

**CALENDAR ITEM
C16**

A 15
S 5

12/05/12
PRC 562.1
V. Caldwell

GENERAL LEASE – INDUSTRIAL USE

APPLICANT:

Riverside Ltd., a Limited Partnership

AREA, LAND TYPE, AND LOCATION:

0.554 acres, more or less, of filled and unfilled sovereign land in the Sacramento River, adjacent to 14712 State Highway 160, near Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of one existing two-pile dolphin, two five-pile dolphins, one four-pile dolphin, and a belt conveyor previously authorized by the Commission; and use and maintenance of an existing wharf not previously authorized by the Commission.

LEASE TERM:

20 years, beginning November 20, 2010.

CONSIDERATION:

\$2,425 per year, with the rent adjusted annually using the Consumer Price Index (CPI) established by the California Department of Industrial Relations' "California Consumer Price Index (1955-2011) All Items 1982-1984 = 100"; and the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$2,000,000.

Bond:

\$50,000

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

CALENDAR ITEM NO. C16 (CONT'D)

2. On May 22, 1986, the Commission authorized a General Lease – Industrial Use to Riverside Ltd., for one two-pile dolphin, two three-pile dolphins, one four-pile dolphin, and a belt conveyor. At some point the two three-pile dolphins were changed to five-pile dolphins. The lease expired on November 19, 2010. The Applicant is now applying for a new General Lease – Industrial Use.
3. The facility was built in 1950, and used to load and unload barges for the upland grain elevator storage facility. It is currently non-operational as the price for transporting grain by barge is not economically viable, but it may change in the future.
4. While reviewing the lease file, staff found that the existing wharf located on the uplands was built on filled sovereign land under the jurisdiction of the Commission. The wharf contains a hopper where grain is cleaned, dried, and stored.
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 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.

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.

EXHIBITS:

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

CALENDAR ITEM NO. C16 (CONT'D)

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 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:

Authorize Issuance of a General Lease – Industrial Use to Riverside Ltd., a Limited Partnership, beginning November 20, 2010, for a term of 20 years, for the continued use and maintenance of one existing two-pile dolphin, two five-pile dolphins, one four-pile dolphin, and a belt conveyor previously authorized by the Commission; and the use and maintenance of an existing wharf not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$2,425 per year, adjusted annually using the California Consumer Price Index, as provided in the lease; liability insurance with coverage of no less than \$2,000,000; and a surety in the amount of \$50,000.

EXHIBIT A

PRC 562.1

LAND DESCRIPTION

Two parcels of tide and submerged land lying in the bed of the Sacramento River adjacent to Swamp and Overflow Survey 647, patented January 8, 1868, to William Wilcox, in Book 3, Page 218 of swamp and overflow patents, on file at the California State Lands Commission, County of Sacramento, State of California, described as follows:

PARCEL 1

A parcel of tide and submerged land lying in the bed of the Sacramento River adjacent to parcel six as described in Corporate Grant Deed recorded in Book 830617 Page 1718, Official Records of Sacramento County, State of California, bounded as follows:

Bound on the north by a line parallel to and 46 feet northerly of the centerline of an existing 2 foot wide belt conveyor adjacent to said parcel six, bound on the south by a line parallel to and 90 feet southerly of the centerline of said belt conveyor, bound on the east by the west line of parcel two as described in said Deed, and bound on the west by a line parallel to and 85 feet westerly of the east line of said parcel six.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

PARCEL 2

BEGINNING at point lying distant N 82°18'59" E 7,154.57 feet from a brass disk stamped "Isleton 1931 1970" (PID JS1817) set in the top of a concrete monument; thence the following six (6) courses:

- 1) N 57°09'12" W 63.82 feet;
- 2) N 32°50'48" E 300.91 feet;
- 3) S 57°10'30" E 23.12 feet;
- 4) N 32°52'07" E 70.20 feet;
- 5) S 57°09'33" E 40.40 feet;
- 6) S 32°48'14" W 371.12 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

The BASIS OF BEARINGS of the herein above described Parcel 2 is the California Coordinate System of 1983, Zone 2 (2007.00). All distances are grid distances.

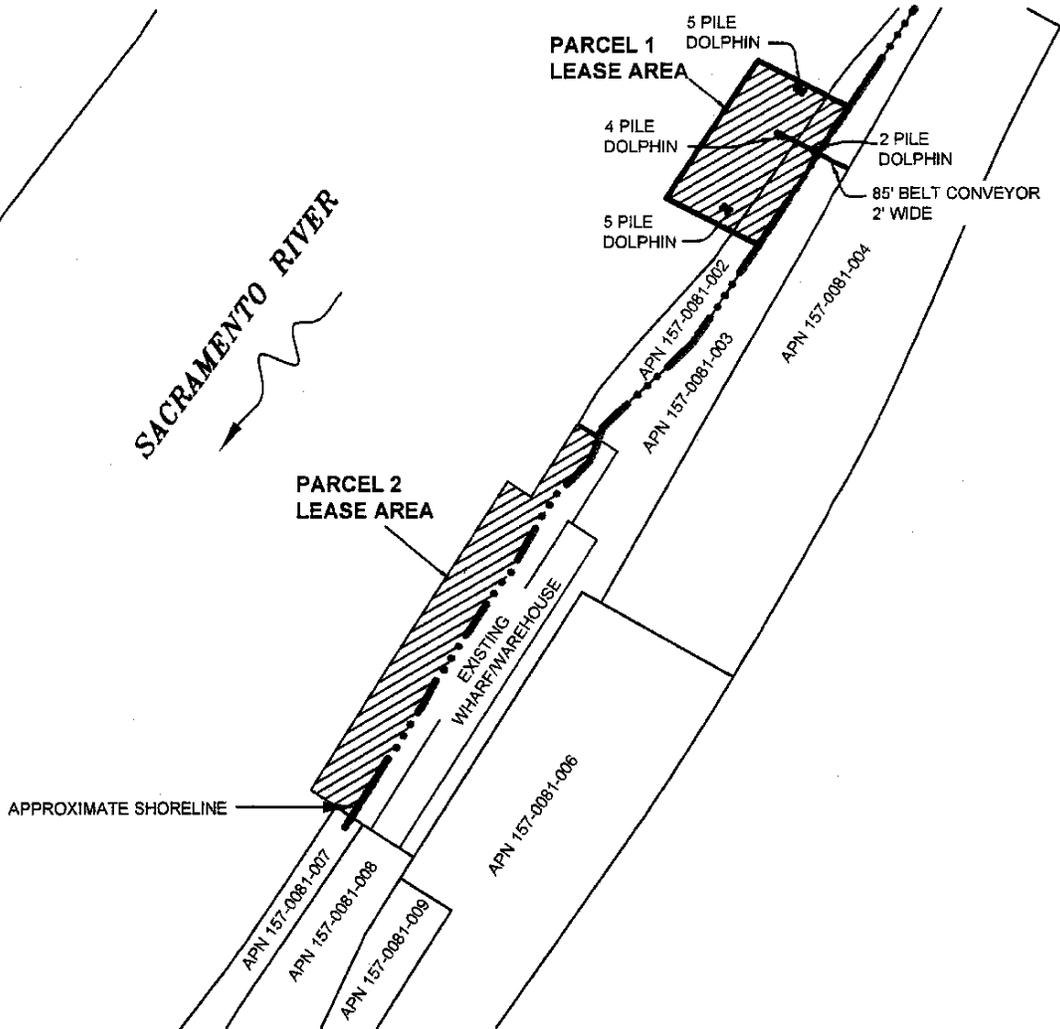
END OF DESCRIPTION

Prepared 1/23/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

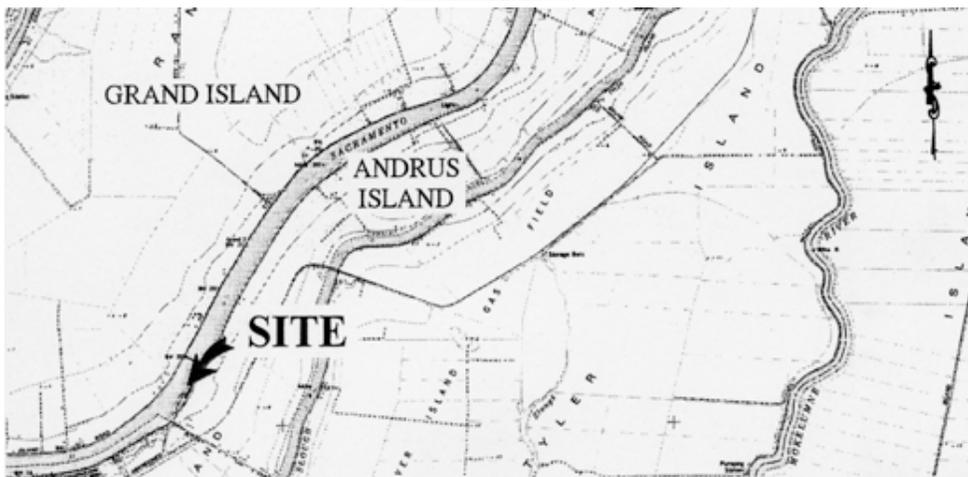
SITE



14712 STATE HIGHWAY 160, ISLETON

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 562.1
 RIVERSIDE LTD.
 GENERAL LEASE -
 INDUSTRIAL USE
 SACRAMENTO 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.