

**CALENDAR ITEM
C28**

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02/21/14
PRC 3402.9
M. Schroeder

**AUTHORIZE ACCEPTANCE OF A LEASE QUITCLAIM DEED AND
ISSUANCE OF A GENERAL LEASE – PUBLIC AGENCY USE**

APPLICANT:

City of Sacramento, a Municipal Corporation

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the American River, adjacent to Assessor's Parcel Numbers (APN) 295-0040-002, 295-0040-003, 295-0040-004, 005-0010-007, and 005-0010-008, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing bicycle trail– bridge known as the Guy West Bridge.

LEASE TERM:

25 years, beginning February 21, 2014.

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 the right to use the upland adjoining the lease premises.
2. On November 3, 1965, the Commission authorized Lease No. PRC 3402.9, a Right-of-Way Easement to the City of Sacramento (City), for a term of 49 years, for the construction, operation, and maintenance of a bicycle trail bridge commonly known as the Guy West Bridge over the American River between the then Sacramento State College and the Campus Commons development. The construction of the bridge was completed in 1966. This Right-of-Way Easement expires November 2, 2014.

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3. The City has now submitted an application for a General Lease – Public Agency Use and is requesting an increase in the lease area around the bridge for maintenance and repair purposes. The City has submitted an executed Quitclaim Deed releasing all right, claim, title or interest in Lease No. PRC 3402.9 back to the State. Beginning April 2014, the City plans to complete various repairs to the Guy West Bridge. In addition, the Guy West Bridge will be repainted.
4. There are two power-line conduits attached to the bridge and authorized under Lease No. PRC 3673.9 to Sacramento Municipal Utility District. That lease will expire on November 16, 2015.
5. Staff is recommending acceptance of a lease quitclaim for Lease No. PRC 3402.9 and issuance of a new 25-year General Lease – Public Agency Use.
6. **Acceptance of a Lease Quitclaim Deed:** The staff recommends that the Commission find that the subject acceptance of a lease quitclaim deed 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.

7. **New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

8. 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.

CALENDAR ITEM NO. **C28** (CONT'D)

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Acceptance of a Lease Quitclaim Deed: Find that the subject acceptance of a lease quitclaim deed 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.

New Lease: 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 a lease quitclaim deed, effective February 20, 2014, for Lease No. PRC 3402.9, a Right-of-Way Easement, issued to the City of Sacramento.
2. Authorize issuance of a General Lease – Public Agency Use to the City of Sacramento, beginning February 21, 2014, for a term of 25 years, for the continued use and maintenance of an existing bicycle trail bridge commonly known as the Guy West Bridge, 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 3402.9

LAND DESCRIPTION

A thirty-six (36) foot wide strip of submerged land, situate in the bed of the American River, lying adjacent, on the left bank, to those lands designated as Rancho New Helvetia, and patented June 20, 1866, County of Sacramento, State of California, and lying eighteen (18) feet on each side of the following described:

BEGINNING at a point on the east line of that tract of land designated "Hattie Belle Jackson, Bertha Glenn White Poe Et Al 294.19 Acres", on that certain Record of Survey entitled "Property of Hattie Belle Jackson, Bertha Glenn White Poe and Others" recorded in the office of the Recorder of Sacramento County in Book 4 of Surveys, Map No. 26 from which the most easterly corner thereof bears the following four (4) courses:

- 1) South 36°35'49" East 401.36 feet;
- 2) South 44°48'09" East 533.19 feet;
- 3) South 51°12'09" East 182.80 feet;
- 4) South 13°04'24" East 1977.58 feet;

Thence from said POINT OF BEGINNING, also being a point on the centerline of an existing bridge, along said centerline North 54°47'22" East 400 feet more or less to the intersection with the west line of that tract of land designated "Brewer Ranch", on that certain Amended Record of Survey entitled "Portion of Section 67, 64 & Section A of Rancho Del Paso" recorded in the office of said Recorder in Book 21 of Survey, Page 4 also being the POINT OF TERMINATION.

Sidelines of said strip shall be lengthened or shortened so as to terminate on the low water mark of the left and right banks of said river.

BASIS OF BEARINGS is that certain Record of Survey entitled "A portion of Sections 10 & 15 T8N, R5E, MDB&M" recorded in the office of the Recorder of Sacramento County in Book 26 of Surveys, Map No. 17.

END OF DESCRIPTION

PREPARED 1/6/13 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



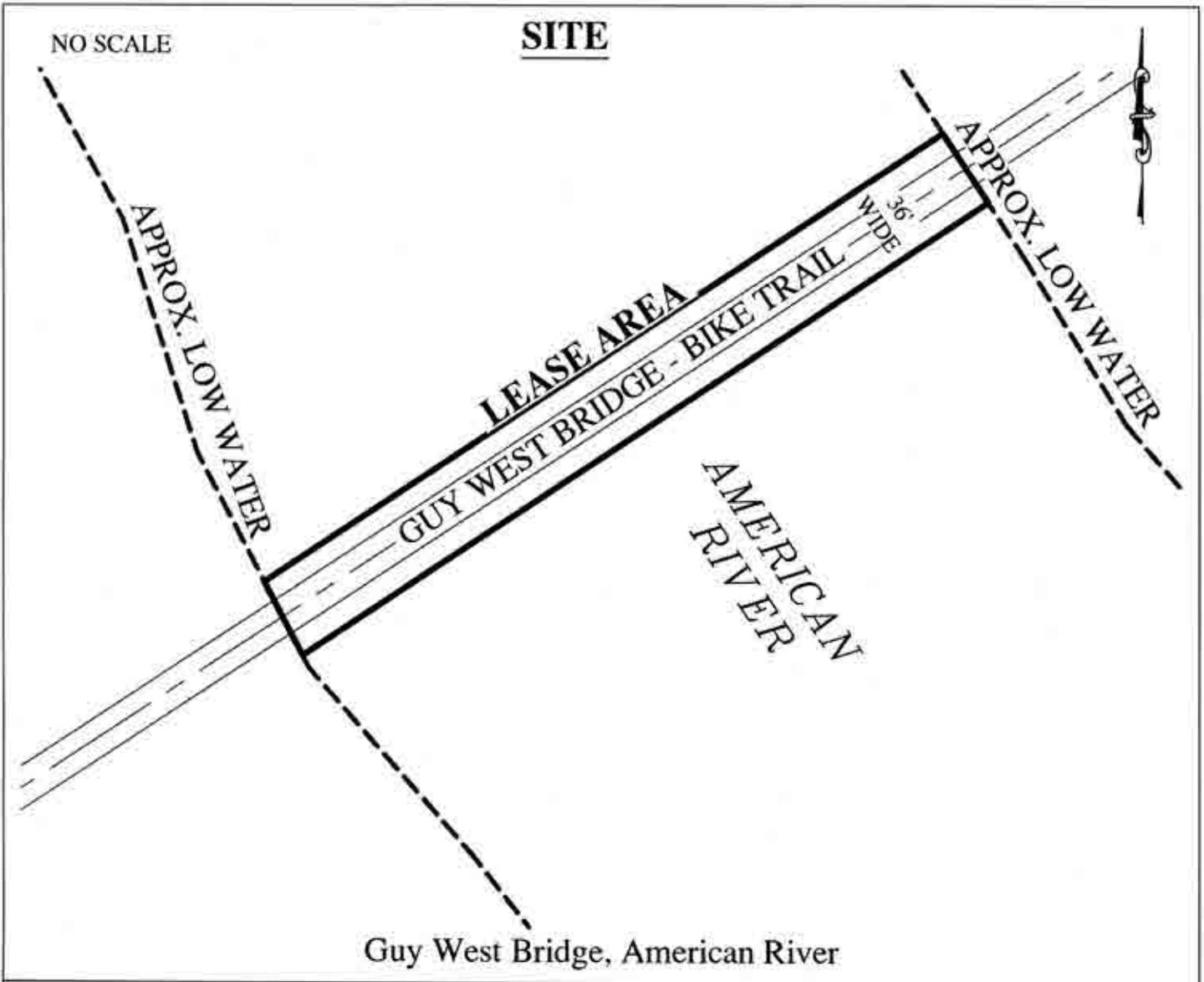


Exhibit B

PRC 3402.9
 CITY OF SACRAMENTO
 GENERAL LEASE -
 PUBLIC AGENCY 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.