

**CALENDAR ITEM
C21**

A 8
S 4

12/05/12
PRC 7967.9
W. Hall

**ASSIGNMENT AND AMENDMENT OF GENERAL LEASE – PROTECTIVE
STRUCTURE AND RECREATIONAL USE**

LESSEE/ASSIGNOR:

West Riverview LLC

APPLICANT/ASSIGNEE:

The Rivers Community Association Inc.

AREA, LAND TYPE, AND LOCATION:

A parcel of filled and unfilled sovereign land in the Sacramento River, city of West Sacramento, Yolo County, approximately 4,200 linear feet with varying widths from 10 to 150 feet.

AUTHORIZED USE:

The repair of existing bank stabilization and construction, use, and maintenance of new bank stabilization and a habitat enhancement project, including a pedestrian trail, which will have a minimum width of five feet; and the removal of 15 pilings in the bed of the Sacramento River.

LEASE TERM:

25 years, beginning June 26, 2006.

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.

PROPOSED AMENDMENT:

Amend the lease to replace Section 3 (Land Description) of the original lease with the attached Exhibit A.

SPECIFIC LEASE PROVISIONS:

Liability Insurance: \$1,000,000 combined single occurrence.

CALENDAR ITEM NO. **C21** (CONT'D)

OTHER PERTINENT INFORMATION:

1. On October 8, 2012, West Riverview LLC (Lessee) sold its remaining interest in the upland unimproved residential lots in the Rivers development to Richland Communities, Inc. The Rivers Community Association Inc. (Applicant) is the homeowners' association for The Rivers development on the upland adjoining the lease premises. The Applicant has a community interest in the upland adjoining the lease premises and is applying for an assignment of the lease. Staff recommends the Applicant as the best qualified candidate to hold the lease and continue maintaining the lease premises.
2. On March 27, 1990, the Commission approved Title Settlement Agreement AD 112 between the Commission, the Lighthouse Marina and Riverbend Development (Lighthouse). AD 112 fixed the boundary between State sovereign lands and the properties owned by Lighthouse and provided that the Commission and Lighthouse would enter into a revegetation and greenway agreement on a parcel of filled and unfilled tide and submerged land which extends the length of the Lighthouse property along the Sacramento River.
3. On July 1, 1997, the Commission approved a 25-year General Lease – Recreational, Protective Structure, and Dredging Use with Lighthouse. Its purpose was to fulfill the terms of the settlement agreement and provide a greenway that incorporated features of bank protection, habitat restoration, and an 11.5-foot-wide public access path. Lighthouse never constructed the Project because of financial difficulties and subsequently abandoned the lease. Lighthouse subsequently sold the property to Grupe Investors, LLC; and on September 29, 2003, Grupe quitclaimed its interest in the property to West Riverview LLC (Lessee) to fulfill the obligations of the settlement agreement with regard to the revegetation and greenway agreement. On June 6, 2006, the Commission authorized termination of the lease to Lighthouse and approved a new lease to the Lessee. This lease does not include a dredging component. All conditions under Title Settlement Agreement AD 112 were completed. Lessee is requesting Commission authorization for an assignment of the lease to the Applicant.
4. While processing the application for the lease, staff determined the lease area had increased slightly waterward as a result of the completion of the bank stabilization Project. Staff recommends amending the lease to replace the Land Description (Section 3) of the original lease with the revised Land Description attached as Exhibit A. Lessee has agreed to accept the Land Description in Exhibit A as the revised lease area.

CALENDAR ITEM NO. **C21** (CONT'D)

5. Staff recommends that the Commission find that the subject lease assignment and amendment do not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and are, therefore, not projects 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 lease assignment and amendment are not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activities are not projects as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

1. Authorize the Assignment of Lease No. PRC 7967.9, a General Lease – Protective Structure and Recreational Use, of sovereign land, from West Riverview LLC to The Rivers Community Association Inc., effective December 5, 2012.
2. Authorize the Amendment of Lease No. PRC 7967.9, effective December 5, 2012, to replace Section 3 (Land Description) of the original Lease with Exhibit A attached and by this reference made a part hereof; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 7967.9

LAND DESCRIPTION

All that land in the City of West Sacramento, County of Yolo, State of California, described as follows:

BEGINNING at a point on the northerly prolongation of the easterly line of Elkhorn Village No.10, filed in Book 5 of Maps, Page 106, Yolo County Records, that is located North 00°15'06" East 2397.16 feet from the southeast corner of said Elkhorn Village No.10, said point described as Point "A" in the certain Agreement recorded June 4, 1993 as Instrument No. 017712, Official Records of Yolo County, thence from said Point "A" southeasterly along the southerly line of the "Tide and Submerged Lands Parcel One" as described in Exhibit B of said Agreement, the following eighteen (18) courses:

- (1) South 89°44'54" East 240.96 feet,
- (2) South 86°14'38" East 217.23 feet,
- (3) South 85°00'50" East 505.85 feet,
- (4) South 78°36'03" East 499.74 feet,
- (5) South 82°04'16" East 135.98 feet,
- (6) South 84°46'22" East 301.57 feet,
- (7) South 67°37'40" East 588.58 feet,
- (8) South 67°43'34" East 554.02 feet,
- (9) South 61°19'15" East 255.74 feet,
- (10) South 53°24'48" East 132.53 feet,
- (11) South 55°36'10" East 148.02 feet,
- (12) South 59°10'28" East 143.15 feet,
- (13) South 44°56'49" East 105.87 feet,
- (14) South 52°55'10" East 55.80 feet to a point referred to as Point "B" in said Agreement,
- (15) South 50°58'00" East 95.27 feet,
- (16) South 51°20'32" East 96.05 feet,
- (17) South 46°58'37" East 102.59 feet, and
- (18) South 47°55'37" East 1.85 feet;

thence leaving said southerly line and continuing northeasterly along the most southeasterly line of Lot 503 as shown on Book 2005 of Parcel Maps, Pages 187-188, Yolo County Records, and the prolongation thereof, North 35°17'42" East 70.21 feet; thence leaving said line and prolongation thereof the following twelve (12) courses:

- (1) North 51°44'52" West 197.97 feet,
- (2) North 51°43'34" West 315.13 feet,
- (3) North 55°16'20" West 419.71 feet,
- (4) North 64°03'46" West 566.10 feet,
- (5) North 35°03'19" West 41.91 feet,
- (6) North 65°22'03" West 266.80 feet,

- (7) North 72°18'04" West 313.64 feet,
- (8) North 69°38'36" West 414.06 feet,
- (9) North 77°57'06" West 529.92 feet,
- (10) North 87°05'26" West 266.71 feet,
- (11) North 82°41'37" West 390.47 feet, and
- (12) North 85°27'50" West 523.13 feet to a point on said northerly prolongation of the easterly line of Elkhorn Village No. 10;

thence along said northerly prolongation, South 00°15'06" West 165.07 feet to the point of beginning.

END OF DESCRIPTION

Prepared 11/15/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

LEASE AREA FOR EXISTING BANK STABILIZATION AND HABITAT ENHANCEMENT INCLUDING A PEDESTRIAN TRAIL

SACRAMENTO RIVER

APN 014-760-001

APN 014-760-002

RIVER CREST DRIVE

SUBDIVISION NO. 3883 UNIT NO. A
MAP BOOK 17 PAGES 1-18

APN 014-760-033

NOTE: PARCELS AS SHOWN ARE PER YOLO COUNTY GIS PARCEL DATA DATED JANUARY 11, 2011.

SACRAMENTO RIVER, WEST SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7967.9
THE RIVERS
COMMUNITY ASSOCIATION
APNs 014-760-001, 002 & 033
GENERAL LEASE -
RECREATION USE
YOLO 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.

JWP 11/06/12