

8. APPLICATION FOR TERMINATION OF LIFE-OF-STRUCTURE PERMIT P.R.C. 2799.9, COVERING SUBMERGED LAND IN COLORADO RIVER, RIVERSIDE COUNTY, AND ISSUANCE OF A LEASE AS REPLACEMENT THEREFOR; COUNTY OF RIVERSIDE - W.O. 5971, P.R.C. 3448.9.

After consideration of Calendar Item 33 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION TERMINATES PERMIT P.R.C. 2799.9 EFFECTIVE MARCH 1, 1966, AND AUTHORIZES THE EXECUTIVE OFFICER TO ISSUE TO THE COUNTY OF RIVERSIDE A 49-YEAR LEASE EFFECTIVE MARCH 1, 1966, IN THE FORM OF EXHIBIT "A" ATTACHED, FOR THE CONSTRUCTION, OPERATION, AND PROPER MAINTENANCE OF A SMALL BOAT MARINA ON THE FOLLOWING-DESCRIBED LAND:

PARCEL 1

THAT PORTION OF THE COLORADO RIVER LYING SOUTHEASTERLY OF GOVERNMENT LOTS 5 AND 6 IN FRACTIONAL SECTION 36, T. 6 S., R. 23 E., S.B.B.& M., ACCORDING TO UNITED STATES GOVERNMENT SURVEY, APPROVED DECEMBER 28, 1874, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID GOVERNMENT LOT 5, SAID POINT BEING ON THE MEANDER LINE OF THE WEST BANK OF THE COLORADO RIVER AS ESTABLISHED BY SAID UNITED STATES GOVERNMENT SURVEY.

THENCE N. 61° 57' E. (FORMERLY N. 62° 00' E.), ALONG SAID MEANDER LINE, A DISTANCE OF 1081.41 FEET;

THENCE N. 65° 57' E. (FORMERLY N. 66° 00' E.), ALONG SAID MEANDER LINE, A DISTANCE OF 136.75 FEET;

THENCE S. 33° 14' W., A DISTANCE OF 1621.31 FEET TO THE NORTHERLY LINE OF THE RIGHT-OF-WAY OF CALIFORNIA STATE HIGHWAY ROUTE 64 (U.S. NO. 60) AS PER CALIFORNIA STATE HIGHWAY RIGHT-OF-WAY MAP XI-RIV.-64-F, COLORADO RIVER BRIDGE PLANS;

THENCE N. 73° 49' 10" W., ALONG SAID NORTHERLY LINE, A DISTANCE OF 330.00 FEET;

THENCE N. 59° 35' 10" W., ALONG SAID NORTHERLY LINE, A DISTANCE OF 203.35 FEET;

THENCE N. 73° 49' 10" W., ALONG SAID NORTHERLY LINE, A DISTANCE OF 279.09 FEET;

THENCE N. 62° 02' 38" W., ALONG SAID NORTHERLY LINE, A DISTANCE OF 240.71 FEET TO SAID MEANDER LINE OF THE WEST BANK OF THE COLORADO RIVER;

THENCE N. 62° 57' E., ALONG SAID MEANDER LINE, A DISTANCE OF 526.78 FEET;

THENCE N. 61° 57' E., ALONG SAID MEANDER LINE, A DISTANCE OF 354.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.47 ACRES MORE OR LESS.

PARCEL 2

THAT PORTION OF THE COLORADO RIVER LYING SOUTHERLY AND SOUTHEASTERLY OF GOVERNMENT LOT 5 IN FRACTIONAL SECTION 35 AND SOUTHERLY AND SOUTHEASTERLY OF GOVERNMENT LOT 6 IN FRACTIONAL SECTION 36, BOTH IN T. 6 S., R. 23 E., S.B.B. & M., ACCORDING TO UNITED STATES GOVERNMENT SURVEY, APPROVED DECEMBER 28, 1874, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 36 WITH THE MEANDER LINE OF THE WEST BANK OF THE COLORADO RIVER, AS ESTABLISHED BY SAID UNITED STATES GOVERNMENT SURVEY, SAID INTERSECTION ALSO BEING THE MOST SOUTHERLY CORNER OF SAID GOVERNMENT LOT 6;

THENCE N. 62° 57' E., ALONG SAID MEANDER LINE, A DISTANCE OF 48.36 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED NOVEMBER 6, 1933 IN BOOK 145, PAGE 396 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, FROM WHICH POINT A RADIAL LINE OF A CURVE HAVING A RADIUS OF 10,200 FEET, AND BEING CONCAVE NORTHEASTERLY, BEARS N. 20° 11' 55" E.;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID SOUTHERLY LINE, THROUGH AN ANGLE OF 4° 02' 05", FOR A DISTANCE OF 718.27 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY LINE, AND ALONG THE EASTERLY PROLONGATION THEREOF, S. 73° 50' 10" E., A DISTANCE OF 596.30 FEET;

THENCE S. 43° 42' 25" W., A DISTANCE OF 1191.93 FEET;

THENCE N. 69° 52' 20" W., A DISTANCE OF 671.72 FEET;

THENCE N. 19° 53' 20" E., A DISTANCE OF 484.60 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 36, AS SHOWN ON MAP OF SURVEY ON FILE IN BOOK 9, PAGE 18 OF RECORD OF SURVEYS OF SAID RIVERSIDE COUNTY;

THENCE N. 0° 54' 50" W. ALONG THE SOUTHERLY PROLONGATIONS OF THE WEST LINE OF SAID SECTION 36, AS SHOWN ON SAID RECORD OF SURVEY MAP, A DISTANCE OF 542.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 23.12 ACRES MORE OR LESS.

PARCEL 3

A PORTION OF THE ACCRETION LANDS LYING SOUTHERLY OF GOVERNMENT LOT 1, IN FRACTIONAL SECTION 35, T. 6 S., R. 23 E., S.B.M., MORE PARTICULARLY DESCRIBED AS LYING SOUTH OF THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID SECTION 35 AS SHOWN ON MAP OF SURVEY ON FILE IN BOOK 9, PAGE 18 OF RECORD OF SURVEYS, RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 35 AS SHOWN ON SAID MAP, BEING ALSO THE NORTHEAST CORNER OF SECTION 2, T. 7 S., R. 23 E., SAID POINT BEING ON THE WESTERLY LINE OF A PARCEL LEASED TO THE COUNTY OF RIVERSIDE UNDER P.R.C. 2799.9, STATE LANDS COMMISSION; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LEASE S. 19° 53' 20" W.; A DISTANCE OF 484.60 FEET TO THE MOST WESTERLY POINT OF SAID LEASE; THENCE N. 69° 52' 20" W., A DISTANCE OF 170.00 FEET; THENCE N. 33° 41' 10" E., A DISTANCE OF 476.84 FEET TO SAID EASTERLY EXTENSION OF THE SOUTH LINE OF SECTION 35; THENCE N. 89° 36' 10" E., ALONG SAID EASTERLY EXTENSION, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.218 ACRES MORE OR LESS.

THE CONSIDERATION FOR ISSUANCE OF THE LEASE SHALL BE THE PUBLIC USE AND BENEFIT.

Attachment

Calendar Item 33 (6 pages)

APPLICATION FOR TERMINATION OF LIFE-OF-STRUCTURE PERMIT P.R.C. 2799.9, COVERING SUBMERGED LAND IN COLORADO RIVER, RIVERSIDE COUNTY, AND ISSUANCE OF A LEASE AS REPLACEMENT THEREFOR; COUNTY OF RIVERSIDE - W.O. 5971.

On October 26, 1961, a life-of-structure permit designated as P.R.C. 2799.9 was issued to the County of Riverside for the occupancy of two parcels of sovereign land totaling 42.59 acres, in the Colorado River. The parcels are on the right bank of the Colorado River, and are bisected by U. S. Highway 60-70 east of the City of Blythe (as shown on Exhibit "B"). The permit was amended on May 23, 1963, by the addition of a 1.218-acre parcel of accreted lands lying southwesterly of the original parcels, thus enlarging the total area to 43.808 acres.

The County has now completed planning for the construction of a small boat marina with attendant facilities. The project has been approved by the U.S. Army Corps of Engineers, Bureau of Reclamation (which has agreed to do a large portion of the necessary dredging), and by the Small Craft Harbors Commission, which has approved the basis upon which a \$465,000 loan can be granted to the County of Riverside. The project is about ready for bid under a master lease by private concessionaires, who will invest about \$750,000 in improvements.

The County anticipates that there will be difficulty in obtaining proper financing for the improvements to be made by its lessees under present terms of Life-of-Structure Permit 2799.9. Accordingly, it is considered advisable to issue a new lease for 49 years beginning March 1, 1966, in the form of Exhibit "A" attached, which will facilitate financing and development.

The proposed lease provides that the consideration for issuance of the lease shall be the public benefit derived from development of the marina at no cost to the State.

IT IS RECOMMENDED THAT THE COMMISSION TERMINATE PERMIT P.R.C. 2799.9 EFFECTIVE MARCH 1, 1966, AND AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE TO THE COUNTY OF RIVERSIDE A 49-YEAR LEASE EFFECTIVE MARCH 1, 1966, IN THE FORM OF EXHIBIT "A" ATTACHED, FOR THE CONSTRUCTION, OPERATION, AND PROPER MAINTENANCE OF A SMALL BOAT MARINA ON THE FOLLOWING-DESCRIBED LAND:

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BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID GOVERNMENT LOT 5, SAID POINT BEING ON THE MEANDER LINE OF THE WEST BANK OF THE COLORADO RIVER AS ESTABLISHED BY SAID UNITED STATES GOVERNMENT SURVEY.

THENCE N. 61° 57' E. (FORMERLY N. 62° 00' E.), ALONG SAID MEANDER LINE, A DISTANCE OF 1081.41 FEET;

CALENDAR ITEM 33. (CONT'D)

THENCE N. 65° 57' E. (FORMERLY N. 66° 00' E.), ALONG SAID MEANDER LINE, A DISTANCE OF 136.75 FEET;

THENCE S. 33° 14' W., A DISTANCE OF 1621.31 FEET TO THE NORTHERLY LINE OF THE RIGHT-OF-WAY OF CALIFORNIA STATE HIGHWAY ROUTE 64 (U.S. NO. 60) AS PER CALIFORNIA STATE HIGHWAY RIGHT-OF-WAY MAP XI-RTV.-64-F, COLORADO RIVER BRIDGE PLANS;

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THENCE N. 61° 57' E., ALONG SAID MEANDER LINE, A DISTANCE OF 354.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 79.47 ACRES MORE OR LESS.

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THE PORTION OF THE COLORADO RIVER LYING SOUTHERLY AND SOUTHEASTERLY OF GOVERNMENT LOT 5 IN FRACTIONAL SECTION 35 AND SOUTHERLY AND SOUTHEASTERLY OF GOVERNMENT LOT 6 IN FRACTIONAL SECTION 36, BOTH IN T. 6 S., R. 23 E., S.B.B. & M., ACCORDING TO UNITED STATES GOVERNMENT SURVEY, APPROVED DECEMBER 28, 1874, DESCRIBED AS FOLLOWS;

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CALENDAR ITEM 33. (CONTD)

THENCE N. 69° 52' 20" W., A DISTANCE OF 671.72 FEET;

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THE CONSIDERATION FOR ISSUANCE OF THE LEASE SHALL BE THE PUBLIC USE AND BENEFIT.

Attachment
Exhibit "A"

EXHIBIT "A"

W.O. 5971

P.R.C. No. _____

STATE LANDS-COMMISSION
STATE OF CALIFORNIA

Lease to Political Subdivision

For such sole and exclusive purpose, and subject to such terms, conditions, restrictions, reservations, and limitations as are herein set forth:

The State of California, hereinafter designated as the State, acting through the State Lands Commission and pursuant to the authority contained in Division 6 of the Public Resources Code and the rules and regulations adopted thereunder, does hereby convey, demise and let to _____, State of California, for a term of forty-nine (49) years, beginning _____, a _____ over, in, and upon those certain tide and submerged lands situated in the County of _____, State of California, and more particularly described as follows:

The consideration to the State for the within lease shall be the public benefit derived from purposes hereinafter set forth.

Said demised lands shall be used only for the construction, operation and maintenance of a _____ at no cost to the State, and which construction, operation and maintenance shall in all respects comply with all applicable laws, rules and regulations and shall in no way interfere with nor obstruct navigation.

Lessee agrees that in its employment practices arising out of or connected with its operations under this lease it shall not discriminate against any individual because of race, color, ancestry, national origin, or religion.

This lease shall continue and shall remain in effect only so long as the same shall be used, utilized, and maintained for the purpose herein specified, and any time upon the discontinuance of such use and maintenance for a period of _____ days, said lease shall, at the option of the

EXHIBIT "A" (CONED)

State, and upon written notice thereof to the lessee, cease and terminate and the State shall have the right to forthwith re-enter upon and take possession of said demised lands and at its option remove all, or any portion or portions, of any structures, roadways, and fills from said demised lands at the cost and expense of said lessee.

The State expressly reserves the right to grant easements or crossings over, upon and under any portion of said demised lands during the life of this lease for any purpose not inconsistent or incompatible with the rights or privileges granted to the said lessee.

There is reserved to the State all natural resources, timber, and minerals, including oil or gas in or above the described land, and the right to grant in, over, and across said lands, easements, and/or rights-of-way to extract or remove such natural resources, timber, or minerals in a manner not inconsistent or incompatible with the rights or privileges granted to the said lessee, as provided by law and the rules and regulations of the State Lands Commission.

That the Lessee shall be liable for and agrees to indemnify the State against any loss, damage, claim, demand or action, caused by, arising out of, or connected with the construction or maintenance of structures upon, or the use by the Lessee and/or agents thereof, of the demised premises.

That the Lessee shall not transfer nor assign this agreement and shall not sublet said land nor any part thereof, except upon the prior written consent of the State first had and obtained.

This lease may be terminated and any of the provisions hereof may be modified or amended, upon the mutual consent in writing of the parties hereto.

All notices herein provided to be given or which may be given by either party to the other shall be deemed to have been fully given when made in writing and deposited in the United States mail, registered and postage prepaid, and addressed as follows:

To the State: State Lands Commission
Room 305 California State Building
217 West First Street
Los Angeles, California 90012

To the Lessee:

The addresses to which the notices shall or may be mailed, as aforesaid, to either party, may be changed by written notice given by such party to the other as hereinabove provided; but nothing herein contained shall preclude the giving of any such notice by personal service to the Lessee or an officer thereof.

EXHIBIT "A" (CONTD)

The failure of the State to enforce any of the conditions, requirements, or other provisions of this lease or of any and all exhibits hereto shall not constitute a waiver by the State of any such condition, requirement, or other provision.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date hereafter affixed.

LESSEE*

STATE OF CALIFORNIA
STATE LANDS COMMISSION

Address

By _____
F. J. Hortig
Executive Officer

(SEAL)

* In executing this document the following is required:

1. A certified copy of the resolution or other document authorizing the execution of this agreement on behalf of the political subdivision.
2. Acknowledgment of signature required.