CALENDAR ITEM

C28

A 26 04/06/11
WP 8822.9
S 12 N. Lee

AMENDMENT OF LEASE

LESSEE:

City of Turlock
156 South Broadway, Suite 270
Turlock, CA 95380

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, adjacent to Assessor's Parcel Number 058-023-028, near Crows Landing, city of Turlock, Stanislaus County.

AUTHORIZED USE:

Construction, use, and maintenance of a slope of gabions to support a new municipal wastewater outfall pipeline as part of the Harding Drain Bypass Project, and the temporary installation of a sheetpile cofferdam and placement of warning signs and buoys.

LEASE TERM:

25 years, beginning April 9, 2009.

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 revise the date by which construction must begin from June 1, 2010, to June 1, 2012 and the construction completion date from November 1, 2010, to November 1, 2012. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. On April 9, 2009, the Commission approved a 25-year General Lease – Public Agency Use with the city of Turlock (City) for the construction of a slope of gabions to support a new municipal wastewater outfall pipeline as part of the Harding Drain Bypass Project, and the temporary installation of a sheetpile cofferdam and placement of warning signs and buoys. Construction was anticipated to be completed by November 1, 2010; however, due to funding issues, no work has been done.

3. The City is now applying to amend the lease to revise the date by which construction must begin from June 1, 2010 to June 1, 2012 and the construction completion date from November 1, 2010 to November 1, 2012. The City plans to start construction in the Spring of 2011 but has requested additional time for construction in case of another unexpected funding delay.

4. An EIR SCH# 2003062002 was prepared for this project by the City and certified on May 24, 2005. California State Lands Commission staff reviewed the EIR and the Mitigation Monitoring Program prepared in conformance with the provisions of CEQA (Public Resources Code section 21081.6) and adopted by the lead agency. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained on file in the Sacramento Office of the California State Lands Commission.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR SCH# 2003062002 was prepared for this project by the City of Turlock and certified on May 25, 2005 and that the Commission has reviewed and considered the information contained therein. Adopt the Mitigation Monitoring Program, as contained on file in the Sacramento Office of the California State Lands Commission. Adopt the findings made

in conformance with Title 14, California Code of Regulations, sections 15091 and 15096 (h), as contained on file in the Sacramento Office of the California State Lands Commission.

SIGNIFICANT LANDS INVENTORY FINDING:

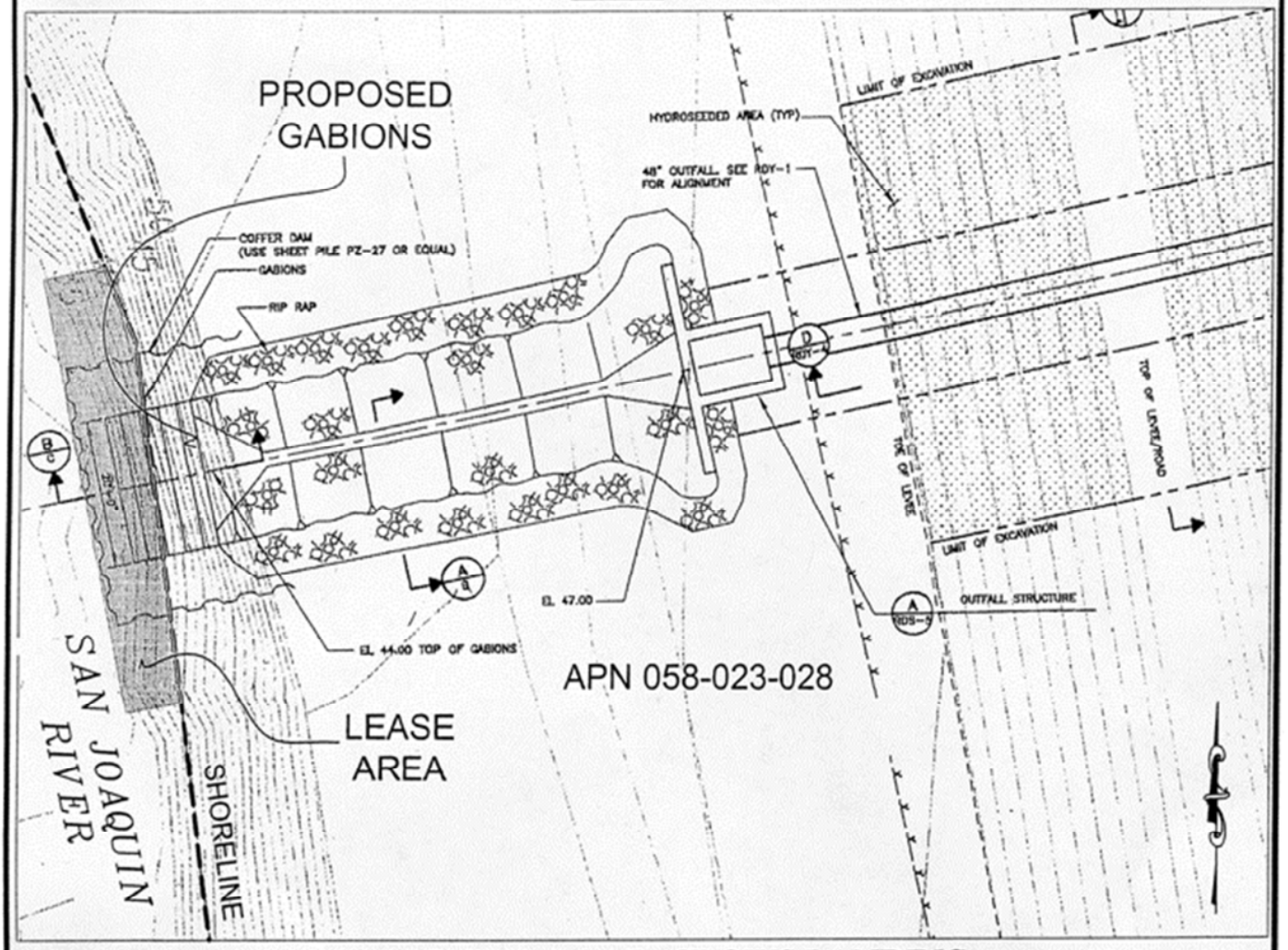
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 8822.9, a General Lease – Public Agency Use, effective April 6, 2011, to revise the date by which construction must begin from June 1, 2010, to June 1, 2012 and the construction completion date from November 1, 2010, to November 1, 2012; all other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

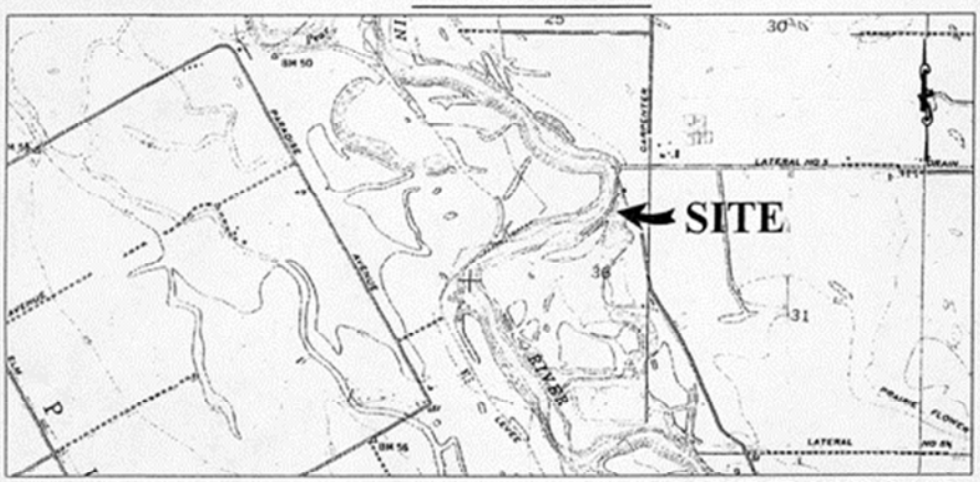
SITE



CARPENTER ROAD, CROWS LANDING

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 8822.9
CITY OF TURLOCK
APN 058-023-028
GENERAL LEASE - PUBLIC AGENCY USE
STANISLAUS COUNTY

JWP 02/09