

**CALENDAR ITEM
C65**

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10/14/14
PRC 9039.1
R. Collins

AMENDMENT OF LEASE

LESSEES:

Michael Shutt and Christine D. Shutt, as Trustees, or any successor Trustee, under that certain declaration of trust named Michael Shutt and Christine D. Shutt Family Trust, created by Michael Shutt and Christine D. Shutt, as Trustors, dated September 8, 2006

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Colorado River, adjacent to 1170 Beach Drive, city of Needles, San Bernardino County.

AUTHORIZED USE:

Use and maintenance of existing concrete stairs with railing and appurtenances, rock wall, concrete patio, and riprap bankline.

LEASE TERM:

10 years, beginning February 22, 2013.

CONSIDERATION:

Rock Wall and Concrete Patio: Annual rent in the amount of \$260 per year, with the State reserving the right to fix a different rent periodically during the term of the lease, as provided in the lease.

Concrete Stairs with Railing and Appurtenances: Public use and benefit, subject to a perpetual easement for public pedestrian access to the waters of the Colorado River, more particularly described in Paragraph 3 of Section 2 Special Provisions.

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.

CALENDAR ITEM NO. **C65** (CONT'D)

PROPOSED AMENDMENT:

Amend the Lease to:

1. Clarify the description and square footage of existing improvements;
2. Allow for the construction of a landing, aluminum gangway with railing; and a floating boat dock;
3. Revise the annual rent to include the new improvements;
4. Include Special Provisions related to the construction of boat docks;
5. 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 April 26, 2013, the Commission authorized a General Lease – Recreational and Protective Structure Use to Michael Shutt and Christine D. Shutt, as Trustees, or any successor Trustee, under that certain declaration of trust named Michael Shutt and Christine D. Shutt Family Trust, created by Michael Shutt and Christine D. Shutt, as Trustors, dated September 8, 2006, for concrete stairs with railing and appurtenances, rock walls, concrete patios, and riprap bankline.
3. While processing the application, staff became aware of inconsistencies between improvements shown by aerial photography and authorized improvements in the Lease. Staff recommends amending the lease to correctly identify the existing improvements as concrete stairs with railing and electrical appurtenances, a small concrete patio, two other small concrete patios with railing, two larger concrete patios with rock retaining walls, planter area with rock retaining walls, and riprap bankline.
4. The Lessees are now applying to amend the lease to add a landing, aluminum gangway with railing, and floating boat dock. The proposed boat dock does not adversely impact the two recognized public beaches within the Rio Buena Vista community. Consequently, the proposed landing, gangway, and floating boat dock do not interfere with current public trust needs and uses at this location.

CALENDAR ITEM NO. **C65** (CONT'D)

5. 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.

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 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

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.

CALENDAR ITEM NO. **C65** (CONT'D)

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 9039.1, 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 \$260 per year to \$470 per year, effective October 14, 2014, to clarify the description and square footage of existing improvements; allow for the construction of a landing, aluminum gangway with railing, and floating 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 9039.1

LAND DESCRIPTION

Two parcels of State owned land adjacent to Lot 22 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 22; 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 65.00 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 65.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying waterward of the toe of revetment adjacent to said Lot 22.

PARCEL 2

BEGINNING at the point on the northeasterly line of Lot 22 which bears N 40° 58' 03" W 10.00 feet from the easterly corner of said Lot; thence northwesterly along said 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 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 95.00 feet; thence S 42° 08' 05" E 35.00 feet to the line parallel with the northeasterly prolongation of the southeasterly line of said Lot; thence southwesterly along said line S 49° 01' 57" W 95.00 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, 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, ALUMINUM GANGWAY WITH RAILING AND 9' IMPACT AREA)

APPROXIMATE TOE OF REVETMENT

APPROXIMATE TOP OF REVETMENT

COLORADO RIVER

AGREED BOUNDARY LINE

PUBLIC PEDESTRIAN ACCESS EASEMENT

LEASE PARCEL 1

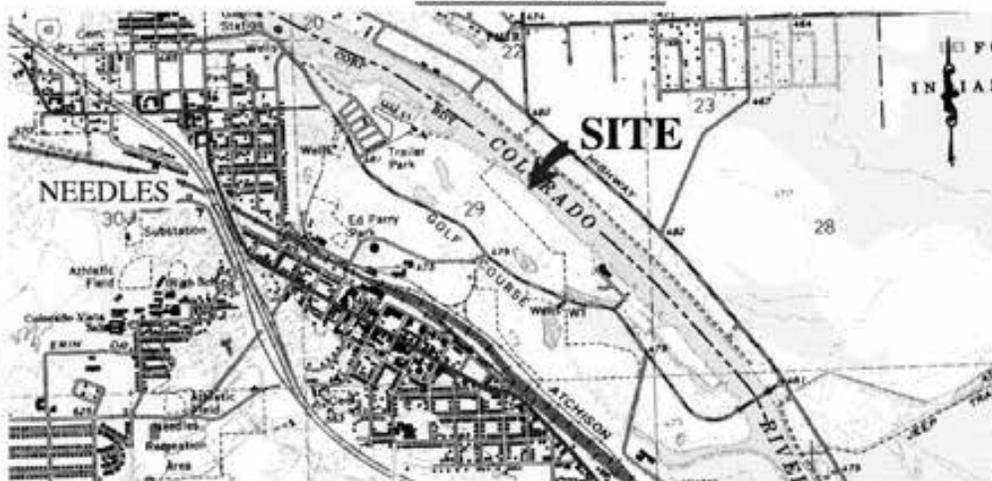
(EXISTING RIPRAP BANKLINE, TWO CONCRETE PATIOS WITH ROCK RETAINING WALLS, SINGLE SMALL PATIO, CONCRETE STAIRS WITH ROCK WALLS, CONCRETE LANDING AND PROPOSED ALUMINUM GANGWAY WITH RAILING)

APN 0186-281-02

1170 BEACH DRIVE, NEEDLES

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 9039.1
SHUTT
APN 0186-281-02
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