

**CALENDAR ITEM
C66**

A 33
S 18

10/14/14
PRC 9121.1
R. Collins

AMENDMENT OF LEASE

LESSEES:

Todd Y. King and Shareen M. King, Trustees of the Todd and Shareen King Living Trust, dated July 30, 2009

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Colorado River, adjacent to 1166 Beach Drive, city of Needles, San Bernardino County.

AUTHORIZED USE:

Use and maintenance of two existing planter areas with rock retaining walls, concrete stairs with rock walls, shower with concrete pad, and riprap bankline.

LEASE TERM:

10 years, beginning February 21, 2014.

CONSIDERATION:

Two Planter Areas with Rock Retaining Walls and a Shower with Concrete Pad: Annual rent in the amount of \$123 per year, subject to modification by Lessor as specified in Paragraph 3(b) of Section 3, General Provisions.

Concrete Stairs with Rock Walls and Riprap Bankline: Public use and benefit, with the State reserving the right to set a monetary consideration if it is determined to be in the best interest of the State.

PROPOSED AMENDMENT:

Amend the Lease to:

1. Allow for the construction of an aluminum gangway with railing, a floating walkway, and boat dock;
2. Revise the annual rent to include the new improvements;
3. Include Special Provisions related to the construction of boat docks;

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4. Replace Exhibit A, Land Description, and Exhibit B, Site and Location Map;

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On February 21, 2014, the Commission authorized a General Lease – Recreational and Protective Structure Use to Todd Y. King and Shareen M. King, Trustees of the Todd and Shareen King Living Trust, dated July 30, 2009, for two existing planter areas with rock retaining walls, concrete stairs with rock walls, shower with concrete pad, and riprap bankline.
3. The Lessees are now applying to amend the lease to add an aluminum gangway with railing, a floating walkway, and boat dock. The proposed boat dock does not adversely impact the two recognized public beaches within the Rio Buena Vista community. Consequently, the proposed gangway, floating walkway and boat dock to not interfere with current public trust needs and uses at this location.
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 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

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.

APPROVALS OBTAINED:

U.S. Bureau of Reclamation

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FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Department of Fish and Wildlife

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 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

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 the amendment of Lease No. PRC 9121.1, a General Lease Recreational and Protective Structure Use, of sovereign land as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof, revise the annual rent from \$123 per year to \$236 per year, effective October 14, 2014, to allow for the construction of an aluminum gangway with railing, a floating walkway, and boat dock; include special provisions related to the construction of boat docks; and replace Exhibit A, Land Description, and Exhibit B, Site and Location Map; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 9121.1

LAND DESCRIPTION

Two parcels of State owned land adjacent to Lot 23 of Tract No. 15640 as shown on Tract Map recorded in Book 261, Pages 88 through 94, inclusive of Maps, in the Office of the County Recorder of San Bernardino County, State of California, described as follows:

PARCEL 1

BEGINNING at the easterly corner of said Lot 23; thence northwesterly along the northeasterly line of said lot, said line also being the Agreed Boundary Line as described in Exhibit A of Document Number 92-333250, recorded on August 11, 1992, Official Records of said County, N 40° 58' 03" W 45.00 feet to the northerly corner of said Lot; thence leaving said northeasterly line and said Agreed Boundary Line, along the northeasterly prolongation of the northwesterly line of said Lot N 49° 01' 57" E 40.00 feet; thence S 40° 58' 03" E 45.00 feet to the intersection with the northeasterly prolongation of the southeasterly line of said Lot; thence southwesterly along said northeasterly prolongation S 49° 01' 57" W 40.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying waterward of the toe of revetment adjacent to said Lot 23.

PARCEL 2

BEGINNING at the easterly corner of said Lot 23; thence northwesterly along the northeasterly line of said lot, said line also being the Agreed Boundary Line as described in Exhibit A of Document Number 92-333250, recorded on August 11, 1992, Official Records of said County, N 40° 58' 03" W 35.00 feet to the point that bears S 40° 58' 03" E 10.00 feet from the northerly corner of said Lot; thence leaving said northeasterly line and said Agreed Boundary Line, along the line parallel with the northeasterly prolongation of the northwesterly line of said Lot N 49° 01' 57" E 85.00 feet; thence S 40° 58' 03" E 35.00 feet to the intersection with the northeasterly prolongation of the southeasterly line of said Lot; thence southwesterly along said northeasterly prolongation S 49° 01' 57" W 85.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying within above described PARCEL 1.

END OF DESCRIPTION

This description is based on Applicant provided design drawings for a proposed floating boat dock, gangway, walkway together with any and all appurtenances pertaining thereto, to build at a later date within the Lease time frame. This description is to be updated once as-built plans are submitted.

Prepared 09/03/14 by the California State Lands Commission Boundary Unit



NO SCALE

SITE

LEASE PARCEL 2

(PROPOSED FLOATING BOAT DOCK, FLOATING WALKWAY, ALUMINUM GANGWAY WITH RAILING AND 9' IMPACT AREA)

COLORADO RIVER

APPROXIMATE TOE OF REVETMENT

APPROXIMATE TOP OF REVETMENT

LEASE PARCEL 1

(EXISTING RIPRAP BANKLINE, TWO PLANTER AREAS WITH ROCK RETAINING WALLS, CONCRETE STAIRS WITH ROCK WALLS, CONCRETE PAD WITH SHOWER & PROPOSED ALUMINUM GANGWAY WITH RAILING)

AGREED BOUNDARY LINE

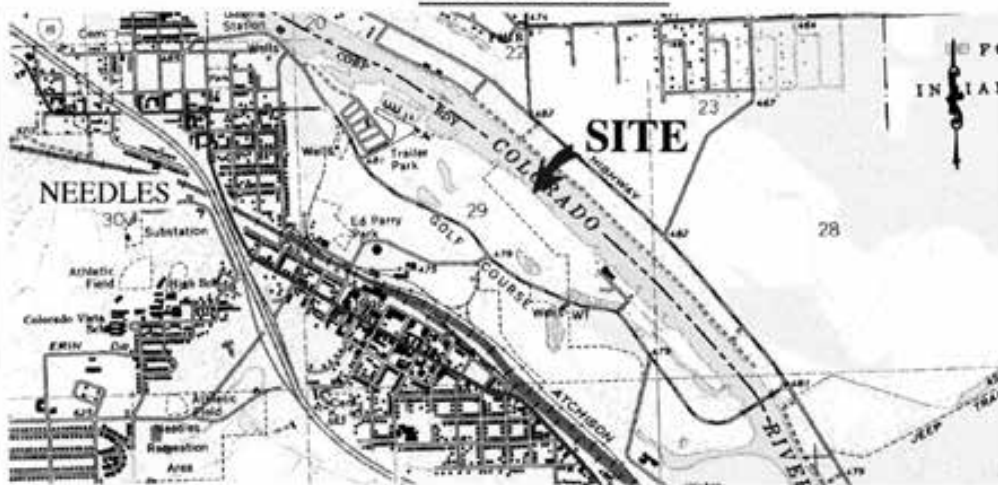
PUBLIC PEDESTRIAN ACCESS EASEMENT

APN 0186-281-03

1166 BEACH DRIVE, NEEDLES

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 9121.1
KING TRUST
APN 0186-281-03
GENERAL LEASE -
RECREATIONAL AND
PROTECTIVE STRUCTURE USE
SAN BERNARDINO 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 09/03/14