

**STAFF REPORT
C59**

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04/19/18
PRC 4669.1
J. Holt

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

James Hanley and Kathryn Hanley

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Calaveras River, adjacent to 4357 Yacht Harbor Drive, near Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing T-shaped uncovered floating boat dock, ramp, walkway, two pilings, electrical conduit, water conduit, and bulkhead.

LEASE TERM:

10 years, beginning May 24, 2012.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that rent be revised from \$245 per year to \$310 per year, effective May 24, 2018.

PROPOSED AMENDMENT:

Amend the lease to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and the State's Best Interests Analysis:

On March 29, 2012, the Commission authorized a General Lease – Recreational and Protective Structure Use to William S. Chapman, as

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Trustee of the Bypass Trust C/U the Restated William S. Chapman and Diana R. Chapman Family Trust dated March 21, 1995, and as Trustee of the Survivor's Trust C/U the Restated William S. Chapman and Diana R. Chapman Family Trust dated March 21, 1995 ([Item C67, March 29, 2012](#)). On July 24, 2015, the upland was deeded to James Hanley and Kathryn Hanley. On February 9, 2016, the Commission authorized an assignment of Lease No. PRC 4669.1, a General Lease – Recreational and Protective Structure Use, from William S. Chapman, as Trustee of the Bypass Trust C/U the Restated William S. Chapman and Diana R. Chapman Family Trust dated March 21, 1995, and as Trustee of the Survivor's Trust C/U the Restated William S. Chapman and Diana R. Chapman Family Trust dated March 21, 1995, to James Hanley and Kathryn Hanley, for the use and maintenance of an existing T-shaped uncovered floating boat dock, ramp, walkway, two pilings, electrical conduit, water conduit, and bulkhead in the Calaveras River ([Item C22, February 9, 2016](#)). The lease will expire on May 23, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$245 to \$310 per year, based on changes to the lease (impact) area. Staff also recommends the lease be amended to reflect the new lease area, which aligns with historical usage patterns of the floating boat dock.

The lease does not alienate the State's fee simple interest or permanently impact public rights. The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. For these reasons, staff recommends finding that the proposed actions are in the best interests of the state.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to adjust the lease area 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).

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EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed actions will not substantially interfere with the Public Trust needs and values at this location, at this time or for the foreseeable term of the lease; and are in the best interests of the state.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 4669.1, a General Lease – Recreational and Protective Structure Use, effective May 24, 2018, to replace existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description and Exhibit B, Site and Location Map (for reference purposes, only).
2. Approve the revision of rent for Lease No. PRC 4669.1, from \$245 per year to \$310 per year, effective May 24, 2018.

EXHIBIT A

PRC 4669.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Calaveras River, formerly the channel of the San Joaquin River, lying adjacent to "LOT 31 of RIVIERA CLIFFS", according to the Official Map or Plat thereof, filed for record June 27, 1952, in Book of Maps and Plats, Vol. 13, page 124, San Joaquin County Records, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, ramp, gangway, electrical and water conduits, walkway and bulkhead lying adjacent to the left bank of said river and being adjacent to and northerly of that parcel as described in Grant Deed, recorded July 24, 2015 in Document Number 2015-089122 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

PREPARED 3/20/18 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



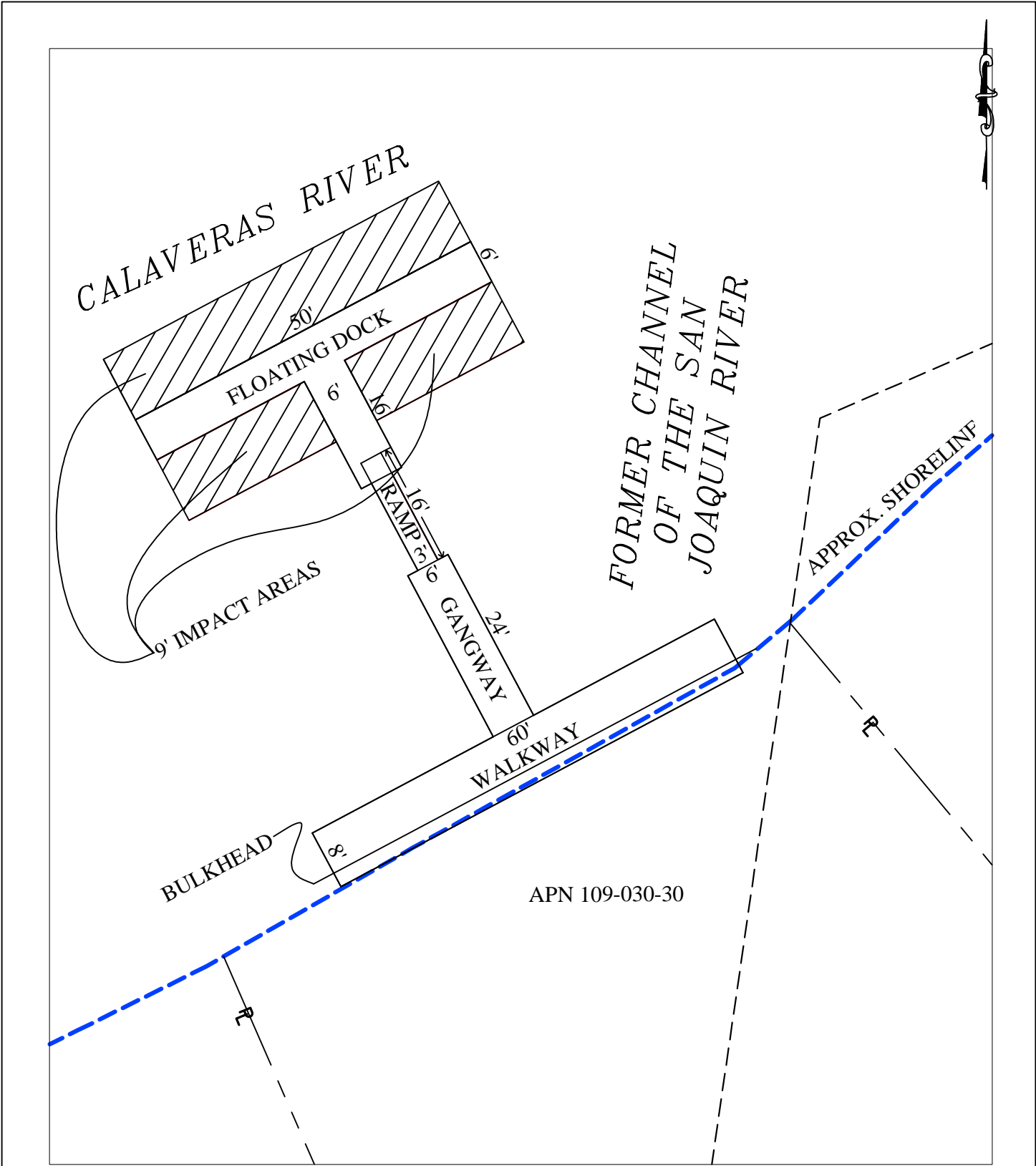
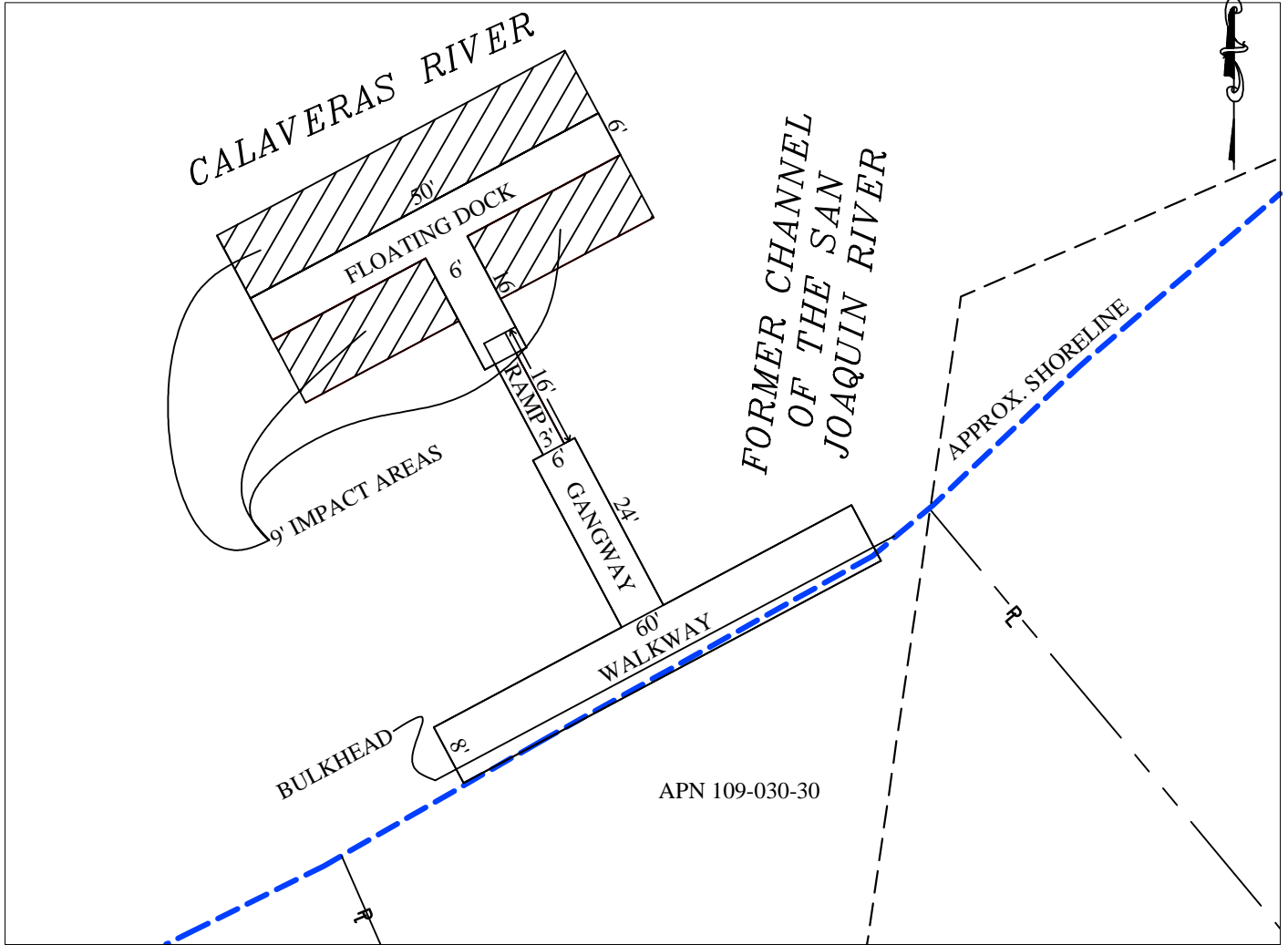


EXHIBIT A



NO SCALE

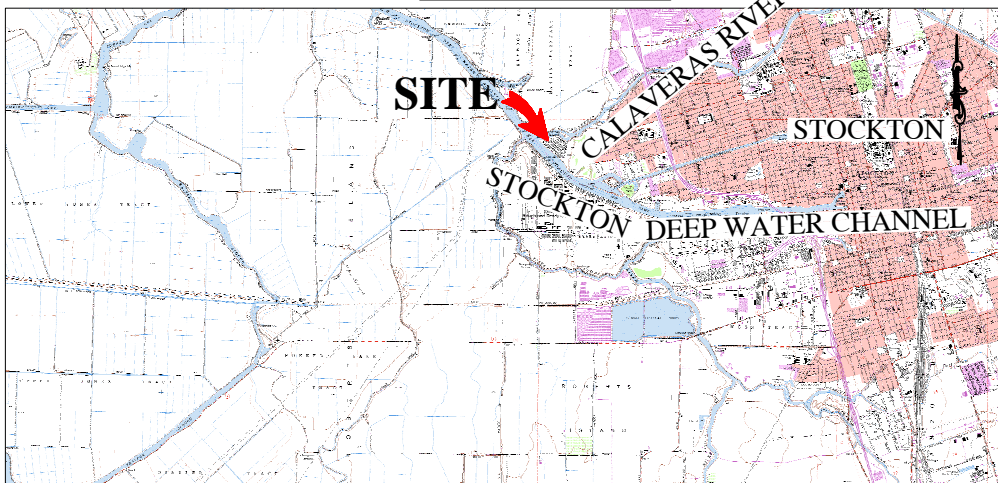
SITE



4357 Yacht Harbor Dr., Stockton

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4669.1
 HANLEY
 APN 109-030-30
 GENERAL LEASE -
 RECREATIONAL &
 PROTECTIVE STRUCTURE USE
 SAN JOAQUIN COUNTY



MJF 3/20/18

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.