

**CALENDAR ITEM
C12**

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08/15/14
PRC 6037.1
W. Hall

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Melodie K. Rufer and Chris J. Rufer, Trustees of the MKG Trust dated October 28, 1988

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 4153 Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating single-berth boat dock, six pilings, gangway and bank protection.

LEASE TERM:

10 years, beginning September 12, 2014.

CONSIDERATION:

Floating Single-Berth Dock, Pilings and Gangway: \$829 per year, with an annual Consumer Price Index adjustment.

Bank Protection: The public use and benefit, with the State reserving the right to fix a different rent during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On October 6, 2004, the Commission authorized a 10-year General Lease – Recreational and Protective Structure Use to Chris J. Rufer and Melodie K. Rufer, Trustees of the MKG Trust for a floating single-berth boat dock, six pilings, gangway and bank protection. That lease will expire on

CALENDAR ITEM NO. C12 (CONT'D)

September 11, 2014. Applicants are now applying for a General Lease – Recreational and Protective Structure Use.

3. The staff recommends that the Commission find that this activity is exempt from the requirements of the 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.

4. 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.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

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 Melodie K. Rufer and Chris J. Rufer, Trustees of the

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

MKG Trust dated October 28, 1988, beginning September 12, 2014, for a term of 10 years, for the continued use and maintenance of an existing floating single-berth boat dock, six pilings, gangway and bank protection, 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 floating single-berth boat dock, six pilings, gangway: annual rent in the amount of \$829 per year, with an annual Consumer Price Index adjustment; consideration for bank protection: public use and benefit with the State reserving the right to fix a different rent during the lease term, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6037.1

LAND DESCRIPTION

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

PARCEL 1 - DOCK

All those lands underlying an existing floating boat dock, gangway and six (6) pilings lying adjacent to those parcels as described in Exhibit "A" of that Grant Deed recorded April 2, 1992 in Book 9204-2 Page 1381 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure 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 a part of this description.

END OF DESCRIPTION

Prepared June 12, 2014 by the California State Lands Commission Boundary Unit.



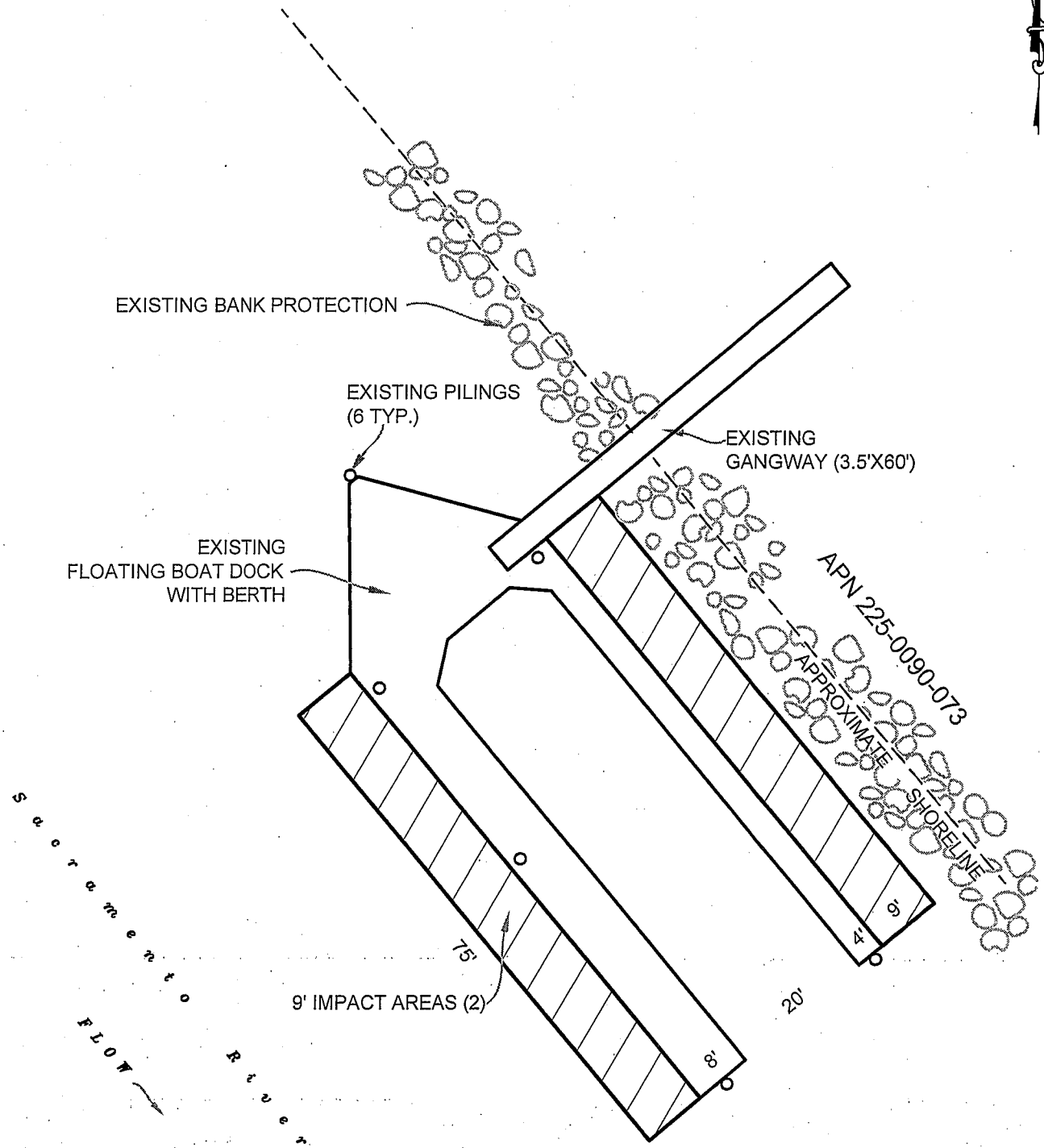


EXHIBIT A



NO SCALE

SITE

EXISTING BANK PROTECTION

EXISTING PILINGS (6 TYP.)

EXISTING GANGWAY (3.5'X60')

EXISTING FLOATING BOAT DOCK WITH BERTH

APN 225-0090-073
APPROXIMATE SHORELINE

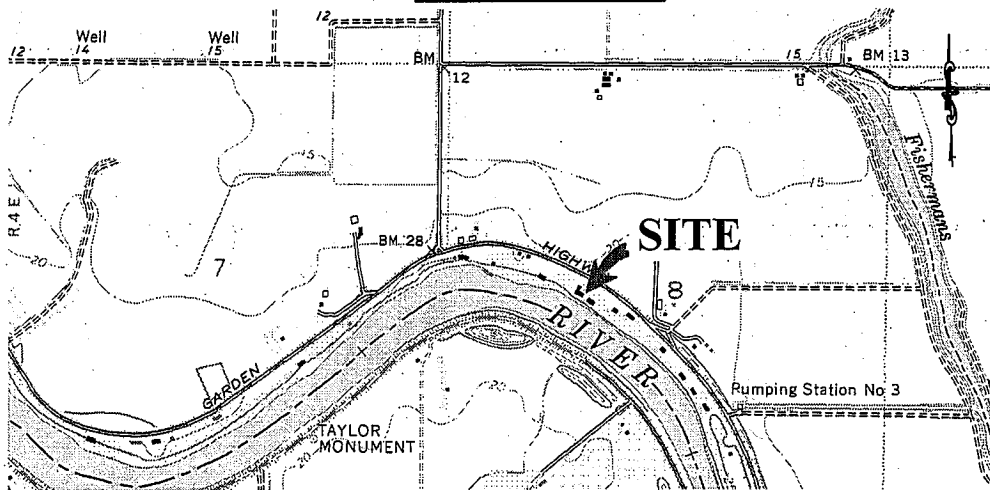
Sacramento River
FLOW

9' IMPACT AREA(S)

4153 GARDEN HWY., SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6037.1
 MKG TRUST/ RUFER TRUSTEES
 APN 225-0090-073
 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.

MJJ 7/22/14