease premises to their original condition. Based on the foregoing, Commission staff believes that the dock and appurtenant facilities will not substantially interfere with Public Trust needs, at this location, at this time, or for the foreseeable term of the proposed lease.

The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 10 years and a non-exclusive use provision. The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. The bank protection will maintain and improve the integrity of the river channel, which will help protect the Public Trust resource of the river for recreational and navigational purposes by the public. For all the reasons above, Commission staff

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believes the issuance of this lease is consistent with the common law Public Trust Doctrine and in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. A rock wing dam located upstream from the existing dock, and adjacent to the upland property, was placed by the U.S. Army Corps of Engineers in the 1950's. The wing dam is not the responsibility of the Applicant, therefore, it is not included in the proposed lease.
3. Steven E. Ames and Linda S. Ames jointly executed a quitclaim deed releasing their interest in the lease to the State. Staff recommends acceptance of the quitclaim deed and issuance of a new lease.
4. Acceptance of a quitclaim of lease is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

5. Staff recommends that the Commission find that the issuance of the lease 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.

6. 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 staff's consultation with the persons nominating such lands and through

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the CEQA review process, it is 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 issuance of the lease 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).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease for the existing uncovered floating boat dock, gangway, two-pile dolphin, one piling, and bank protection will not impact the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location at this time and for the foreseeable term of the lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

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:

1. Authorize acceptance of a quitclaim deed, effective August 14, 2016, of Lease No. PRC 5124.9, a General Lease – Recreational and Protective Structure Use, issued to Steven E. Ames and Linda S. Ames.
2. Authorize issuance of Lease No. PRC 5124.1, a General Lease – Recreational and Protective Structure Use to James Grimes and Kim Grimes, Co-Trustees Under the Grimes Living Trust Dated July 8, 2014 (as restated on August 21, 2015); beginning August 15, 2016, for a term of 10 years, for the continued use and

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maintenance of an existing uncovered floating boat dock, gangway, two-pile dolphin, one piling, and bank protection, as described in Exhibit A, Land Description, and as shown on Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof; consideration for the uncovered floating boat dock, gangway, two-pile dolphin, and one piling: \$196 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 interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 5124.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflowed Lands Survey 178 patented June 10, 1869, County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying an existing floating boat dock, gangway, 2-pile dolphin and one (1) piling adjacent to that parcel as described in that Grant Deed recorded August 15, 2016 in Book 20160815 at Page 1020, Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection lying adjacent to said parcel.

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the Sacramento River.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared September 9, 2016 by the California State Lands Commission Boundary Unit.





River

Sacramento

Flow

ROCK WING DAM

EXISTING BANK PROTECTION

SHORELINE

APN 225-0260-007

EXISTING FLOATING BOAT DOCK 10'X20'

EXISTING 2-PILE DOLPHIN

49'

EXISTING 1 PILING

EXISTING GANGWAY

9' IMPACT AREA

APPROXIMATE

EXHIBIT A

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MJJ 09/01/2016

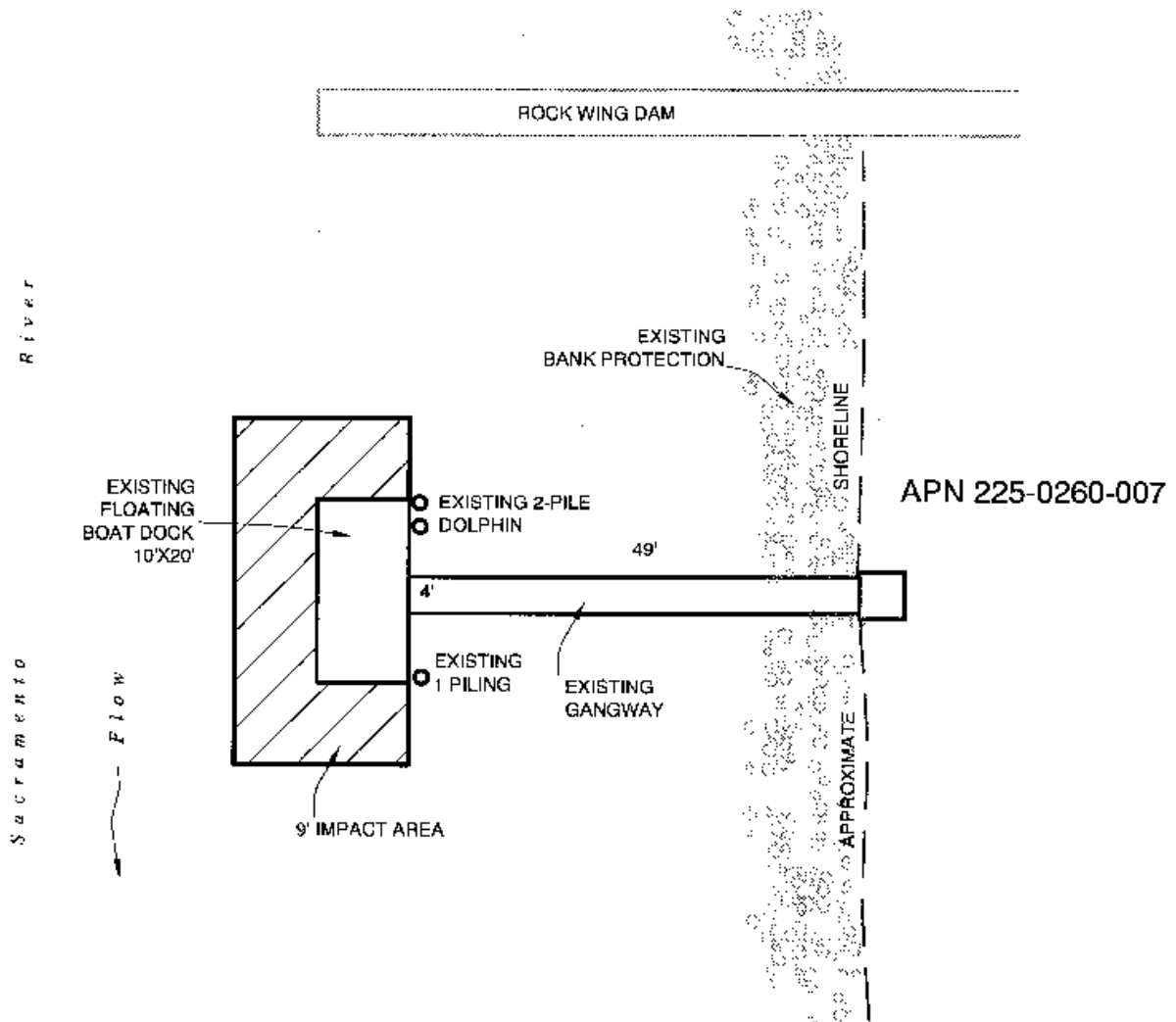
LAND DESCRIPTION PLAT
PRC 5124.1, GRIMES LIVING TRUST
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

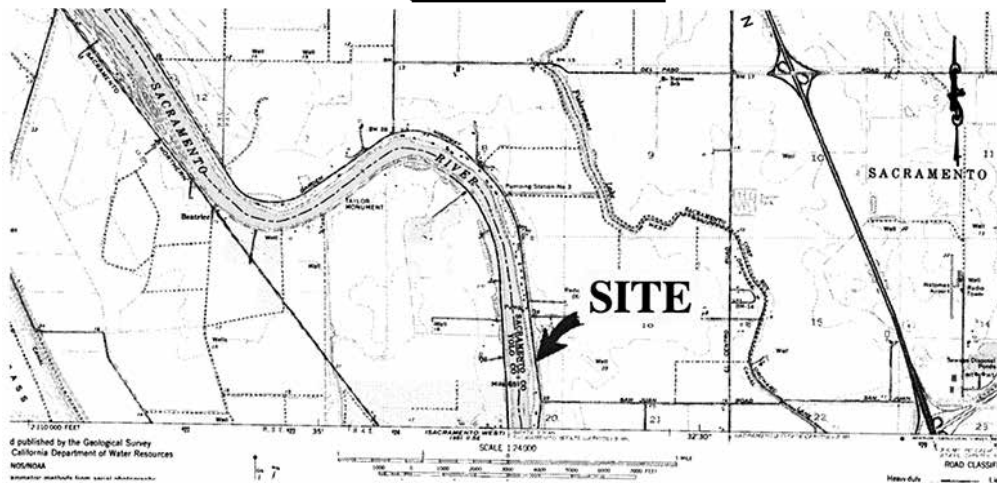
SITE



3445 GARDEN HWY., NEAR SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5124.1
 GRIMES LIVING TRUST
 APN 225-0260-007
 GENERAL LEASE -
 RECREATIONAL AND
 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.