

**CALENDAR ITEM
C73**

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12/02/13
PRC 2849.9
N. Lavoie

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Reclamation District No. 2037

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Disappointment Slough, between Bishop Tract and Rindge Tract, near the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Continued use and maintenance of an existing bridge crossing with attached boater safety lights.

LEASE TERM:

10 years, beginning December 2, 2013.

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 contains provisions that Lessee agrees to provide bridge inspection reports and allow the Commission's staff to work with the Lessee to address all recommendations.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises.
2. On February 27, 1962, the Commission authorized a right-of-way easement to Allied Properties for the construction, maintenance, and use of a bridge crossing Disappointment Slough. This easement expired February 26, 2011. The prior Lessee, Allied Properties, no longer exists and Reclamation District No. 2037 is now the party responsible for the

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bridge. The Applicant has applied for a new General Lease – Public Agency Use.

3. Since the existing bridge is the only point of land access onto Rindge Tract, it is vital to Reclamation District No. 2037's effective management of the levee protection system surrounding Rindge Tract. The bridge is not open to the public and has a gate on the Bishop Tract side. The island of Rindge Tract is privately owned and dominated by agricultural use.
4. On March 6, 2012, the bridge was inspected by a structural engineering firm. The results outlined recommendations for regular inspection and maintenance. The proposed lease incorporates those recommendations.
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

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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:

Authorize issuance of a General Lease – Public Agency Use to Reclamation District No. 2037 beginning December 2, 2013, for a term of 10 years, for the continued use and maintenance of an existing bridge crossing with attached boater safety lights 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 as specified in the lease if the Commission finds such action to be in the State's best interest.

EXHIBIT A

PRC 2849.9

LAND DESCRIPTION

A PARCEL OF TIDE AND SUBMERGED LAND 60 FEET WIDE IN DISAPPOINTMENT SLOUGH, SAN JOAQUIN COUNTY, APPROXIMATELY 10 MILES NORTHWEST OF STOCKTON, LYING 30 FEET ON EITHER SIDE OF THE FOLLOWING-DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE ORDINARY HIGH WATER MARK ON THE NORTHERLY BANK OF DISAPPOINTMENT SLOUGH WHICH BEARS S. 08° 07' 02" E., 5,490.31 FEET FROM A POINT ON THE WESTERLY END OF KING ISLAND BRIDGE ACROSS BISHOP CUT, MARKED BY A RAILROAD SPIKE AS SHOWN ON RECORD OF SURVEY, FILED IN VOLUME 6 AT PAGE 247, BOOK OF SURVEYS, SAN JOAQUIN COUNTY RECORDS, THENCE S. 00° 46' 30" E., 280 FEET MORE OR LESS TO A POINT ON THE ORDINARY HIGH WATER MARK ON THE SOUTHERLY BANK OF DISAPPOINTMENT SLOUGH

END OF DESCRIPTION

THE ABOVE DESCRIPTION IS BASED ON THAT ORIGINAL DESCRIPTION AS FOUND IN PRC 2849.1

NO SCALE

SITE

APN 071-120-11

APN 071-120-13

DISAPPOINTMENT SLOUGH

60' WIDE LEASE PARCEL
(EXISTING BRIDGE)

APN 071-050-24

DISAPPOINTMENT SLOUGH BRIDGE CROSSING

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 2849.9
 RECLAMATION
 DISTRICT NO. 2037
 APN 071-120-11,
 071-120-13, 071-050-24
 GENERAL LEASE -
 PUBLIC AGENCY 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.