

**CALENDAR ITEM  
C73**

A 34  
S 18

02/22/13  
PRC 8967.1  
G. Kato

**AMENDMENT OF LEASE**

**LESSEE:**

Ronnie R. Ridenour and Goergia H. Frousiakis

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in the Colorado River, adjacent to 1146 Beach Drive, city of Needles, San Bernardino County.

**AUTHORIZED USE:**

Use and maintenance of an existing boat dock, gangway, platform, stairs, and riprap bankline located on State sovereign land.

**LEASE TERM:**

10 years, beginning January 26, 2012.

**CONSIDERATION:**

**Boat Dock, Gangway, Platform, and Stairs:** Annual rent in the amount of \$158, with the State reserving the right to fix a different rent periodically during the term of the lease, as provided in the lease.

**Riprap Bankline:** Public use and benefit, with the State reserving the right to set a monetary consideration if it is determined to be in the best interest of the State.

**PROPOSED AMENDMENT:**

Amend the consideration for the stairs to public use and benefit as stairs provide public access to the Colorado River. The State reserves the right to fix a different rent periodically during the term of the lease, as provided in the lease. Consideration for the Boat Dock, Platform, and Gangway to be \$140 per year. All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.

CALENDAR ITEM NO. **C73** (CONT'D)

2. The State of California had its fee ownership of the sovereign land located in the Colorado River at this location confirmed in 1991 as a result of a Boundary Line Agreement and Compromise Settlement entered into between the Commission and Kahala Needles Partners, Ltd., a Nevada Limited Partnership, recorded as AD 134 dated January 1, 1991 and recorded on August 11, 1992, document No. 92-333250, Official Records, San Bernardino County, California. Projects, including new development or maintenance of existing facilities, extending waterward of the Ordinary High Water Mark (OHWM) fixed in the abovementioned Agreement (AD 134) require a lease from the Commission pursuant to Public Resources Code section 6501.1. The Applicants' upland property is located along the Colorado River adjacent to the fixed OHWM.
3. Pursuant to the above-mentioned Boundary Line Agreement and Compromise Settlement, the State of California was granted a perpetual public pedestrian accesses easement running parallel to the fixed OHWM. The easement is intended to provide public access to and along the bank of the Colorado River. The easement affects lots 1-40 of the Rio Buena Vista residential subdivision, one of which is the Applicants' property. Public access to the easement is from the northern or southern end of the subdivision, or from the Colorado River.
4. The United States Department of the Interior, Bureau of Reclamation (Reclamation), Yuma Area Office conducted a review by boat of the bankline on March 27, 2002, and also conducted a site visit on April 10, 2002. The inspection revealed that the bankline had been cleared of vegetation and that the federally applied riprap and federally constructed jetties were undisturbed and in good condition. By letter dated April 23, 2002, Reclamation acknowledged their capacity to apply additional riprap to the bankline at this location in the future was compromised due to the pending development of the upland residences and subsequently declared that Reclamation would not provide additional riprap to the bankline in the future. Consequently, Reclamation decreed that the upland homeowner (Applicants) would be responsible for maintaining protection of their own banklines in the future, subject to the homeowners seeking approval and permitting of their riprap or bankline construction work from the United States Army Corps of Engineers under Section 10 of the Rivers and Harbors Act of 1899.

CALENDAR ITEM NO. **C73** (CONT'D)

5. The stairs and the riprap bankline mutually benefit both the public and the Applicants and will be maintained by the Applicant at no cost to the public.
6. The staff recommends that the Commission find that the amendment of consideration does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the subject amendment of consideration is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**AUTHORIZATION:**

Authorize the Amendment of Lease No. PRC 8967.1, a General Lease – Recreational and Protective Structure Use, effective January 26, 2012, to change the consideration for the stairs to the public use and benefit and to set the consideration for the boat dock, gangway and platform to be \$140 per year; all other terms and conditions of the lease will remain in effect without amendment.

## EXHIBIT A

PRC 8967.1

### LAND DESCRIPTION

A parcel of State owned lands lying beneath an existing dock, gangway, stairs, and rip rap in the bed of the Colorado River, County of San Bernardino, State of California, more particularly described as follows:

BEGINNING at the most easterly corner of Lot 28 of Tract No. 15640 as shown on Tract Map recorded in Book 261, Pages 88 through 94, inclusive of Maps, in the Office of the County Recorder of said County; thence northwesterly along the northeasterly line of said Lot, said northeasterly line also being the Ordinary High Water Mark of the Colorado River as shown on said map, to the northerly corner of said Lot; thence leaving said northeasterly line, northeasterly along the northeasterly prolongation of the northwesterly line of said Lot 90 feet; thence southeasterly along a line parallel with said northeasterly line of said Lot to the intersection with the northeasterly prolongation of the southeasterly line of said Lot; thence southwesterly along said northeasterly prolongation 90 feet to the POINT OF BEGINNING.

TOGETHER WITH a ten foot use area adjacent to the northwesterly, northeasterly and southeasterly sides of said dock.

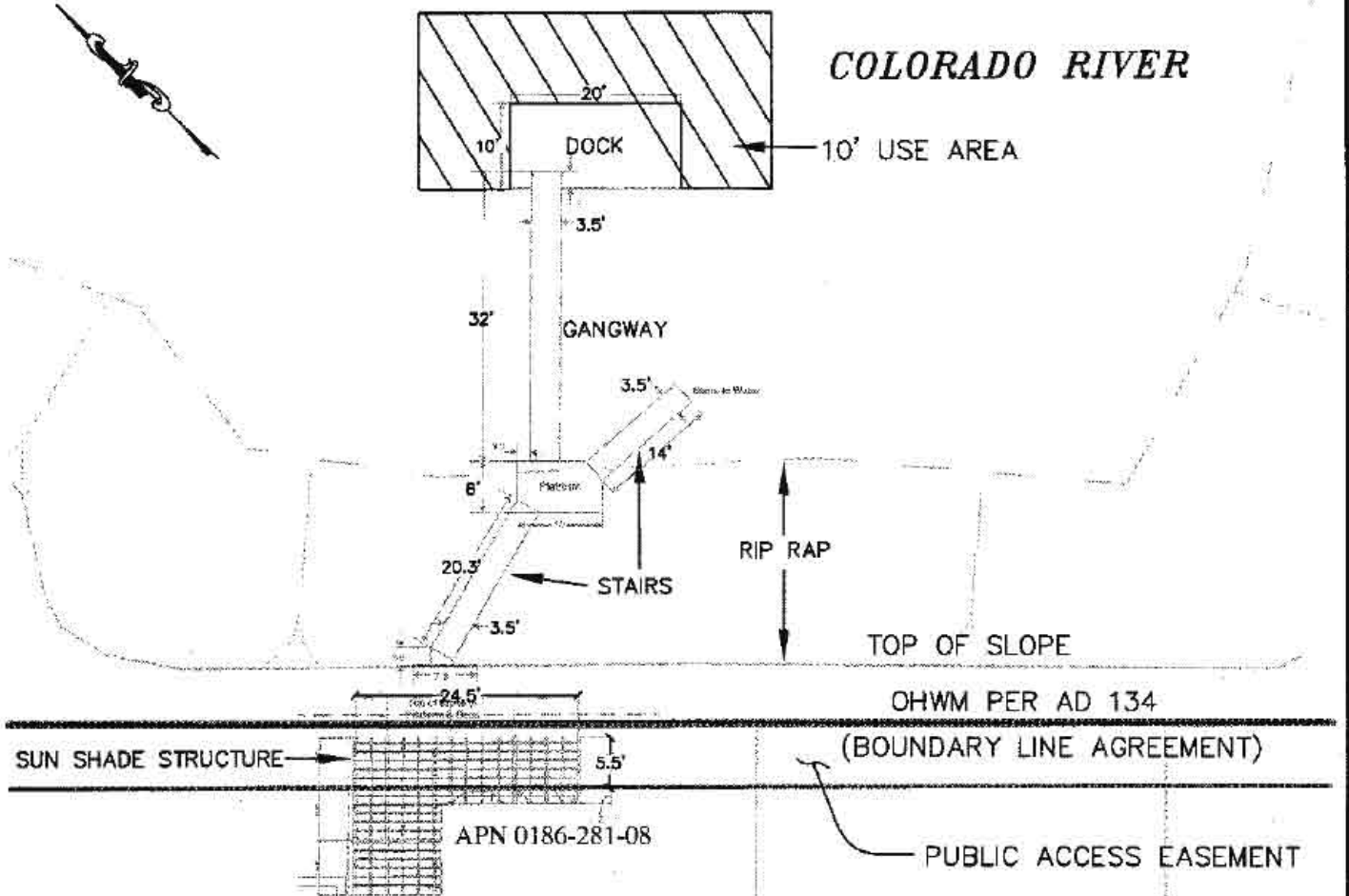
### END OF DESCRIPTION

Prepared 12/22/2011 by the California State Lands Commission Boundary Unit.



NO SCALE

# SITE

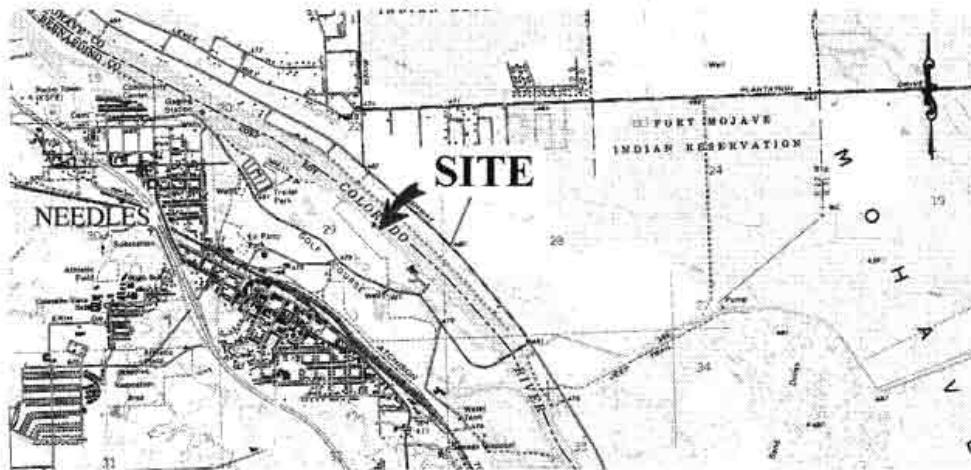


\* ALL STRUCTURES SHOWN ARE EXISTING.

1146 BEACH DRIVE, COLORADO RIVER

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 8967.1  
 FROUSIAKIS  
 APN 0186-281-08  
 GENERAL LEASE -  
 RECREATIONAL USE  
 SAN BERNARDINO COUNTY



DJF 01/29/2013

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.