

**CALENDAR ITEM
C72**

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12/02/13
PRC 6061.1
N. Lavoie

**GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

APPLICANT:

MHC NAC, Inc.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the San Joaquin River and Walthall Slough, adjacent to 703 East Williamson Road, near the city of Manteca, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing boat launch ramp in Walthall Slough and bank protection in the San Joaquin River and Walthall Slough.

LEASE TERM:

10 years, beginning December 2, 2013.

CONSIDERATION:

Boat Launch Ramp: \$188 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Bank Protection: 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:

Liability insurance in the amount of no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On March 27, 1986, the Commission authorized a 15-year General Permit – Recreational and Protective Structure Use to American Trails Partners No. 1. That lease expired on July 31, 2000. On June 30, 1987, the Commission authorized the assignment of the lease to Naco West

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Corporation of California. Since the authorization of the lease assignment the Lessee has amended its Articles of Incorporation to change the name of the corporation to MHC NAC, Inc. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.

3. On July 28, 1997, the Lessee advised Commission staff that its dock facility was destroyed in a flood in January of the same year. At that time, the Lessee hoped to rebuild the dock facilities and requested a reduction in rent from the Commission. On August 26, 1997, the Commission authorized a temporary reduction in rent. The dock facilities were never rebuilt and all that remains is the bank protection and boat launch ramp. The Lessee continued to pay rent until the lease expired on July 31, 2000. Staff recommends the acceptance of \$3,075 as full payment of all back rent, penalty, and interest for the period of August 1, 2000 through December 1, 2013.
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

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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:

1. Authorize acceptance of back rent, penalty, and interest in the amount of \$3,075 for the period of August 1, 2000 through December 1, 2013.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to MHC NAC, Inc., beginning December 2, 2013, for a term of 10 years, for the continued use and maintenance of an existing boat launch ramp in Walthall Slough and bank protection in the San Joaquin River and Walthall Slough as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the boat launch ramp: annual rent in the amount of \$188 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; consideration for the bank protection: 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; liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6061.1

LAND DESCRIPTION

Two parcels of tide and submerged lands situate in the County of San Joaquin, State of California and more particularly described as follows:

Parcel 1 – Rip-Rap and Wing Dam (San Joaquin River)

All those tide and submerged lands situate in the bed of the San Joaquin River, lying adjacent to Swamp and Overflowed Lands Survey 850, patented September 3, 1875, and more particularly described as follows:

BEGINNING at a point on the right bank of said river from which a 2" iron pipe marking the southerly terminus of the centerline of Oak Street with the south line of Swamp and Overflowed Lands Survey 850, as shown on "Plat of Wetherbee Lake Subdivision Tract No. 2" filed in Book 11, Page 10 Records of said county, bears East 900 feet more or less; thence leaving said bank N 90°00'00" W 21.55 feet; thence N 21°52'17" W 236.88 feet; thence N 35°55'55" W 245.88 feet; thence N 50°14'08" W 204.44; thence S 68°49'13" W 165.41 feet; thence N 28°09'51" E 168.02 feet to a point on the right bank of said river; thence along said bank S 50°14'08" E 321.07 feet; thence S 35°55'55" E 250.86 feet; thence S 21°52'17" E 247.37 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said river.

Parcel 2 – Rip-Rap and Boat Launch Ramp (Walthall Slough)

All those tide and submerged lands situate in the bed of Walthall Slough, lying adjacent to Swamp and Overflowed Lands Survey 850, patented September 3, 1875, and more particularly described as follows:

BEGINNING at a point on the left bank of said slough from which a 2" iron pipe marking the southerly terminus of the centerline of Oak Street with the south line of Swamp and Overflowed Lands Survey 850, as shown on "Plat of Wetherbee Lake Subdivision Tract No. 2" filed in Book 11, Page 10 Records of said county, bears S 16°41'35" E 800 feet more or less; thence leaving said bank N 30°06'50" E 20.00 feet; thence N 59°53'10" W 394.11 feet; thence N 22°13'43" W 101.80 feet; thence N 23°14'35" E 174.01; thence N 66°45'25" W 60.00 feet to a point on the left bank of said slough; thence along said bank S 23°14'35" W 143.05 feet; thence S 22°13'43" E 173.10 feet; thence S 59°53'10" E 400.93 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said slough.

END OF DESCRIPTION

PREPARED 5/13/13 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT.



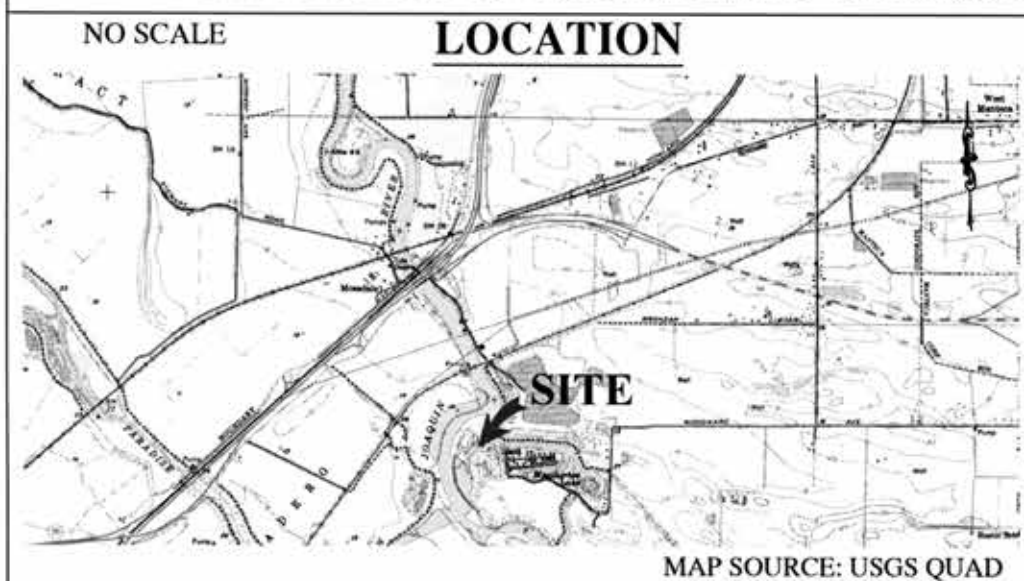
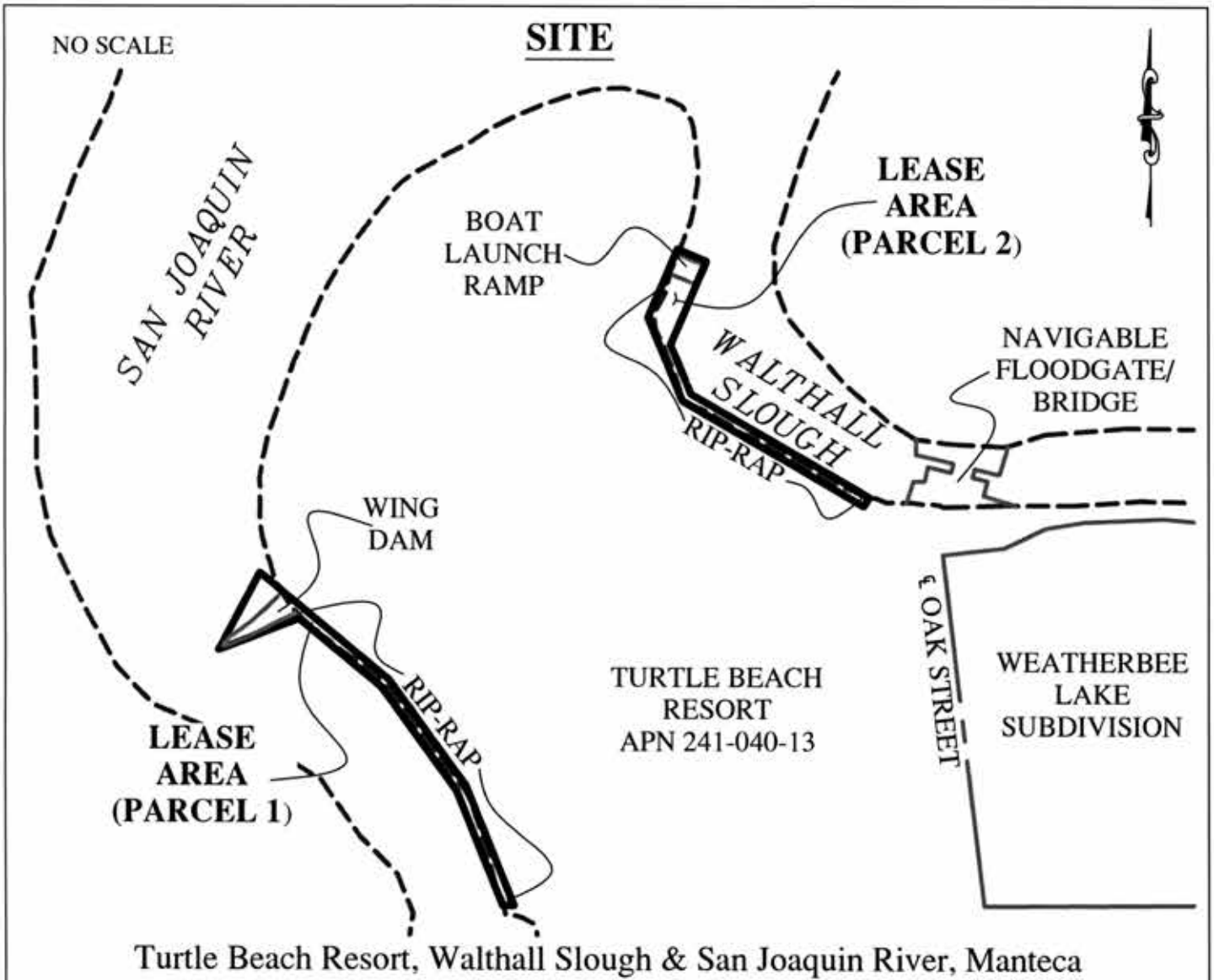


Exhibit B

PRC 6061.1
MHC NAC, INC.
APN 241-040-13
GENERAL LEASE -
RECREATIONAL & PROTECTIVE
STRUCTURE USE
SAN JOAQUIN 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.