

**CALENDAR ITEM
C26**

A 8, 15
S 2, 5

06/28/10
WP 8579.1
M. Clark

AMENDMENT OF LEASE

APPLICANTS/LESSEES:

Anthony P. DeMattei and Gail J. DeMattei

AREA, LAND TYPE, AND LOCATION:

0.07 acre, more or less, of sovereign land in the Sacramento River, adjacent to Assessor's Parcel No. 158-0080-013, near the city of Rio Vista, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an uncovered floating boat dock, landing, and gangway.

LEASE TERM:

Ten years beginning December 1, 2004.

EXISTING CONSIDERATION:

\$252 per year with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend the lease as follows:

1. The "Authorized Improvements" in Section 1 are deleted in their entirety and replaced with a ten-foot by 60-foot uncovered floating T-shaped boat dock, eight anchors, an eight-foot by eight-foot landing float, a four-foot by four-foot six-inch transition plate, a four-foot by 60-foot gangway, a four-foot by 50-foot bridge, and concrete abutment.
2. Revise the annual rent from \$252 per year to \$447 per year effective December 1, 2010.

CALENDAR ITEM NO. **C26** (CONT'D)

3. Provision for acceptance of additional rent for the increased lease area in the amount of \$626 for the period from December 1, 2004 through November 30, 2010.
4. Increase liability insurance coverage from \$500,000 to \$1,000,000.
5. Add special provisions to Section 2 of the lease relating to Public Trust uses and docking use of the facilities.
6. Include a revised Site and Location Map, as shown on Exhibit A attached; and replace Section 3 (Lease Description) of the lease with the attached Exhibit B.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessees own the uplands adjoining the lease premises.
2. On December 9, 2004, the Commission authorized a General Lease – Recreational Use to Anthony P. DeMattei and Gail J. DeMattei. That lease will expire November 30, 2014. The lease provides, among other things, that the Lessor may review and modify the rent on the fifth anniversary of the beginning date of the lease. During a review of the rent, staff of the Commission discovered that the facilities were not constructed as authorized by the Commission. The Lessees have now applied to amend their existing lease to authorize the existing facilities.
3. In 2005 and prior to the construction of the dock, the Lessees became aware that the original design of the dock could not accommodate the wave exposure effectively and the dock was redesigned from an L-shaped dock with steel pilings to a T-shaped dock using flexible anchors. The gangway, bridge, and landing float were authorized as 108 feet in length but were built to a length of 120 feet. The uncovered floating boat dock was originally designed at eight feet by 60 feet but the existing design is ten feet by 60 feet. The Lessees are in the process of amending all applicable federal and state permits. Lessees have made application to amend all necessary permits for the redesign.
4. The existing boat dock does not qualify for rent-free use because the upland is vacant and not improved with a single-family dwelling.

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5. Staff is recommending that the Commission consider accepting rent in the amount of \$626 for the period from December 1, 2004 through November 30, 2010 and waive any penalty and interest that may have accrued.
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 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.

EXHIBIT:

- 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 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 the Amendment of Lease No. PRC 8579.1, a General Lease-Recreational Use, effective June 28, 2010, to:

1. Revise Section 1 of the lease by deleting the "Authorized Improvements" in their entirety and replacing with a ten-foot by 60-foot uncovered floating T-shaped boat dock, eight anchors, an eight-foot by eight-foot landing float, a four-foot by four-foot six-inch transition plate, a four-foot by 60-foot gangway, a four-foot by 50-foot bridge, and concrete abutment.

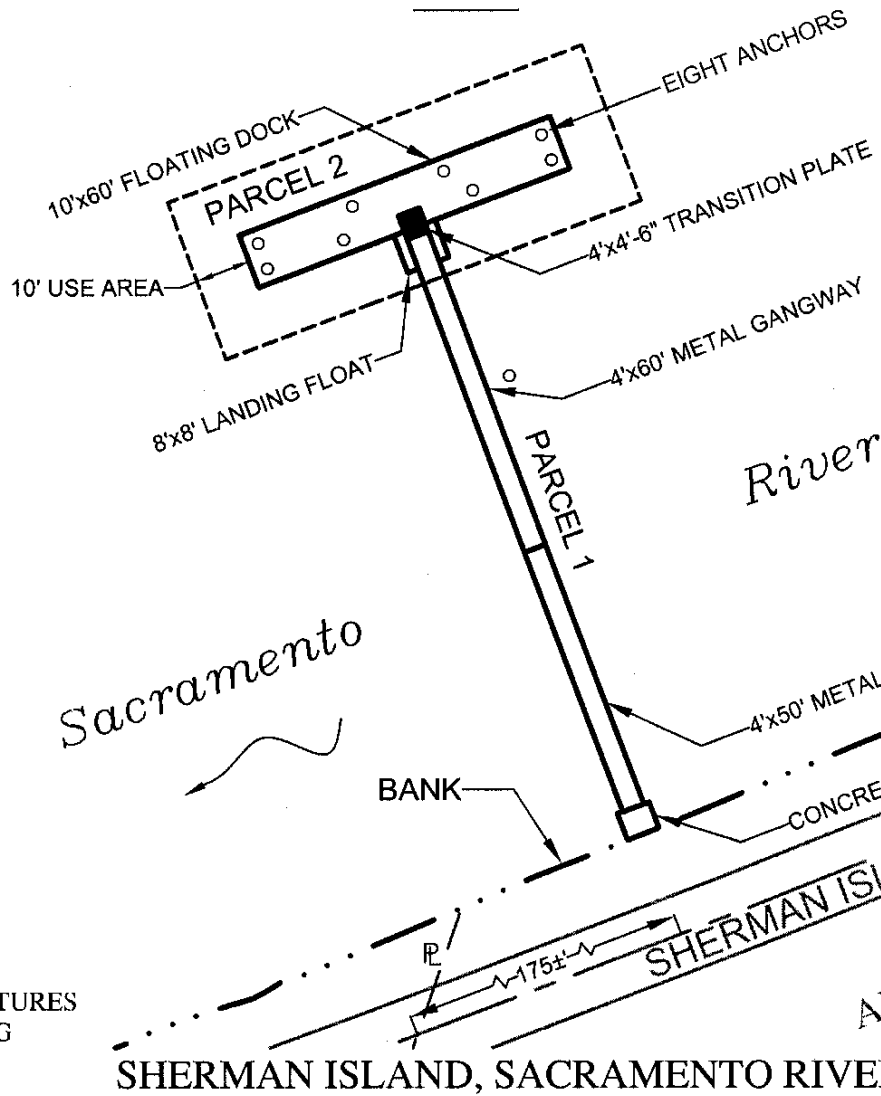
CALENDAR ITEM NO. **C26** (CONT'D)

2. Revise the annual rent from \$252 per year to \$447 per year effective December 1, 2010.
3. Authorize the acceptance of additional rent for the increased lease area in the amount of \$626 for the period of December 1, 2004 to November 30, 2010, and waive any penalty and interest that may have accrued.
4. Increase liability insurance coverage from \$500,000 to \$1,000,000.
5. Revise Section 2 of the lease with additional special provisions relating to Public Trust uses and docking use of the facilities.
6. Include a revised Site and Location Map, as shown on Exhibit A attached; and replace Section 3 (Lease Description) of the lease with the attached Exhibit B, and by this reference made a part hereof.

All other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

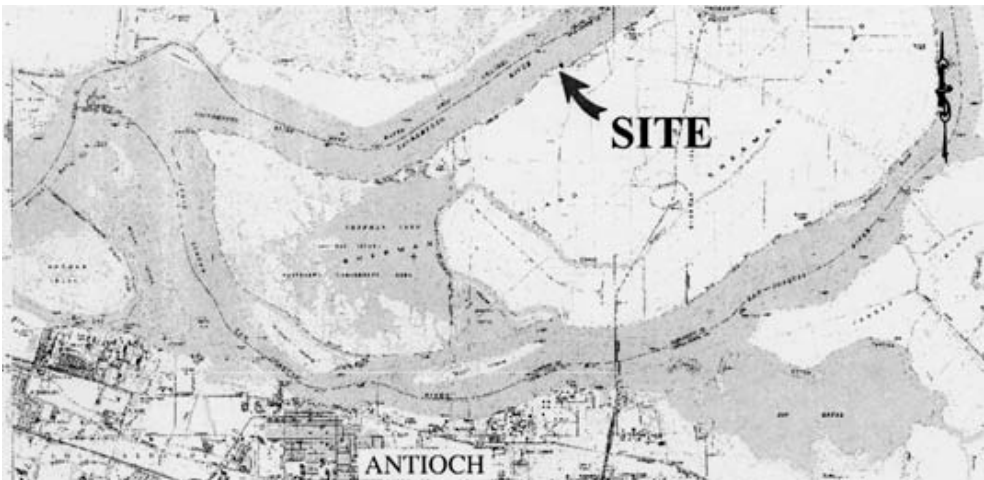
SITE



* ALL STRUCTURES ARE EXISTING

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 A

PRC 8579.1
 DEMATTEI
 APN 158-0080-013
 GENERAL LEASE
 RECREATIONAL USE
 SACRAMENTO COUNTY



EXHIBIT B

PRC 8579.1

LAND DESCRIPTION

Two parcels of tide and submerged land in the bed of the Sacramento River lying adjacent to Sherman Island, County of Sacramento, State of California, and more particularly described as follows:

Parcel 1

A 4 foot wide strip of land the centerline of which is described as follows:

COMMENCING at the intersection of Sherman Island Road with the northwesterly line of that parcel as described in "Parcel A" of that Grant Deed recorded May 12, 2000 in Book 20000512 at Page 0149 of Official Records of said County; thence northeasterly 175 feet more or less to the intersection of Sherman Island Road with the southeasterly prolongation of the centerline of an existing metal bridge and metal gangway; thence northwesterly along said southeasterly prolongation 10 feet more or less to the intersection of said centerline with the southerly bank of said Sacramento River and the POINT OF BEGINNING; thence northwesterly 110 feet more or less along said centerline to a point lying 15 feet perpendicular to and southeasterly of the centerline of an existing floating dock and the POINT OF TERMINATION, said intersection point hereinafter referred to as "Point A".

The sidelines of said strip are to be lengthened or shortened to begin on the southerly bank of said Sacramento River and to terminate on a line perpendicular to said terminus and centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said southerly bank of the Sacramento River.

Parcel 2

A 80 foot wide strip of land the centerline of which is described as follows:

BEGINNING at the above described "Point A"; thence 30 feet northwesterly along the centerline and northwesterly prolongation of the above described metal bridge and metal gangway to the POINT OF TERMINATION.

The sidelines of said strip are to be lengthened or shortened to begin on a line perpendicular to said point of beginning and centerline and terminate on a line perpendicular to said terminus and centerline.

END OF DESCRIPTION

Prepared February 11, 2009 by the California State Lands
Commission Boundary Unit.

