

**CALENDAR ITEM
C31**

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S 3

10/16/15
PRC 5159.1
G. Asimakopoulos

**GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

APPLICANT:

The Susan M. Schaber Living Trust, UTD, June 23, 2005, Susan Martha Schaber, Trustee

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Georgiana Slough, adjacent to 401 West Willow Tree Lane, near the city of Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered double-berth U-shaped floating boat dock with boat lift, floating boat dock, and bank protection previously authorized by the Commission; and a gangway with railings, eight pilings, and electric and water utility outlets not previously authorized by the Commission.

LEASE TERM:

10 years, beginning October 1, 2014.

CONSIDERATION:

Uncovered Double-Berth U-Shaped Floating Dock with Boat Lift, Floating Boat Dock, Gangway with Railings, Eight Pilings, and Electric and Water Utility Outlets: \$540 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 action 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.

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2. On October 6, 2004, the Commission authorized a 10-year General Lease – Protective Structure and Recreational Use to William F. Schaber and Susan M. Schaber. That lease expired on September 30, 2014. On August 2, 2005, the upland property was transferred to The Susan M. Schaber Living Trust, UTD, June 23, 2005, Susan Martha Schaber, Trustee. Sometime after October 6, 2004, a previously authorized ramp was removed, and a gangway with railings, eight pilings, and electric and water utility outlets were added to the facilities, but were never authorized by the Commission. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use. Staff recommends bringing all facilities under lease.

3. The bank protection will mutually benefit both the public and the Applicant. The bank of Georgiana Slough will have additional protection from wave action provided at no cost to the public.

4. 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.

5. 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

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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 The Susan M. Schaber Living Trust, UTD, June 23, 2005, Susan Martha Schaber, Trustee, beginning October 1, 2014, for a term of 10 years, for the continued use and maintenance of an existing uncovered double-berth U-shaped floating boat dock with boat lift, floating boat dock, and bank protection previously authorized by the Commission; and a gangway with railings, eight pilings, and electric and water utility outlets 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 double-berth U-shaped floating boat dock with boat lift, floating boat dock, gangway with railings, eight pilings, and electric and water utility outlets: \$540 per year, 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 5159.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Georgiana Slough, lying adjacent to Swamp and Overflowed Land Survey 943, patented April 14, 1873, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered double-berth u-shape floating boat dock with a boat lift, gangway with railing, floating boat dock, eight pilings, electric and water utility outlets lying adjacent to those parcels described in Quitclaim Deed, recorded August 2, 2005 in Book 20050802 at Page 0659 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

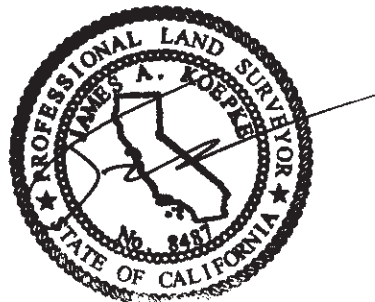
ALSO TOGETHER WITH that land lying immediately beneath any Bank Protection Structure adjacent to said parcels.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said slough as per Boundary Line Agreement AD No. 349 filed in Book 990625 at Page 1208 Records of said County.

Accompanying plat is hereby made part of this description.

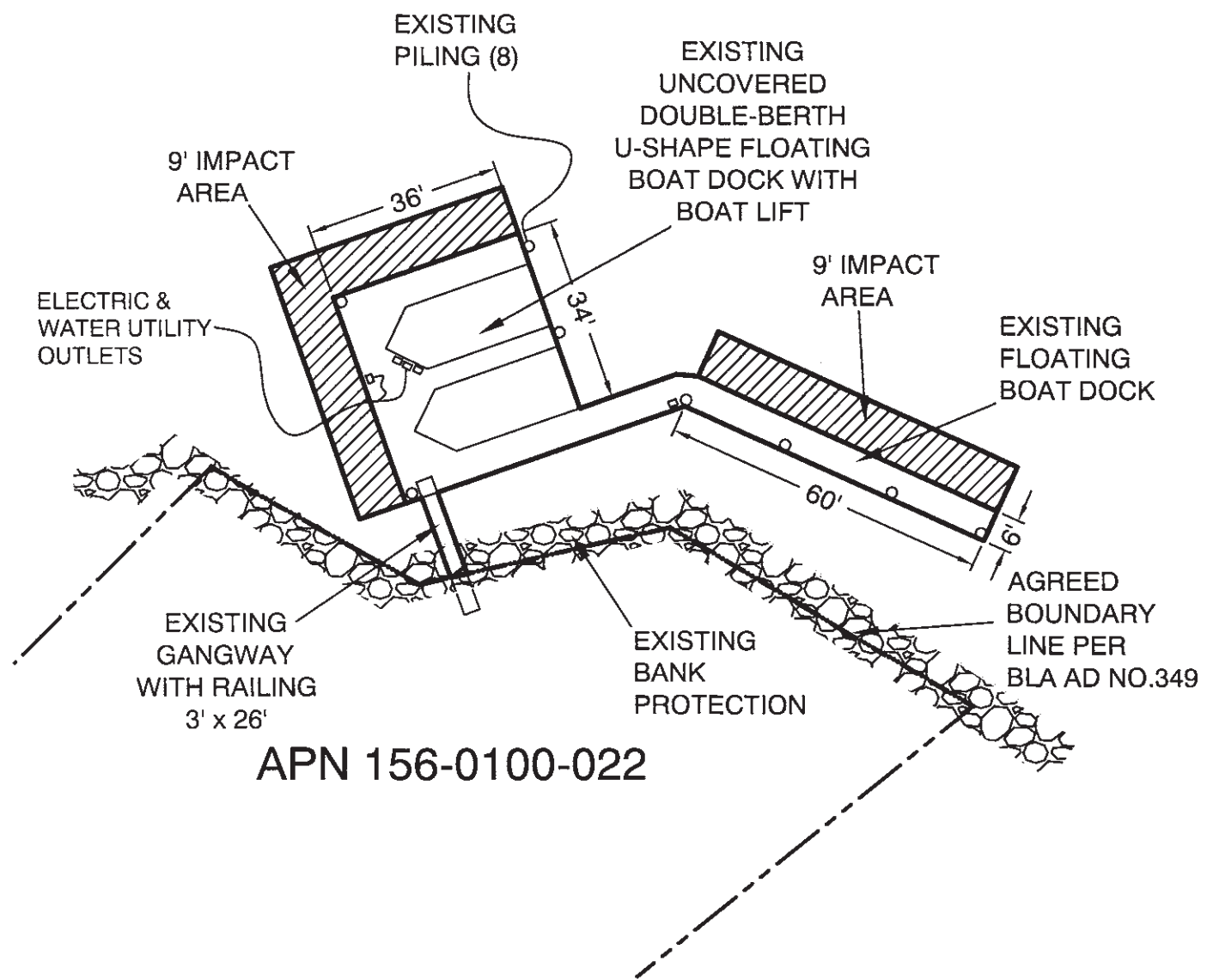
END OF DESCRIPTION

Prepared 08/18/15 by the California State Lands Commission Boundary Unit





GEORGIANA SLOUGH



APN 156-0100-022

EXHIBIT A

LAND DESCRIPTION PLAT
 PRC 5159.1, SCHABER LIVING TRUST
 SACRAMENTO COUNTY

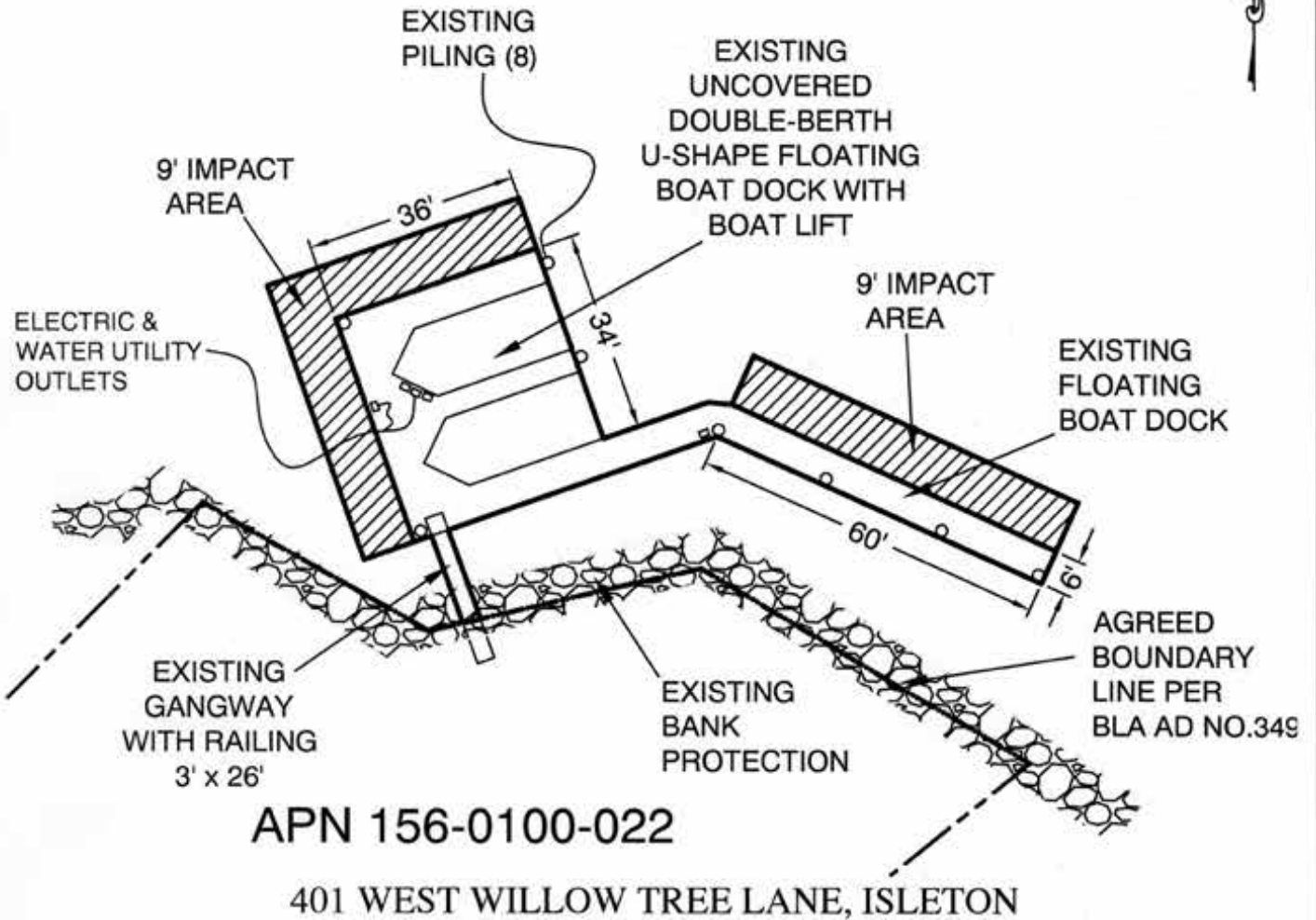
CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE

GEORGIANA SLOUGH



NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5159.1
 SCHABER LIVING TRUST
 APN 156-0100-022
 GENERAL LEASE -
 RECREATIONAL AND
 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 08/18/15