

**CALENDAR ITEM
C60**

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S 16

06/28/16
PRC 9209.1
R. Collins

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

Kami M. Erickson and Michael R. Carter

ASSIGNEE:

Erik J. Gamm and Valerie S. Gamm

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Colorado River, adjacent to 1206 Beach Drive, city of Needles, San Bernardino County.

AUTHORIZED USE:

Use and maintenance of an existing concrete patio, landing, stairway, and riprap bankline.

LEASE TERM:

10 years, beginning April 23, 2015.

CONSIDERATION:

Concrete Patio and Landing: Annual rent in the amount of \$125 per year, with an annual Consumer Price Index adjustment.

Concrete Stairway and Riprap Bankline: Public benefit, with the State reserving the right to set a monetary consideration if it is determined to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

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

Other:

Applicant acknowledges that the Public Pedestrian Access Easement shall remain open to the public and that no structures or improvements shall be erected and no personal property placed so

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as to obstruct or prevent public access in and along the Easement. Such improvements include, but are not limited to, fences, walls, railings, or landscaping. Applicant further acknowledges that they shall not place signs or advocate in any other manner to prevent or discourage public use of the Public Pedestrian Access Easement.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301; California Code of Regulations, Title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

Assignment of this lease from Kami M. Erickson and Michael R. Carter to Erik J. Gamm and Valerie S. Gamm will not result in a change in the use of public resources or the impacts thereto. Commission staff believes approval of this assignment is consistent with the common law public trust doctrine and in the best interests of the state.

OTHER PERTINENT INFORMATION:

1. Assignee owns the upland adjoining the lease premises.
2. On April 23, 2015, the Commission authorized a General Lease – Recreational and Protective Structure Use to Kami M. Erickson and Michael R. Carter. That lease will expire April 22, 2025. On September 4, 2015, the upland parcel was deeded to Erik J. Gamm and Valerie S. Gamm. The Applicant is now applying for an assignment of the lease.
3. Staff recommends assignment of the existing lease, as it promotes Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
4. An assignment of lease is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15378, subdivision (b)(5).

EXHIBITS:

- A. Land Description
- B. Site and Location Map

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RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 9209.1, a General Lease – Recreational and Protective Structure, 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, from Kami M. Erickson and Michael R. Carter to Erik J. Gamm and Valerie S. Gamm; effective September 4, 2015.

EXHIBIT A

PRC 9209.1

LAND DESCRIPTION

A parcel of State owned land adjacent to Lot 12 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, lying in the bed of the Colorado River, County of San Bernardino, State of California, described as follows:

BEGINNING at the easterly corner of said Lot 12; 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 55° 01' 49" W 45.02 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 33° 18' 50" E 60.00 feet; thence S 55° 01' 49" E 45.02 feet to the intersection with the northeasterly prolongation of the southeasterly line of said lot; thence southwesterly along said northeasterly prolongation S 33° 18' 50' W 60.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying waterward of the toe of revetment adjacent to said Lot 12.

END OF DESCRIPTION

Prepared 05/02/16 by the California State Lands Commission Boundary Unit



NO SCALE

SITE

COLORADO RIVER

APPROXIMATE
TOP OF REVETMENT

AGREED
BOUNDARY
LINE

LEASE PARCEL

(EXISTING RIPRAP BANKLINE,
CONCRETE PATIO, STAIRWAY
AND LANDING)

APPROXIMATE
TOE OF REVETMENT

PUBLIC PEDESTRIAN
ACCESS EASEMENT

APN 0186-273-11

1206 BEACH DRIVE, NEEDLES

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 9209.1

GAMM

APN 0186-273-11

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 05/02/16