

**MINUTE ITEM**  
This Calendar Item No. C27 was approved as  
Minute Item No. 27 by the California State Lands  
Commission by a vote of 3 to 0 at its  
05/10/07 meeting.

**CALENDAR ITEM  
C27**

A 17, 26

05/10/07

S 5

PRC 7110

WP 7110.1

V. Caldwell

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

**APPLICANTS:**

Charles G. Patmon III and Cheryl L. Patmon, Co-Trustees of the Delta Property Administration Trust II, dated February 23, 1994

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in the San Joaquin River, near Atherton Cove, San Joaquin County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered floating boat dock with boatlift, ramp, jet ski float, redwood deck, and bank protection.

**LEASE TERM:**

Ten years, beginning August 1, 2007.

**CONSIDERATION:**

Uncovered floating boat dock with boatlift, jet ski float, and ramp: No monetary consideration pursuant to Public Resources Code section 6503.5.

Redwood Deck: \$77 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 action to be in the State's best interest.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance with combined coverage of no less than \$500,000.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.

CALENDAR ITEM NO. C27 (CONT'D)

2. On August 26, 1997, the Commission authorized a ten-year General Lease - Recreational and Protective Structure Use to Charles G. Patmon III and Cheryl L. Patmon, Co-Trustees of the Delta Property Administration Trust II, dated February 23, 1994. That lease will expire on July 31, 2007. The Applicants are now applying for a new General Lease - Recreational and Protective Structure Use.
  3. The Applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. The redwood deck does not qualify for rent-free status because it is a structure not used for the docking or mooring of boats. The existing uncovered floating boat dock with boatlift, jet ski float, and ramp are exempt from payment of rent pursuant to Public Resources Code 6503.5.
  4. The prior lease authorized by the Commission included the existing redwood deck. Since the deck is existing, staff is recommending that a lease be issued to the Applicants. However, the proposed lease contains conditions that the existing redwood deck, as shown on the attached Exhibit A, cannot be expanded, and if repairs to any portion of the existing redwood deck cost more than 50% of the base value of the redwood deck, then the redwood deck must be removed from the lease premises.
  5. The bank protection at this location mutually benefits both the public and the Applicants. The bank of the San Joaquin River will have the additional protection from wave action provided at no cost to the public.
  6. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities: Title 2, California Code of Regulations, section 2905 (a)(2).
- Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.
7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating

CALENDAR ITEM NO. C27 (CONT'D)

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. Site and Location Map
- B. Land Description

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (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 SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO CHARLES G. PATMON III AND CHERYL L. PATMON, CO-TRUSTEES OF THE DELTA PROPERTY ADMINISTRATION TRUST II, DATED FEBRUARY 23, 1994, OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING AUGUST 1, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK WITH BOATLIFT, JET SKI FLOAT, RAMP, REDWOOD DECK, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND DESCRIBED IN EXHIBIT B, AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK WITH BOATLIFT, JET SKI FLOAT, AND RAMP; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; AND FOR THE BANK PROTECTION THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT AT

CALENDAR ITEM NO. C27 (CONT'D)

ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; CONSIDERATION FOR THE DECK: ANNUAL RENT IN THE AMOUNT OF \$77 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$500,000.

NO SCALE

SITE

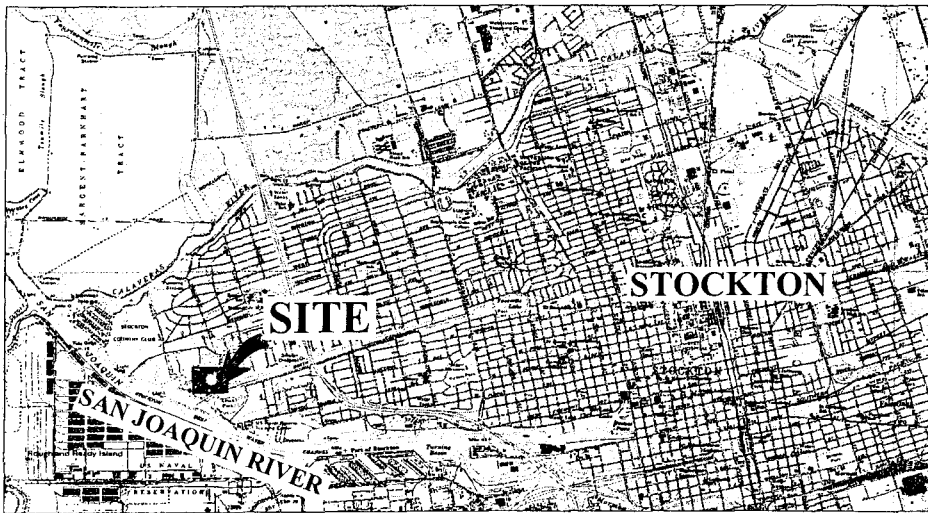


MAP SOURCE: AERIAL PHOTO

2013 COVE COURT STOCKTON, CA  
ATHERTON COVE, SAN JOAQUIN RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

**Exhibit A**

PATMON  
APN 121-220-014  
PRC 7110.1  
GENERAL LEASE  
RECREATIONAL AND  
PROTECTIVE STRUCTURE USE  
SAN JOAQUIN 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.

CALENDAR PAGE

MINUTE PAGE

# Exhibit B

## LAND DESCRIPTION

PRC 7110.1

All that tide and submerged land in Atherton Cove lying immediately beneath a floating boat dock and ramp, a swim float and ramp, a bulkhead and wooden decking, said structures being adjacent to and waterward of the land described in Document No. 86042626 recorded June 12, 1986, in the San Joaquin County Recorders Office; **TOGETHER WITH** a necessary use area extending 10 feet from the extremities of said floating boat dock.

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

**END OF DESCRIPTION**

PREPARED JUNE 15, 1987 BY BOUNDARY SERVICES UNIT, M. L. SHAFER,  
SUPERVISOR.

0496b

000121  
CALENDAR PAGE

000916  
MINUTE PAGE