

**CALENDAR ITEM
C25**

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09/20/13
PRC 7747.9
W. Hall

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GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

County of Sutter

AREA, LAND TYPE, AND LOCATION:

Filled and unfilled sovereign lands in the Feather River, adjacent to 243 2nd Street, Yuba City, Sutter County.

AUTHORIZED USE:

Continued use and maintenance of an existing concrete public boat launch ramp previously authorized by the Commission; and use and maintenance of an existing L-shape uncovered floating dock, four pilings, retaining wall, and bank protection not previously authorized by the Commission.

LEASE TERM:

18 years, beginning May 5, 2012.

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 in the lease.

OTHER PERTINENT INFORMATION:

1. Applicant has a lease with Levee District 1 for the use of the upland adjoining the lease premises. That lease expires April 1, 2030.
2. On March 8, 1994, the Commission authorized a 20-year General Lease – Public Agency Use with Sutter County Department of Public Works, for the continued use and maintenance of an existing boat launching ramp at the public boat launching facility in Yuba City. The lease expired on May 4, 2012. Applicant is now applying for a new General Lease – Public Agency Use. The recommended lease term is intended to approximately correspond to the expiration date of the upland lease with Levee District 1.

CALENDAR ITEM NO. **C25** (CONT'D)

3. In addition to the continued use and maintenance of the existing public boat launch ramp, the Applicant is requesting authorization for an existing L-shaped uncovered floating dock, four pilings, retaining wall, and bank protection. The retaining wall and bank protection have existed for many years but have not been previously authorized by the Commission. The L-shaped dock and four pilings were constructed in 2007 without Commission approval. Applicant obtained permits from all other applicable agencies prior to construction. Staff recommends including the retaining wall, bank protection, dock and pilings as authorized improvements in the proposed lease.
4. 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.

5. 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

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).

CALENDAR ITEM NO. **C25** (CONT'D)

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 - Public Agency Use to the County of Sutter, beginning May 5, 2012, for a term of 18 years, for the continued use and maintenance of an existing concrete public boat launch ramp previously authorized by the Commission; and use and maintenance of an existing L-shape uncovered floating dock, four pilings, retaining wall, and bank protection 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; consideration being 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 in the lease.

EXHIBIT A

PRC 7747.9

LAND DESCRIPTION

All that submerged land in the bed of the Feather River situated adjacent to Lot 38, Township 15 North, Range 3 East, MDM, in the County of Sutter, State of California, described as follows:

Commencing at a found $\frac{3}{4}$ inch iron pipe as shown on that Record of Survey for the County of Sutter filed April 2, 2009 in Book 18, Records of Survey, page 95, in the Office of the Sutter County Recorder, said iron pipe marking the intersection of the north line of Lot 1 of the Briggs Orchard Subdivision filed in Book 5 of Surveys at page 8 of Sutter County Records and the westerly line of Second Street from which point the NGS Monument K-1435 bears South $28^{\circ}05'44''$ East, 114.76 feet distant; thence South $83^{\circ}13'27''$ East a distance of 850.40 feet to the easterly line of said Lot 1 and being the POINT OF BEGINNING from which point the northeasterly corner of said Lot 1 bears North $01^{\circ}48'43''$ West, 142.10 feet distant; thence South $74^{\circ}32'35''$ West a distance of 18.32 feet to the right bank of the Feather; thence Southerly along the right bank the following four courses:

South $37^{\circ}43'30''$ West a distance of 35.04 feet; thence
South $15^{\circ}27'25''$ East a distance of 50.00 feet; thence
South $87^{\circ}08'20''$ East a distance of 29.55 feet; thence
South $15^{\circ}27'25''$ East a distance of 47.62 feet; thence North $74^{\circ}32'35''$ East a distance of 50.00 feet; thence North $15^{\circ}27'25''$ West a distance of 127.90 feet; thence South $74^{\circ}32'35''$ West a distance of 31.68 feet to the point of beginning and containing 0.19 acres more or less;

EXCEPTING THEREFROM any lands located landward of the low water mark of said river.

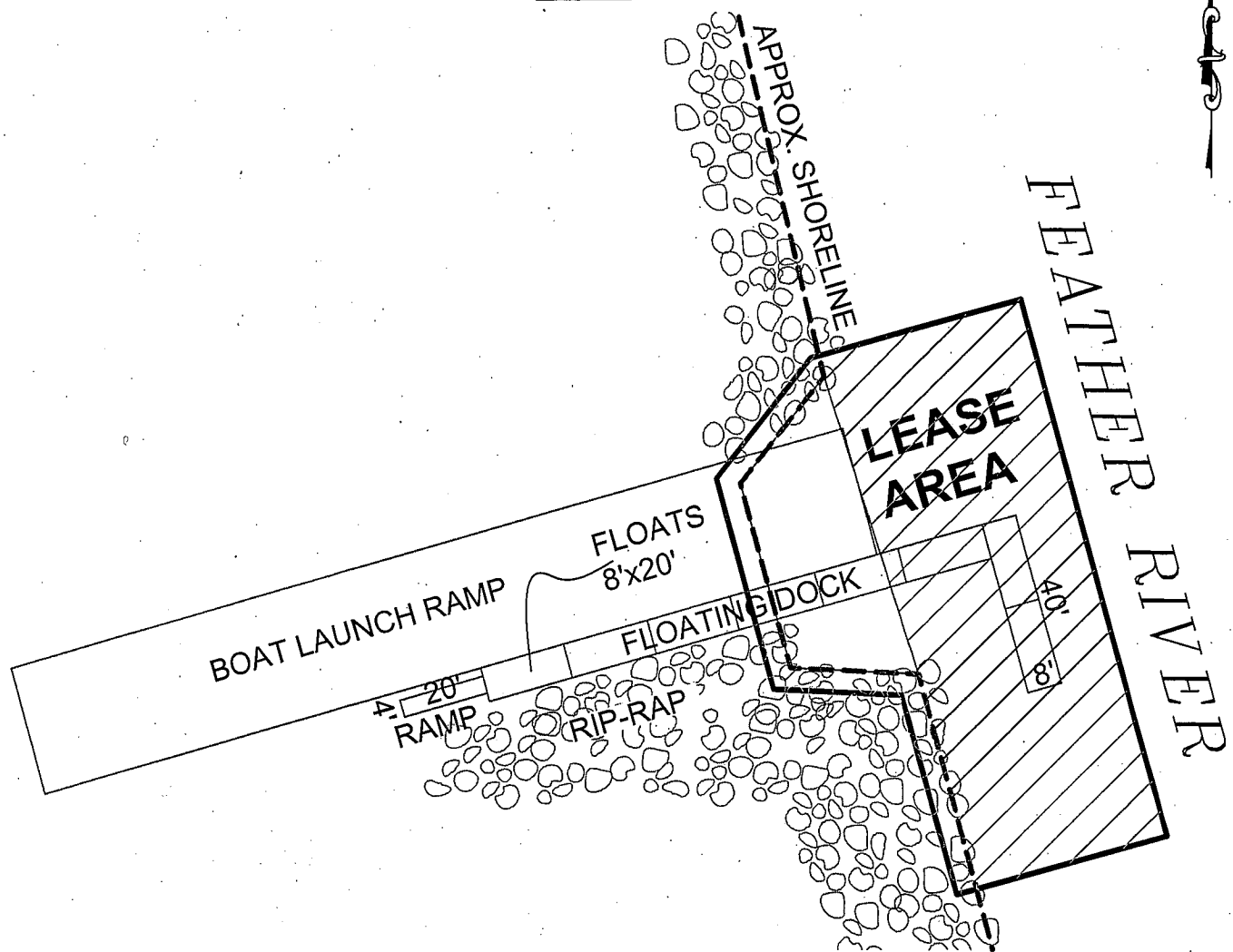
The bearings and distances used in the above description are based on those bearings as shown on said Record of Survey for the County of Sutter filed April 2, 2009 in Book 18, Records of Survey, and page 95.



12-2-11

NO SCALE

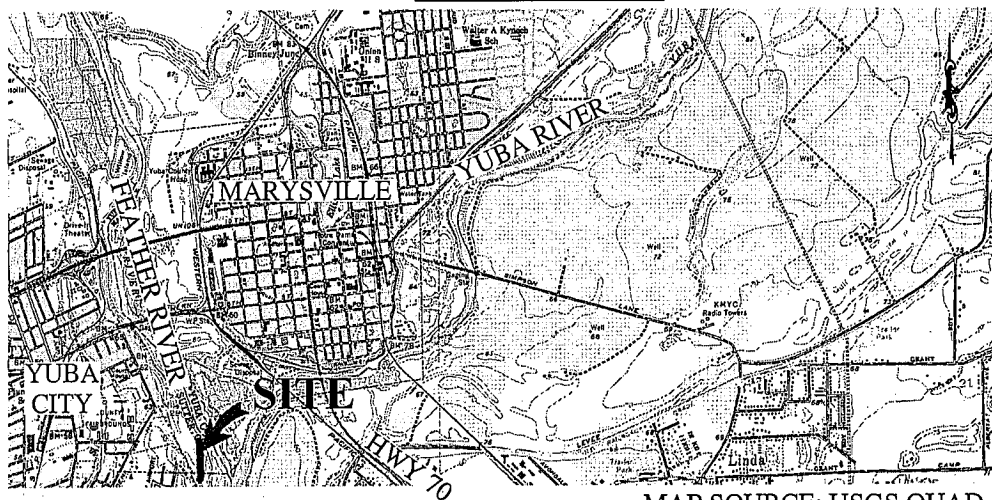
SITE



Feather River, Yuba 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 7747.9

COUNTY OF SUTTER

APN 52-570-006

GENERAL LEASE -
PUBLIC AGENCY LEASE
SUTTER COUNTY



MJF 7/3/12