

**CALENDAR ITEM
C49**

A 26
S 14

06/22/17
PRC 8900.1
S. Avila

**AMENDMENT OF LEASE, ACCEPTANCE OF A LEASE
QUITCLAIM DEED, AND REVISION OF RENT**

LESSEE:

County of Tulare

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the bed of the Kings River, near Dinuba, Tulare County.

AUTHORIZED USE:

The construction, use, and maintenance of a new bridge and rock slope protection at Avenue 416 on the Kings River; the use of a temporary construction easement; the temporary retention, use, and maintenance of the existing Avenue 416 bridge; the demolition of the existing bridge and the potential abandonment in place of piers and pilings upon completion of the new bridge; and the construction, use, and maintenance of utility conduits on the new bridge.

LEASE TERM:

20 years, beginning October 29, 2010.

CONSIDERATION:

Bridge: 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.

Utilities: This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$195 to \$223 per year, effective October 29, 2017.

CALENDAR ITEM NO. **C49** (CONT'D)

PROPOSED AMENDMENT:

1. Amend the lease to add the attached Exhibit A, Site and Location Map.
2. Replace Section 3, Land Description, with the attached Section 3, Land Description (Parcel 1), to reflect the removal from the Lease Premises of that portion of the bridge right-of-way described in the Lease as Parcel 2.

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

STAFF ANALYSIS AND RECOMMENDATION:

Statutory Authority:

Public Resources Code Sections 6005, 6216, 6301, 6503, and 6505.1, and; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On October 29, 2010, the Commission authorized a General Lease – Public Agency Use and Endorsement of Subleases, Lease No. PRC 8900.1 ([Calendar Item C19, October 29, 2010](#)), to the County of Tulare (County) for the construction, use, and maintenance of a new bridge and rock slope protection at Avenue 416 on the Kings River; the use of a temporary construction easement; the temporary retention, use, and maintenance of the existing Avenue 416 bridge; the demolition of the existing bridge and the potential abandonment in place of piers and pilings upon completion of the new bridge; and the construction, use, and maintenance of utility conduits on the new bridge. The subleases are between the County and the utility companies that have located utility lines within the conduits.

The County completed construction of the new bridge and cleared both parcels and the construction easement of equipment and materials by March 2015. As required by the lease, the County is now applying for a Lease Amendment and submitting a Lease Quitclaim Deed to remove Parcel 2 from the lease premises following successful removal of the old bridge improvements. The County's use of the temporary construction easement terminated 90 days following project completion, in accordance with the lease terms. The proposed removal of Parcel 2 from the lease area and the temporary construction easement will not substantially interfere with the Public Trust needs at this time and at this location, and is consistent with the common law Public Trust Doctrine.

CALENDAR ITEM NO. **C49** (CONT'D)

For all the reasons above, staff believes the authorization of the lease amendment and the revision of rent is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with 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 and Strategy 2.2 to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease, acceptance of a Quitclaim Deed, and revision of rent are not projects as defined by the California Environmental Quality Act because they are administrative actions 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, section 15378, subdivision (b)(5).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of lease will not substantially interfere with Public Trust needs and values at this location, and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 8900.1, a General Lease – Public Agency Use and Endorsement of Subleases, effective June 22, 2017, to add Exhibit A (Parcel 1), Site and Location Map (attached for reference purposes only); to replace Section 3, Land Description, with Section 3, Land Description (Parcel 1), (attached and by this reference made a part hereof), to reflect the removal from the lease premises that portion of the bridge right-of-way described in the lease as Parcel 2; all other terms and conditions of the lease will remain in effect without amendment.

CALENDAR ITEM NO. **C49** (CONT'D)

2. Authorize acceptance of a Lease Quitclaim Deed for Parcel 2 as provided in the lease.
3. Approve the revision of rent for Lease No. PRC 8900.1 from \$195 to \$223 per year, effective October 29, 2017.

NO SCALE

SITE

SECTION 8

APN 012-040-021

RIVER

LOW WATER MARK

LOW WATER MARK

APN 012-060-001

R/W

LINE

T.C.E.

TO BE REMOVED FROM LEASE

R/W

LINE

PARCEL 1

LEASE AREA

SECTION 8

AVE 416

SECTION

PARCEL 2

TO BE REMOVED FROM LEASE

(MOUNTAIN VIEW AVE)

R/W

LINE

APN 012-090-002
SECTION 17

LOW WATER MARK

KINGS

LOW WATER MARK

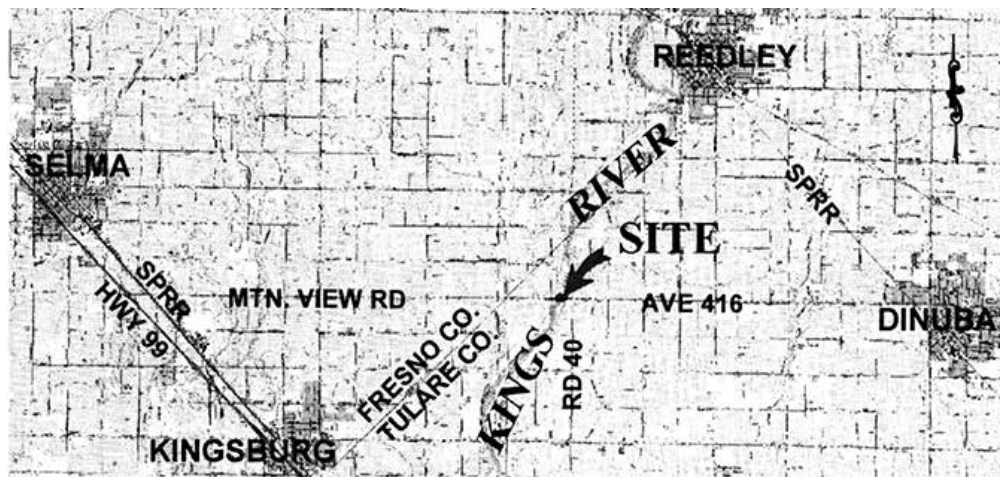
APN 012-090-014
SECTION 17

FOR USE WITH STAFF REPORT ONLY

AVE 416 BRIDGE OVER THE KINGS RIVER, TULARE COUNTY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit A

PRC 8900.1
COUNTY OF TULARE
GENERAL LEASE
PUBLIC AGENCY USE
TULARE COUNTY



EAP 11/17

**EXHIBIT B
SECTION 3**

PRC 8900.1

LAND DESCRIPTION

PARCEL 1

A parcel of submerged land, lying in the bed of the Kings River, being adjacent to portions of Sections 8 and 17, Township 16 South, Range 23 East, MDM, as shown on the US Government Township Plat approved December 21, 1854, being in Tulare County, California, more particularly described as follows:

Commencing at the corner common to Sections 8, 9, 16, and 17, monumented by a brass disk marked "Tulare County Surveyor" set in concrete at the intersection of Avenue 416 and Road 40 as shown on a preliminary Record of Survey by Oscar Ramirez, RCE; thence N 89°23'05" W along the line common to Sections 8 and 17, 690.80 feet, more or less to the left (easterly) bank of the Kings River; thence N 46°41'58" E along said left (easterly) bank, 52.02 feet to the POINT OF BEGINNING; thence continuing along said left (easterly) bank the following two (2) courses:

1. N 46°41'58" E, 15.59 feet; and
2. N 35°57'53" E, 98.11';

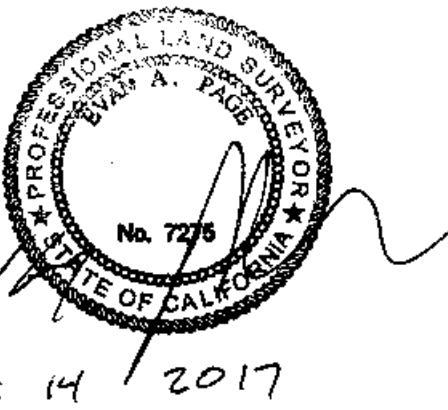
thence leaving said left (easterly) bank N 89°23'05" W parallel with the line common to Sections 8 and 17, 306.14 feet to the right (westerly) bank of the Kings River; thence along said right (westerly) bank the following two (2) courses:

1. S 49°18'52" W, 73.45 feet; and
2. S 25°56'04" W, 46.86 feet;

thence leaving said right (westerly) bank S 89°23'05" E parallel with the line common to Sections 8 and 17, 313.37 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water marks of the Kings River.

END DESCRIPTION


JUNE 14 2017