

**CALENDAR ITEM
C09**

A 8
S 4

01/26/12
WP 6002.9
V. Caldwell

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

City of West Sacramento

AREA, LAND TYPE, AND LOCATION:

0.990 acre, more or less, of sovereign land in the Sacramento River, near the city of West Sacramento, Yolo County.

AUTHORIZED USE:

Emergency removal of existing uncovered wooden floating docks with a suspended aluminum gangway, and water and electric utilities; and continued use and maintenance of eight existing steel dolphins and 10 steel pilings.

LEASE TERM:

20 years, beginning December 15, 2011.

CONSIDERATION:

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.

SPECIFIC LEASE PROVISIONS:

The lease includes a special provision requiring the Applicant to submit, within 12 months of execution of the lease, an application to amend the lease for the reconstruction of the dock facilities. The amendment application is anticipated to be brought before the Commission in 2013 with reconstruction of the facilities to be completed sometime in 2014.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

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2. On December 17, 1981, the Commission authorized a General Lease – Commercial Use to Thomas P. Raley for the existing dock facilities known as Raley’s Landing for loading and unloading passengers from river tour boats. The upland had several interfamily transfers and, on July 6, 1995, the Commission authorized an assignment of the lease to Raley’s Corporation. That lease expired on December 14, 2011.
3. On August 12, 2010, Raley’s Corporation entered into a purchase agreement with the city of West Sacramento (City) to sell the upland and the Raley’s Landing dock facilities on the lease premises. Staff has discussed submission of an application to facilitate a transfer of the lease with representatives of both the City and Raley’s.
4. On October 14, 2011, the Central Valley Flood Protection Board (CVFPB) issued a Notice of Violation (NoV) to the Commission and the City regarding the deteriorating condition of the Raley’s Landing dock facilities, in particular the deteriorated wooden dock floats and gangway. CVFPB staff determined these facilities presented an emergency threat to public safety and to the State’s flood control system. The CVFPB order required removal of the dock and suspended aluminum gangway from the floodway prior to the beginning of the flood season on November 1, 2011. Commission staff met with CVFPB and City staff to inspect the facilities. It was determined that the eight steel dolphins and 10 pilings were not a threat and could remain while the City began the process of reconstructing the dock for use as a public accommodation dock along the City’s Riverwalk Promenade. On October 28, 2011, the City submitted an application for a General Lease – Public Agency Use for the existing eight steel dolphins and 10 steel pilings, with the anticipation of amending the lease in late 2013 for reconstruction of the dock facility sometime in 2014.
5. On November 1, 2011, Raley’s Corporation and the City requested Commission authorization to remove the deteriorated floating docks and suspended aluminum gangway pursuant to the emergency NoV prior to formal approval by the Commission for a new lease. On November 9, 2011, staff issued a letter of non-objection for the removal of the facilities as an emergency measure. On November 16, 2011, the West Sacramento City Council awarded the construction contract to PBM Construction and work to remove the 10 docks and gangway began on December 26, 2011 and was completed on December 28, 2011.
6. **Removal of an Uncovered Wooden Floating Boat Dock, Suspended Gangway, and Water and Electric Utilities:** Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines

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(Cal. Code Regs., tit. 14, §15061), the staff has determined that this activity is exempt from the requirements of CEQA as a statutorily exempt project. The project is exempt because it involves a specific action to prevent or mitigate an emergency.

Authority: Public Resources Code section 21080, subdivision (b)(4) and California Code of Regulations, Title 14, section 15269, subdivision (c).

7. **Issuance of New Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §15061), the staff has determined 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.

8. 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:

Central Valley Flood Protection Board, City of West Sacramento

FURTHER APPROVALS REQUIRED:

Central Valley Regional Water Quality Control Board

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Removal of an Uncovered Wooden Floating Boat Dock, Suspended Gangway and Water and Electric Utilities: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of

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Regulations, Title 14, section 15061 as a statutorily exempt project pursuant to Public Resources Code section 21080, subdivision (b)(4) and California Code of Regulations, Title 14, section 15269, subdivision (c), specific actions necessary to prevent or mitigate an emergency.

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 removal of the existing uncovered wooden floating docks, suspended gangway, and water and electric utilities, effective December 15, 2011.
2. Authorize Issuance of a General Lease-Public Agency Use to the City of West Sacramento beginning December 15, 2011, for a term of 20 years, for use and maintenance of eight existing steel dolphins and 10 steel pilings as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be 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 best interest of the State.

EXHIBIT A

PRC 6002.9

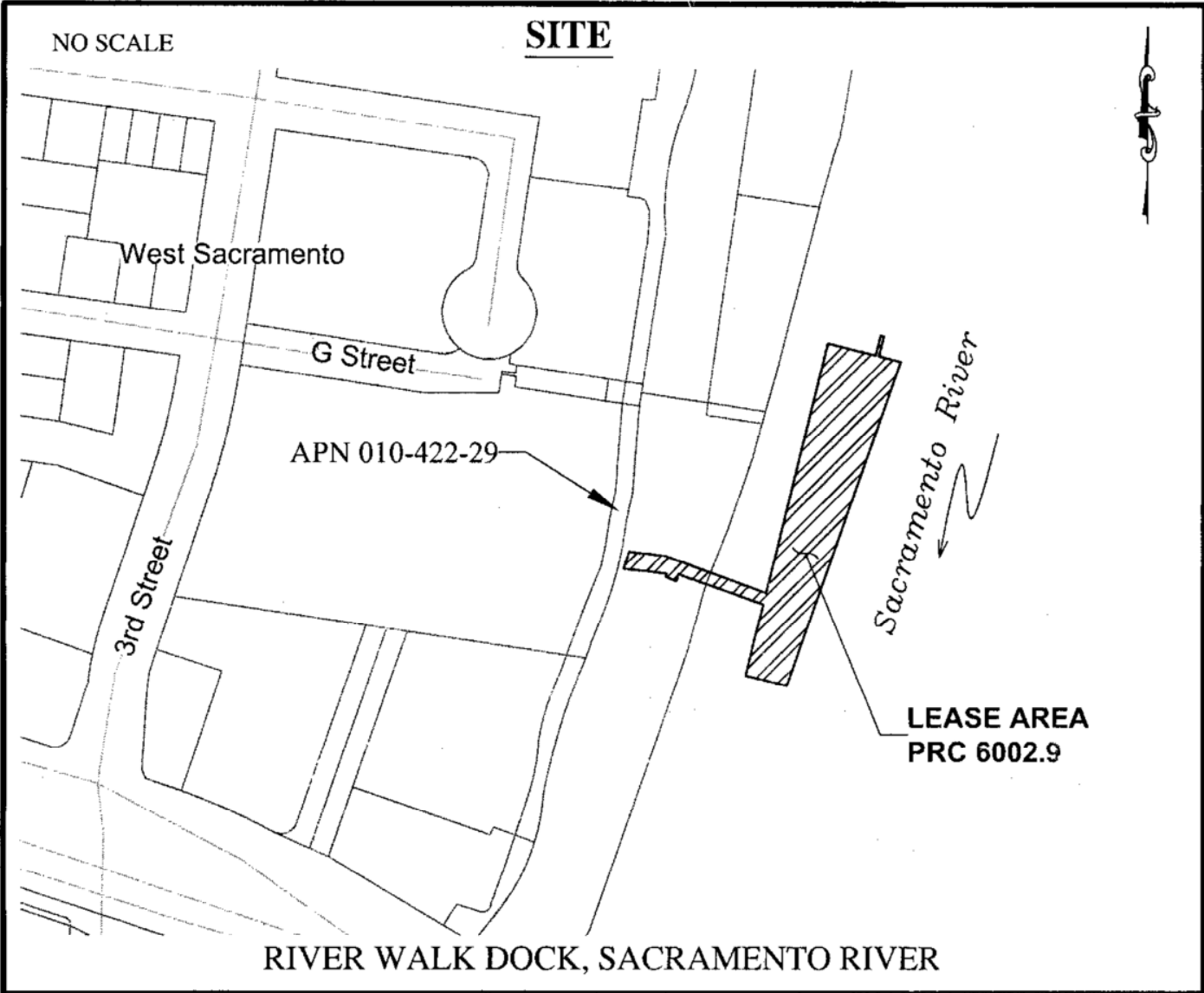
LEASE PARCEL DESCRIPTION

A parcel of tide and submerged land in the Sacramento River lying northerly of the easterly extension of West Capitol Avenue in the City of West Sacramento, Yolo County, California, described as follows:

COMMENCING at the point of intersection of the southerly line of Swamp and Overflowed Land Survey No. 962 and the Ordinary High Water Agreement Line described in Exhibit "B" of "An Agreement Between The State Lands Commission and Thomas P. Raley To Establish A Boundary Line Between Private Property and Public Sovereign Property In The Sacramento River, Yolo County" recorded in Book 2028 of Official Records of Yolo County at Page 152 on May 26, 1989; thence along last said line the following three (3) courses: 1) South 08°27'04" West 76.93 feet; 2) along the arc of a tangent, 500.00 foot radius curve to the left having a central angle of 05°23'20" an arc distance of 47.03 feet; and 3) along the arc of a tangent, 325.00 foot radius curve to the right having a central angle of 14°13'31" an arc distance of 80.69 feet to the POINT OF BEGINNING for said parcel; thence from said POINT OF BEGINNING and leaving last said line the following sixteen (16) courses: 1) South 83°24'54" East 52.82 feet; 2) South 69°36'57" East 157.97 feet; 3) North 14°19'58" East 374.77 feet; 4) South 75°40'02" East 72.00 feet; 5) North 14°19'58" East 30.00 feet; 6) South 75°40'02" East 5.00 feet; 7) South 14°19'58" West 30.00 feet; 8) South 75°40'02" East 33.00 feet; 9) South 19°49'01" West 502.31 feet; 10) North 75°40'02" West 62.00 feet; 11) North 14°19'58" East 107.85 feet; 12) North 70°03'57" West 132.44 feet; 13) South 15°41'59" West 10.43 feet; 14) North 67°45'04" West 16.93 feet; 15) North 17°56'01" East 5.16; and 16) North 83°24'54" West 63.84 feet to a point on said Ordinary High Water Agreement Line; thence along last said line from a tangent that bears North 21°48'40" East along the arc of a 325.00 foot radius curve to the left having a central angle of 04°31'26" an arc distance of 25.66 feet to the POINT OF BEGINNING, and containing 1.091 acres, more or less.

Brian E. Bullock
Brian E. Bullock L.S. 5260
License Expires: 12-31-95





MAP SOURCE: USGS QUAD

Exhibit B
 PRC 6002.9
 CITY OF
 WEST SACRAMENTO
 GENERAL LEASE -
 PUBLIC AGENCY USE
 YOLO COUNTY



JAK 11/30/11

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.