

**CALENDAR ITEM
C08**

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06/21/13
PRC 4789.1
R. Boggiano

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Donald H. Althoff and Jean C. Althoff, Cotrustees under the Donald H. Althoff and Jean C. Althoff Revocable Living Trust, dated February 6, 2004

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 17428 Grand Island Road, near Walnut Grove, Sacramento County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning June 28, 2013.

CONSIDERATION:

Uncovered floating boat dock, ramp and three-pile dolphin: \$64 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: 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 an amount of no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On August 19, 2003, the Commission authorized a 10-year Recreational Pier Lease to Donald H. Althoff and Jean C. Althoff. That lease will expire

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on June 27, 2013. The Applicants are now applying for a new General Lease – Recreational Use.

3. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River 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 categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LAND 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.

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AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Donald H. Althoff and Jean C. Althoff, Cotrustees under the Donald H. Althoff and Jean C. Althoff Revocable Living Trust, dated February 6, 2004, beginning June 28, 2013, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, ramp, and three-pile dolphin 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, ramp, and three-pile dolphin: annual rent in the amount of \$64 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: 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 in the amount of no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 4789.1

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 957, patented October 4, 1871, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, ramp and three-pile dolphin lying adjacent to that parcel described in Joint Tenancy Grant Deed, recorded October 4, 1971 as Document Number 84462 in Book 711004 at Page 486 in Official Records of said County.

TOGETHER WITH a 10 foot impact area.

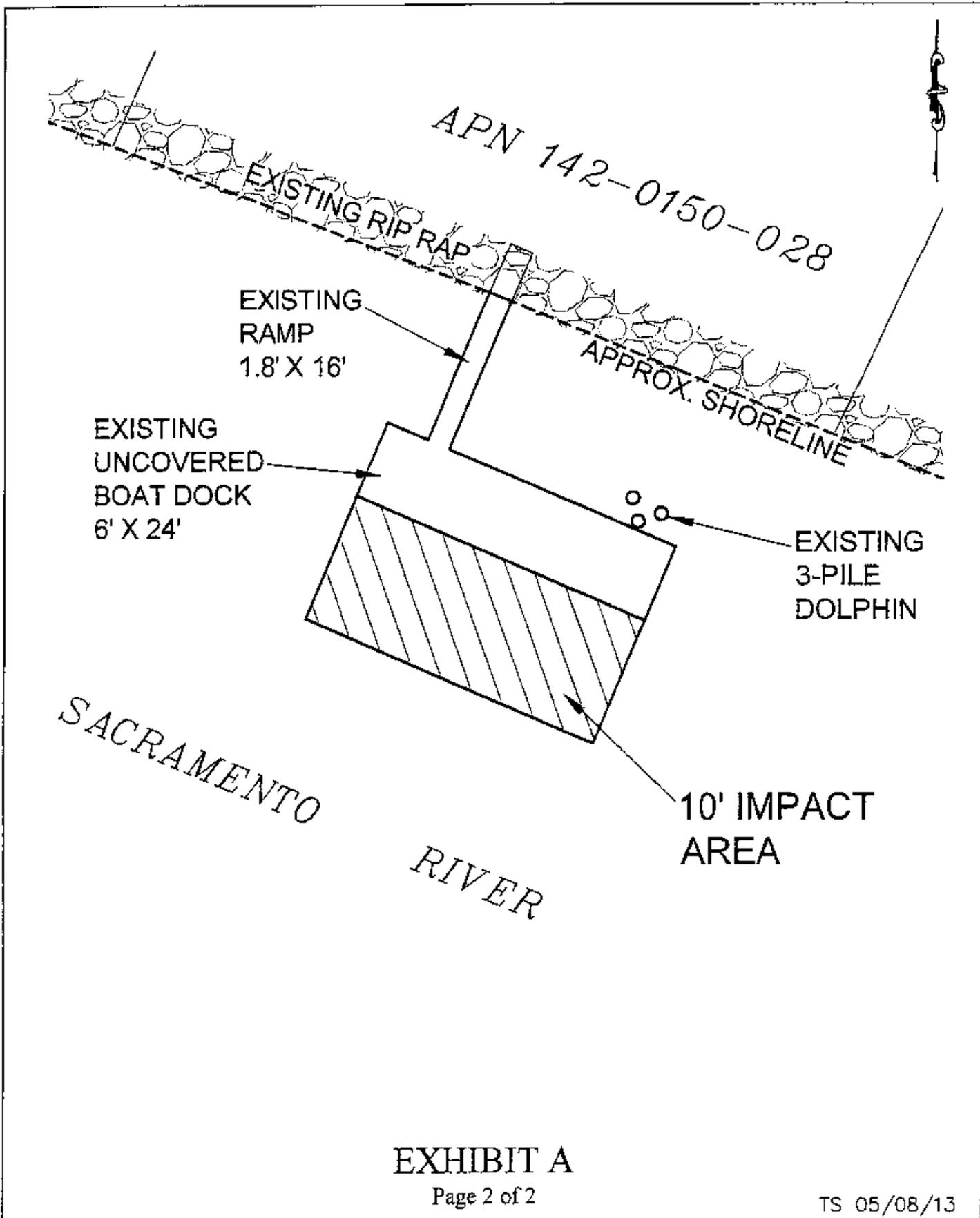
EXCEPTING THEREFROM any portion lying landward of the MHTL of the right bank of said river as per Sacramento Superior Court Case No. 78345 and shown on "Record of Survey of Compromise Title Settlement Agreement, Boundary Line Agreement No. 241 at Long Island, Vicinity of Isleton in Projected Section 27, T4N, R3E, MDM" and filed in Book 38 of Surveys at page 40 Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 05/08/13 by the California State Lands Commission Boundary Unit





LAND DESCRIPTION PLAT
 PRC 4789.1, ALTHOFF
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



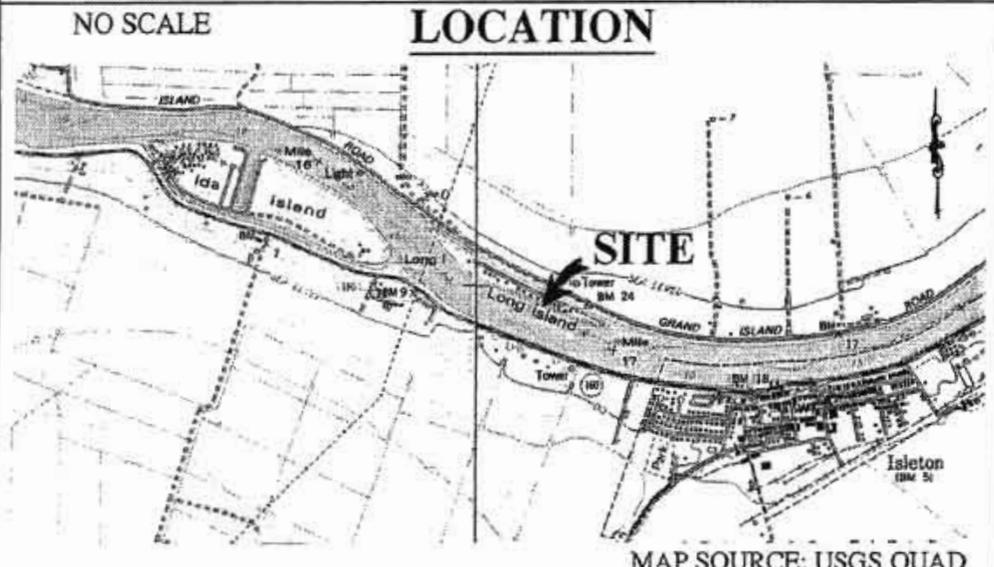
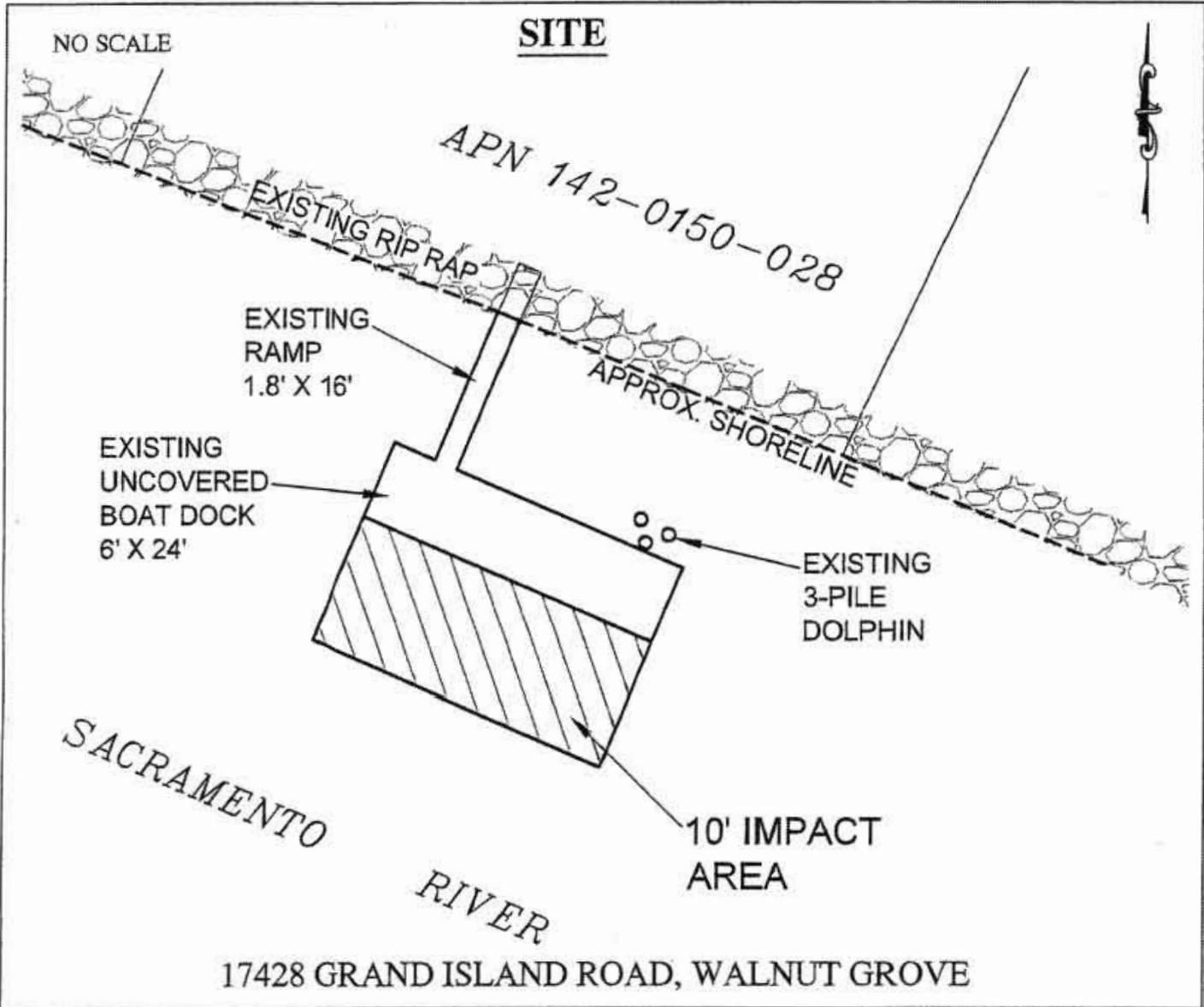


Exhibit B
 PRC 4789.1
 ALTHOFF
 APN 142-0150-028
 GENERAL LEASE -
 RECREATIONAL USE
 SACRAMENTO COUNTY



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.