

**STAFF REPORT
C61**

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04/19/18
PRC 9053.1
L. Pino

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

The Island Club, Inc., a California corporation

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Montezuma Slough, adjacent to 3372 Gum Tree Road, Grizzly Island, Suisun, Solano County.

AUTHORIZED USE:

Use and maintenance of an existing uncovered floating dock, gangway, two pilings, utility conduit, security fence, and covered shed.

LEASE TERM:

10 years, beginning April 26, 2013.

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 \$354 per year to \$413 per year, effective April 26, 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, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

On April 26, 2013, the Commission authorized the issuance of a 10-year General Lease – Recreational Use to The Island Club, Inc., a California

STAFF REPORT NO. **C61** (CONT'D)

corporation, for an existing uncovered floating boat dock, gangway, two pilings, utility conduit, security fence, and covered shed in the Montezuma Slough, adjacent to 3372 Gum Tree Road, Grizzly Island (Item C5, [April 26, 2013](#)). That lease expires April 25, 2023.

Staff conducted a rent review as provided in the lease and recommends that rent be revised from \$354 to \$413 per year based on changes to the lease (impact) area for the dock and application of the current San Francisco Area Benchmark. Staff also recommends the lease exhibits be amended to reflect the new reduced impact area.

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

OTHER PERTINENT INFORMATION:

1. The Lessee is a private duck club located on the upland adjoining the lease premises. The docking facilities are utilized by the members of the duck club.
2. 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.
3. Approving the amendment of lease 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. Land Description
- B. Site Location Map

STAFF REPORT NO. **C61** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment and revision of rent for Lease No. PRC 9053.1 will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; are consistent with the common law Public Trust Doctrine; and are in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 9053.1, a General Lease – Recreational Use, effective April 26, 2018, 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).
2. Approve the revision of rent for Lease No. PRC 9053.1 from \$354 per year to \$413 per year, effective April 26, 2018.

EXHIBIT A

PRC 9053.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of Montezuma Slough, lying adjacent to Swamp and Overflowed Land Survey 564 patented January 17, 1876, County of Solano, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, walkway, security fence, utility conduit, shed and two pilings lying adjacent to that parcel described in Grant Deed, recorded November 21, 1973 in Document No. 28353 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 slough.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 03/13/18 by the California State Lands Commission Boundary Unit



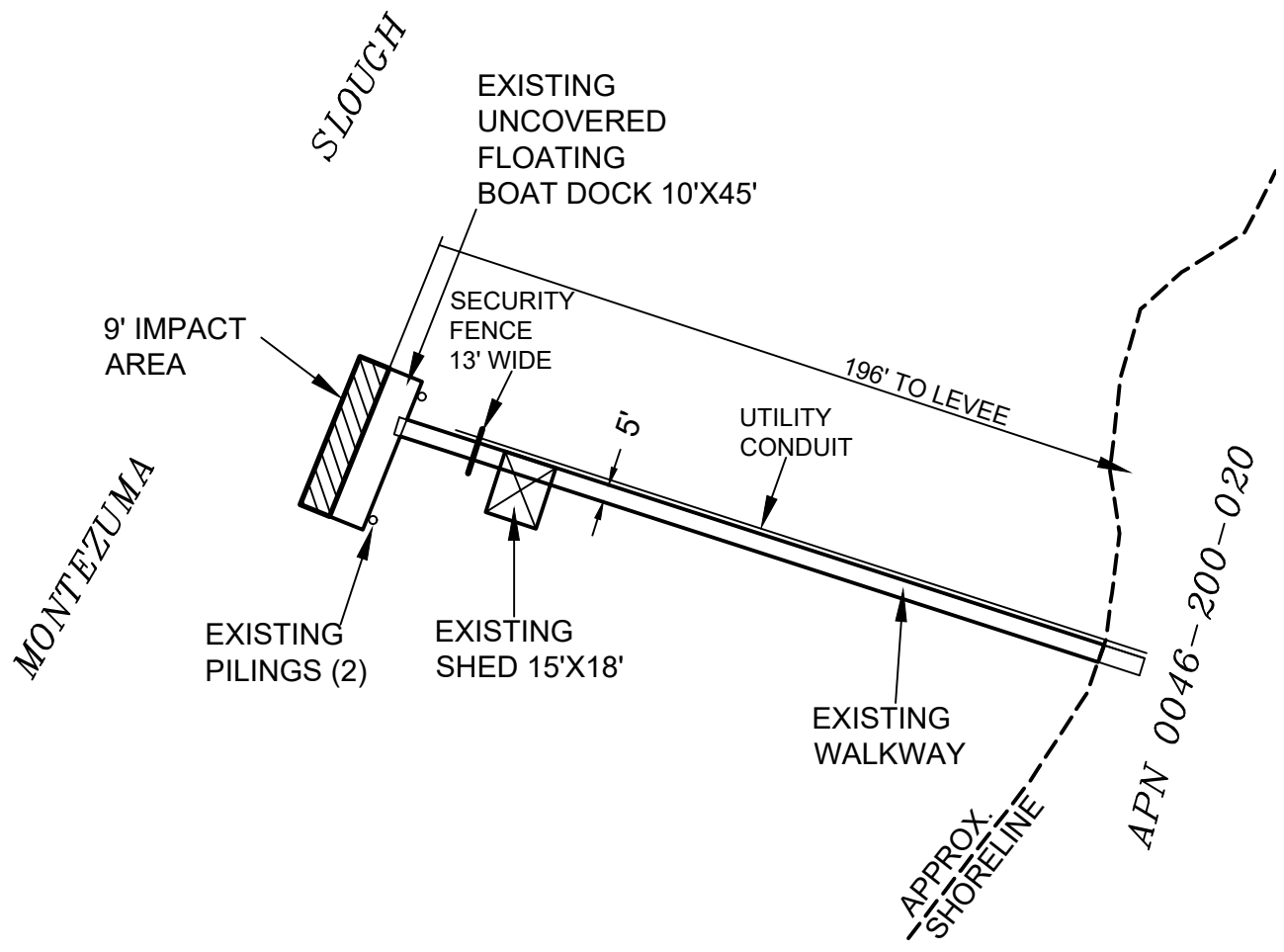


EXHIBIT A

Page 2 of 2

RPF 03/13/18

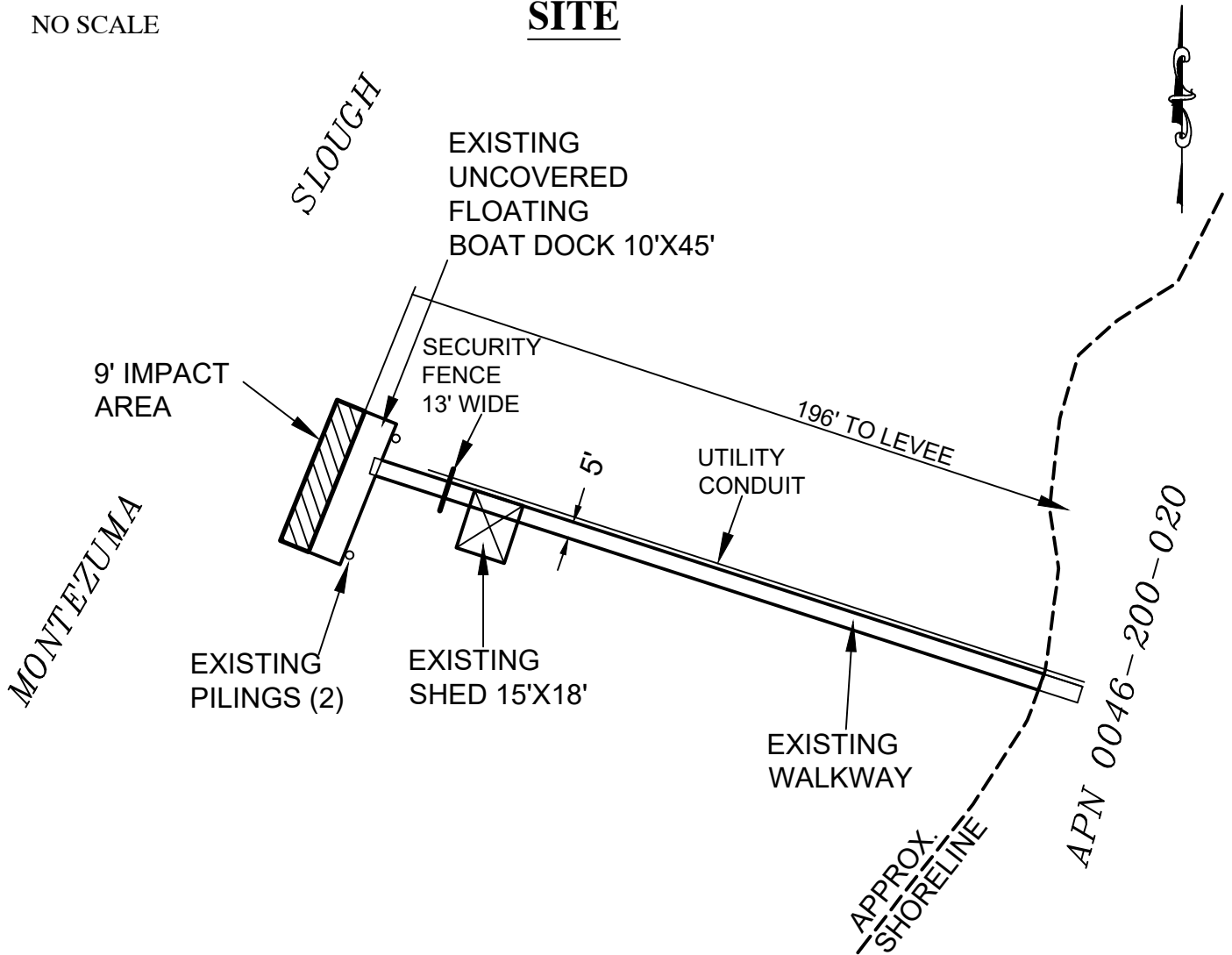
LAND DESCRIPTION PLAT
PRC 9035.1, THE ISLAND CLUB INC.
SOLANO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

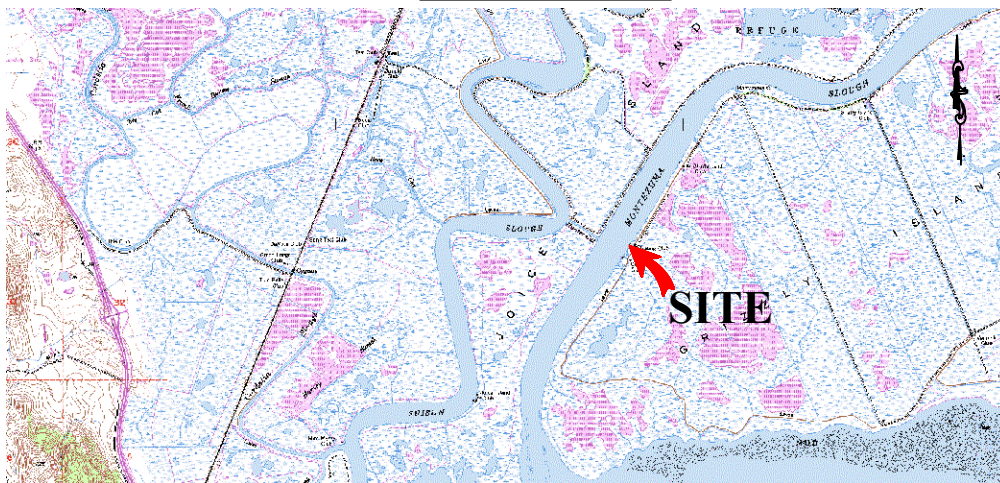
SITE



3372 GUM TREE ROAD, GRIZZLY ISLAND, NEAR SUISUN CITY

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 B

PRC 9053.1
 THE ISLAND CLUB INC.
 APN 0046-200-020
 GENERAL LEASE -
 RECREATIONAL USE
 SOLANO COUNTY



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