

**CALENDAR ITEM**

**C33**

A 5, 9

04/26/13

PRC 6891.9

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N. Lavoie

**ASSIGNMENT OF GENERAL LEASE – PROTECTIVE STRUCTURE USE**

**LESSEES/ASSIGNORS:**

Lang Haskins Montgomery and Molly M. Soria, as Successor Co-Trustees of the Stefan Family Trust dated July 31, 1997 – Trust A; and Victor F. Stefan, Jr., Andrew E. Montgomery III and Molly Montgomery Soria, as successor Co-Trustees of the Stefan Family Trust dated July 31, 1997 – Trust B

**ASSIGNEES:**

Ross Oliveira and Ida Oliveira

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

Sovereign land in the Sacramento River, adjacent to 4061 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of existing bank protection.

**LEASE TERM:**

10 years, beginning September 26, 2010.

**CONSIDERATION:**

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 coverage of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Assignees own the upland adjoining the lease premises.
2. On June 23, 2011, the Commission authorized a 10-year General Lease – Protective Structure Use to Nancy H. Stefan and Lang Haskins Montgomery, as Co-Trustees of the Stefan Family Trust dated

CALENDAR ITEM NO. C33 (CONT'D)

July 31, 1997 – Trust A; and Victor F. Stefan, Jr., Andrew E. Montgomery III, and Molly Montgomery Soria, as successor Co-Trustees of the Stefan Family Trust dated July 31, 1997 – Trust B. Nancy H. Stefan passed away prior to the Commission's authorization of the lease and Molly M. Soria became a successor co-trustee of the trust. On February 14, 2012, ownership of the upland transferred to Ross Oliveira and Ida Oliveira. Ross Oliveira and Ida Oliveira are now applying for an assignment of the lease.

3. The staff recommends that the Commission find that the subject assignment of lease does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the subject assignment of lease is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by the Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**AUTHORIZATION:**

Authorize the assignment of Lease No. PRC 6891.9, a General Lease – Protective Structure Use, of sovereign land as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof, from Lang Haskins Montgomery and Molly M. Soria, as Co-Trustees of the Stefan Family Trust dated July 31, 1997 – Trust A; and Victor F. Stefan, Jr., Andrew E. Montgomery III and Molly Montgomery Soria, as successor Co-Trustees of the Stefan Family Trust dated July 31, 1997 – Trust B, to Ross Oliveira and Ida Oliveira, effective April 26, 2013.

EXHIBIT A

PRC 6891.9

LAND DESCRIPTION

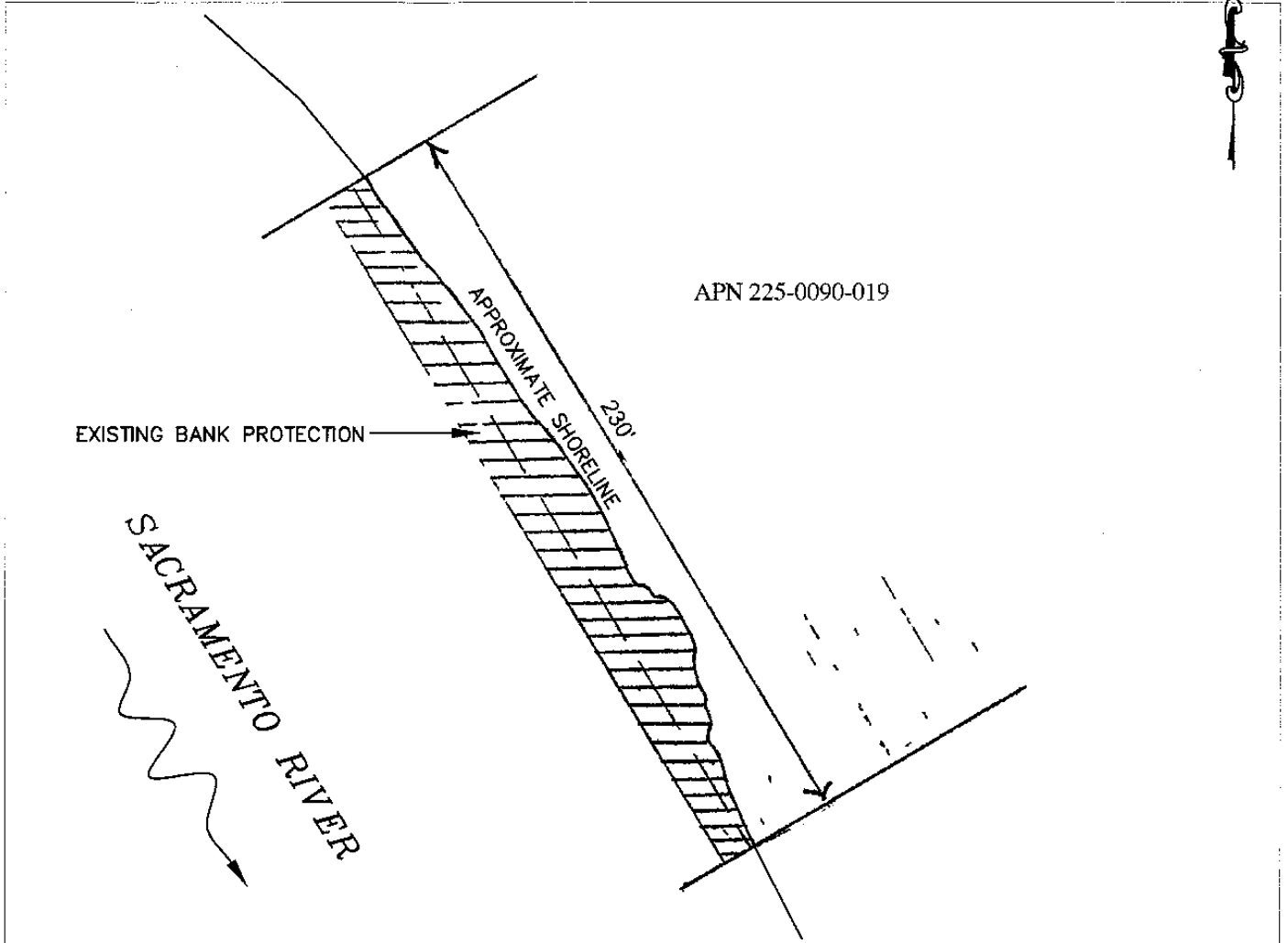
A parcel of tide and submerged land lying immediately beneath riprap placed for bank protection, said parcel lying along the left bank of the Sacramento River at Mile Post 66.1, Sacramento County, California, as described in the U.S. Army Corps of Engineers, Sacramento District, Public Notice No. 9028.

END OF DESCRIPTION

PREPARED SEPTEMBER 10, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

NO SCALE

# SITE



4061 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# **Exhibit B**

PRC 6891.9  
 OLIVEIRA  
 APN 225-0090-019  
 GENERAL LEASE -  
 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.