

**CALENDAR ITEM
C09**

A 4
S 3

06/29/15
PRC 6902.1
S. Kreutzburg

**TERMINATION AND ISSUANCE OF A
GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

LESSEE:

Gustav E. Ahlstrom, Trustee of the Gustav E. Ahlstrom Revocable Trust
dated October 13, 2000

APPLICANT:

Dale Darling and Judy Darling

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 32946 South River
Road, Clarksburg, Yolo County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock,
three wood pilings, three-pile dolphin, gangway, and bank protection.

LEASE TERM:

10 years, beginning June 29, 2015.

CONSIDERATION:

**Uncovered floating boat dock, three wood pilings, three-pile dolphin,
gangway:** \$355 per year, with an annual Consumer Price Index adjustment.

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 to be in the
State's best interests.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On August 8, 2005, the Commission authorized a General Lease -
Recreational and Protective Structure Use to Gustav E. Ahlstrom, Trustee

CALENDAR ITEM NO. C09 (CONT'D)

of the Gustav E. Ahlstrom Revocable Trust dated October 13, 2000. That lease will expire on October 22, 2015. On April 23, 2014, ownership of the upland parcel was deeded to Dale Darling and Judy Darling. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use. Staff is recommending termination of the existing lease because the Lessee abandoned the lease by selling the property and facilities without executing a lease quitclaim deed.

3. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection for the river channel from wave action provided at no cost to the public.
4. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination 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.

5. **Issuance of Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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 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

CALENDAR ITEM NO. **C09** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination: Find that the subject lease termination 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 Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of Lease: 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 INVENTORY LANDS FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to the Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize termination effective April 22, 2014, of Lease No. PRC 6902.9, a General Lease – Recreational and Protective Structure Use, issued to Gustav E. Ahlstrom, Trustee of the Gustav E. Ahlstrom Revocable Trust dated October 13, 2000.
2. Acceptance of rent for the period of April 23, 2014 to June 28, 2015, in the amount of \$393.
3. Authorize issuance of a General Lease - Recreational and Protective Structure Use to Dale Darling and Judy Darling beginning June 29, 2015, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, three wood pilings, three-pile dolphin, 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 the uncovered floating boat dock, three wood pilings, three-pile dolphin, and gangway: \$355 per year with an with an annual Consumer Price Index adjustment; 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 interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6902.1

LAND DESCRIPTION

Four parcels of tide and submerged land situated in the bed of the Sacramento River, lying adjacent to Lot 3 of fractional Section 14, Township 7 North, Range 4 East, M.D.B.&M., as shown on Official Government Township Plat approved June 4, 1859, County of Yolo, State of California, more particularly described as follows:

PARCEL 1 - DOCK

All those lands underlying an existing gangway, three pilings, and a floating boat dock lying adjacent to that parcel described in Grant Deed recorded May 7, 2014 as Document Number 2014-0009779 in Official Records of Yolo County.

TOGETHER WITH any applicable impact area.

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure lying adjacent to said deed.

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

PARCEL 2 through 4 – DOLPHIN

All those lands underlying an existing three-pile dolphin lying adjacent to that parcel described in Grant Deed recorded May 7, 2014 as Document Number 2014-0009779 in Official Records of Yolo County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 12/24/2014 by the California State
Lands Commission Boundary Unit.



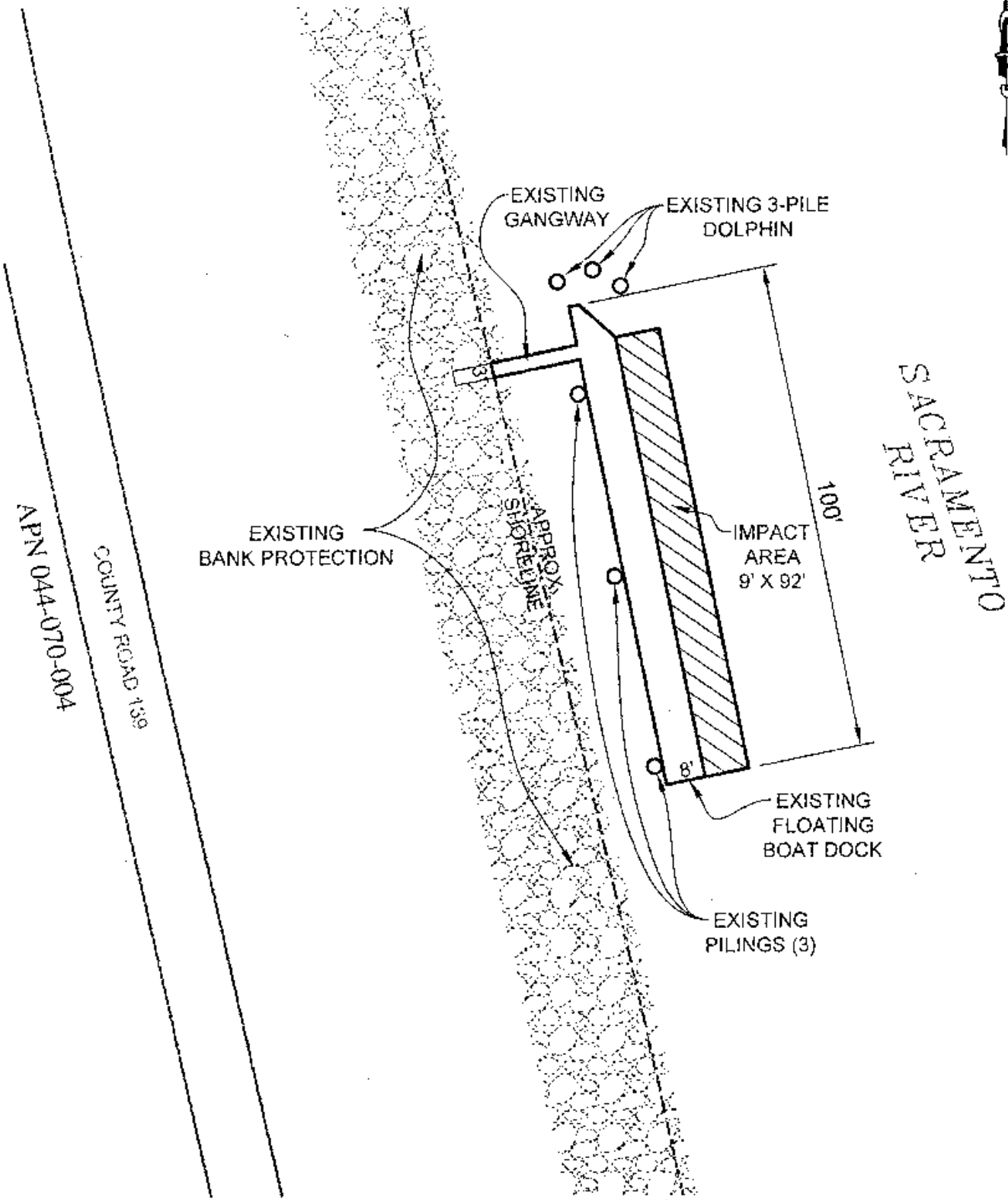


EXHIBIT A

Page 2 of 2

RGB 2/10/15

LAND DESCRIPTION PLAT
 PRC 6902.1, DARLING
 YOLO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



SACRAMENTO RIVER

APN 044-070-004

COUNTY ROAD 139

EXISTING BANK PROTECTION

EXISTING GANGWAY

EXISTING 3-PILE DOLPHIN

APPROX SHORELINE

IMPACT AREA 9' X 92'

100'

EXISTING FLOATING BOAT DOCK

EXISTING PILINGS (3)

32946 SOUTH RIVER ROAD, CLARKSBURG

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 B

PRC 6902.1
DARLING
APN 044-070-004
GENERAL LEASE -
RECREATIONAL & PROTECTIVE
STRUCTURE USE
YOLO COUNTY



RGB 2/10/15