

**CALENDAR ITEM
C12**

A 7
S 6

04/26/13
W 21226
V. Caldwell

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Manuel C. Jardin and Gail A. Jardin, Trustees of the Jardin Family Trust dated May 13, 2005

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 4233 Garden Highway, near the city of Sacramento, Sacramento County

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning April 26, 2013

CONSIDERATION:

Uncovered Floating Boat Dock, Two Steel Pilings, Gangway, and Electric and Water Utility Outlet: \$194 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 in the amount of no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

CALENDAR ITEM NO. **C12** (CONT'D)

2. On October 17, 2000, the Applicants purchased the upland property with the uncovered floating boat dock, two wood pilings, gangway, electric and water utility outlet, and bank protection. The dock facilities have existed for many years but were not previously authorized by the Commission. The Applicants are now applying for a General Lease – Recreational and Protective Structure Use.
3. The original dock was permitted by the U.S. Army Corps of Engineers on August 20, 1976. The Reclamation Board (now Central Valley Flood Protection Board) issued a permit on February 18, 1977.
4. The bank protection will mutually benefit both the public and the Applicants. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

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 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.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers and Central Valley Flood Protection Board

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CALENDAR ITEM NO. **C12** (CONT'D)

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.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Manuel C. Jardin and Gail A. Jardin, Trustees of the Jardin Family Trust dated May 13, 2005, beginning April 26, 2013, for a term of 10 years, for the use and maintenance of an existing uncovered floating boat dock, two steel pilings, gangway, electric and water utility outlet, 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 uncovered floating boat dock, two steel pilings, gangway and electric and water utility outlet: \$194 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; 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 with coverage of no less than \$1,000,000 per occurrence.

EXHIBIT A

W 21226

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 193 patented July 11, 1865, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, two pilings, gangway and electric and water utility conduit lying adjacent to that parcel described in Quitclaim Deed, recorded May 18, 2005 in Book 20050518 at Page 1674 Official Records of said County.

TOGETHER WITH a 10' impact area.

ALSO TOGETHER WITH that land lying immediately beneath any Bank Protection Structure adjacent to that parcel described in said Quitclaim Deed.

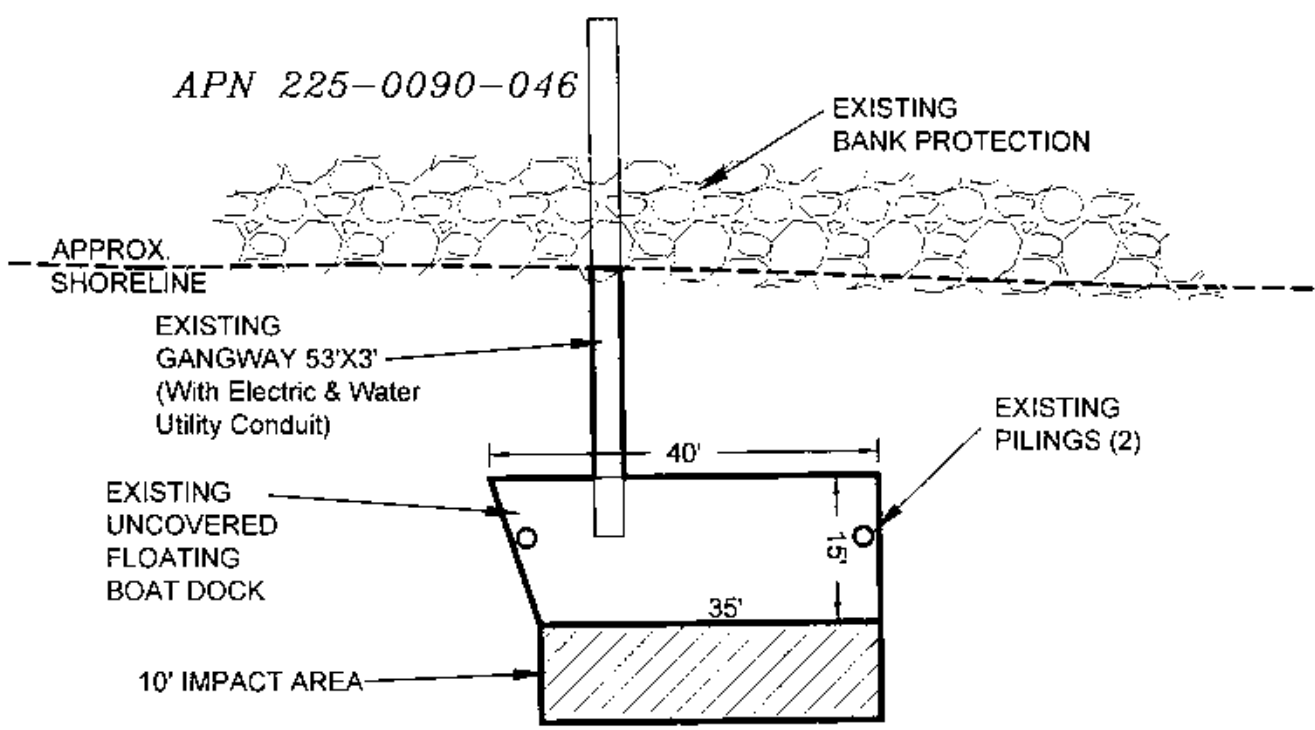
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 02/14/13 by the California State Lands Commission Boundary Unit





SACRAMENTO RIVER

EXHIBIT A

LAND DESCRIPTION PLAT
W 21226, JARDIN FAMILY TRUST
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

APN 225-0090-046

EXISTING BANK PROTECTION

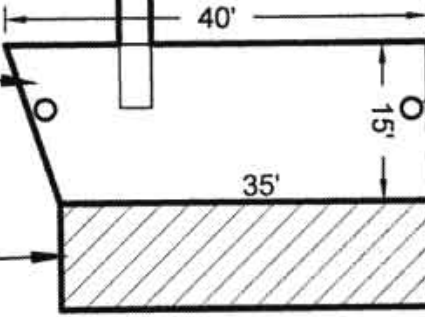


APPROX. SHORELINE

EXISTING GANGWAY 53'X3'
(With Electric & Water Utility Conduit)

EXISTING PILINGS (2)

EXISTING UNCOVERED FLOATING BOAT DOCK



10' IMPACT AREA

SACRAMENTO RIVER

4233 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 21226
JARDIN FAMILY TRUST
APN 225-0090-046
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.

TS 02/14/13