

**CALENDAR ITEM
C05**

A	11	08/15/14
S	3	PRC 7968.1 V. Caldwell

**TERMINATION AND ISSUANCE OF A GENERAL LEASE – COMMERCIAL
AND PROTECTIVE STRUCTURE USE**

LESSEES:

Ida Pearl Weber and Jim Darrell Weber

APPLICANT:

Weber Family Revocable Trust

AREA, LAND TYPE, AND LOCATION:

1.09 acres, more or less, of filled and unfilled sovereign land in the Sacramento River, adjacent to 16814 State Highway 160, near the city of Rio Vista, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of six fishing platforms, two concrete pads, a portion of a covered patio and deck, bank protection, and fill used in conjunction with a commercial recreational vehicle park known as Duck Island RV Park & Fishing Resort.

LEASE TERM:

20 years, beginning August 15, 2014.

CONSIDERATION:

Six Fishing Platforms, Two Concrete Pads, a Portion of a Covered Patio and Deck, and Fill: Initial Base Rent in the amount of \$2,465 per year, with an annual Consumer Price Index adjustment and the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Bank Protection: 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.

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SPECIFIC LEASE PROVISION:

Liability insurance in an amount no less than \$2,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On March 25, 2008, the Commission authorized a General Lease – Commercial and Protective Structure Use to Ida Pearl Weber and Jim Darrell Weber, for a commercial facility known as Duck Island RV Park. That lease will expire on June 30, 2017. On January 12, 2014, Ms. Ida Pearl Weber passed away. The property was subsequently placed in the Weber Family Revocable Trust. The Applicant requested termination of the current lease and is now applying for a new General Lease – Commercial and Protective Structure Use.
3. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
4. **Termination of Lease:** The staff recommends that the Commission find that the subject lease termination does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project 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.

5. **Issuance of a New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. 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

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through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Lease Termination:

Find that the subject lease termination is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of New Lease:

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 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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:

1. Authorize termination of Lease No. 7968.1, a General Lease – Commercial and Protective Structure Use, effective August 14, 2014, issued to Ida Pearl Weber and Jim Darrell Weber.
2. Authorize issuance of a General Lease – Commercial and Protective Structure Use to the Weber Family Revocable Trust beginning August 15, 2014, for a term of 20 years, for the continued use and maintenance of six fishing platforms, two concrete pads, a portion of a covered patio and deck, bank protection, and fill used in conjunction with a commercial recreational vehicle park known as Duck Island RV Park and Fishing Resort as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the six

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fishing platforms, two concrete pads, a portion of a covered patio and deck, and fill: Initial Base Rent in the amount of \$2,465 per year, with an annual Consumer Price Index adjustment and the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; consideration for the bank protection: 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; and liability insurance in an amount no less than \$2,000,000 per occurrence.

Exhibit A

PRC 7968.1

LAND DESCRIPTION

A parcel of sovereign land situated in the County of Sacramento, State of California, and more particularly described as follows:

A parcel of land bounded on the North and East by the North and East lines respectively of that certain parcel described in that quit claim deed from Weber to the State of California recorded January 12, 1981, Document number B810112P1051 of Official Records of the County of Sacramento; bounded on the South by a line running parallel to and 664 feet perpendicular to the northerly line of said deed; bounded on the West by a line running parallel to and 10 feet perpendicular of the Mean High Tide Line.

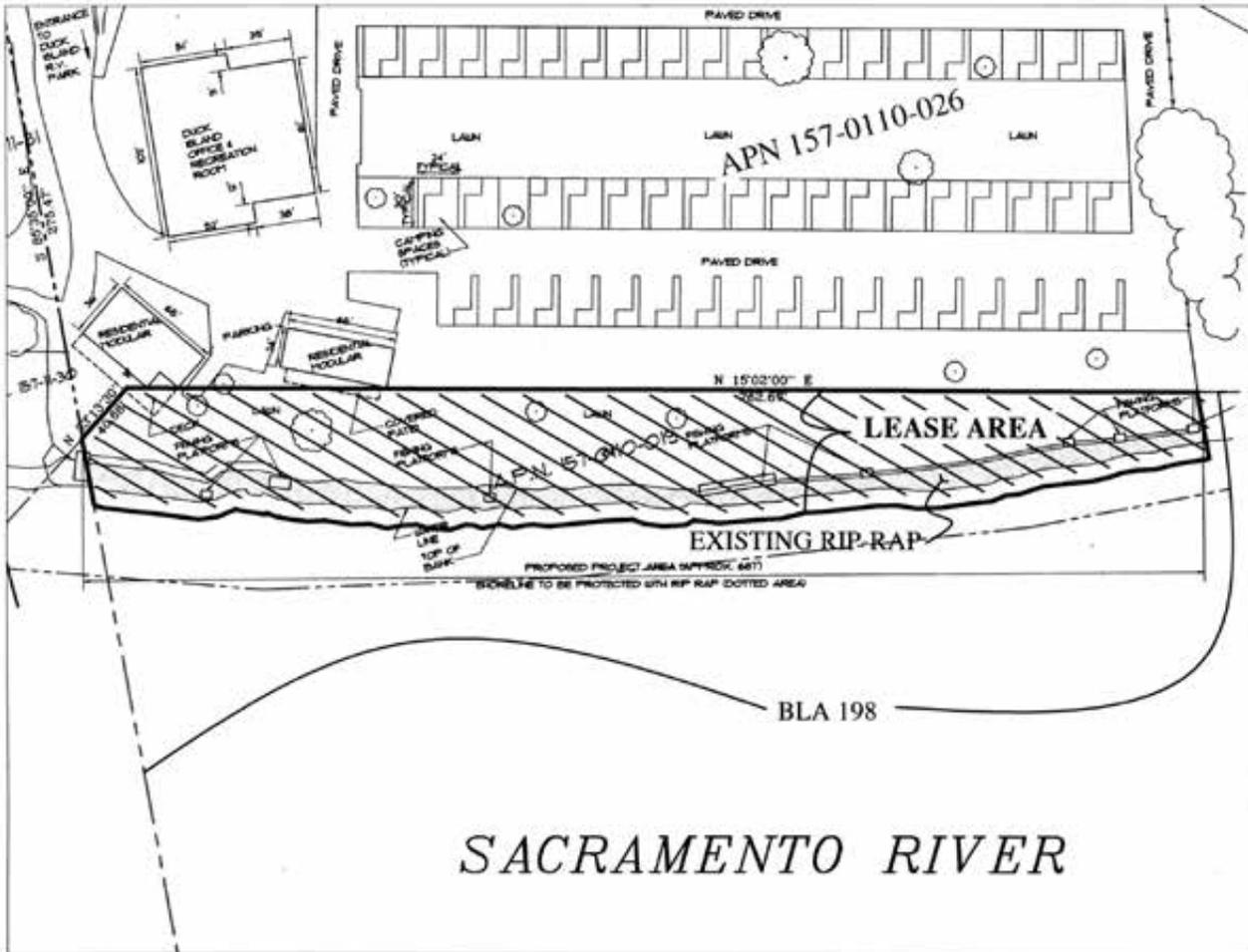
END OF DESCRIPTION

PREPARED 10/03/07 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

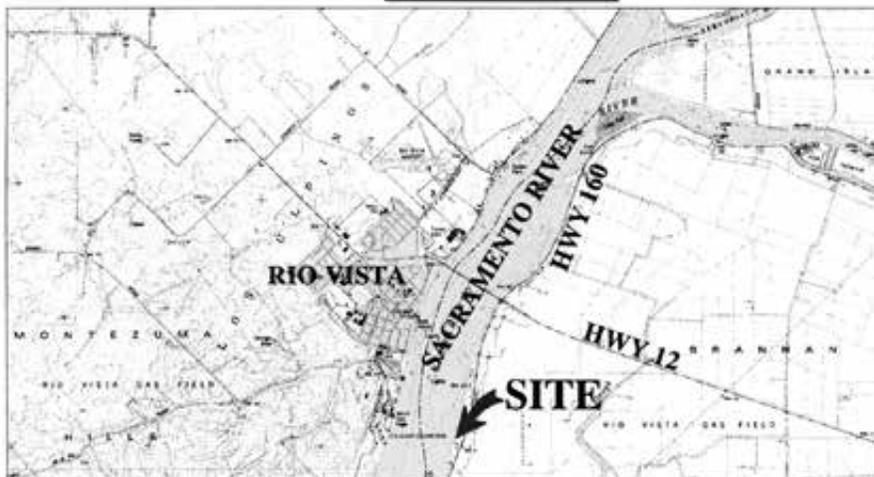
SITE



DUCK ISLAND RV PARK, 16814 HWY 160, RIO VISTA

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7968.1
 WEBER TRUSTEES
 APN 157-0110-026
 GENERAL LEASE-
 COMMERCIAL & PROTECTIVE
 STRUCTURE USE
 SACRAMENTO COUNTY



TS 07/15/14

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.