

**CALENDAR ITEM  
C45**

A 23  
S 14

04/23/14  
PRC 5492.1  
R. Collins

**GENERAL LEASE – COMMERCIAL USE**

**APPLICANT:**

Judith A. Finch

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

Sovereign land in the San Joaquin River, adjacent to 10705 Lanes Road, city of Fresno, Fresno County.

**AUTHORIZED USE:**

Use and maintenance of an unimproved recreational vehicle park and unimproved boat launch.

**LEASE TERM:**

10 years, beginning April 23, 2014.

**CONSIDERATION:**

\$600 per year, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

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

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On May 31, 1978, the Commission authorized a General Lease – Commercial Use to Charles E. Finch, et al., for a recreational vehicle park, for a 25-year term, including two renewal options of 2 successive 10-year periods, beginning September 1, 1977. Rent was fixed at \$225 (minimum rent) per annum and a \$2,000 surety bond was required.
3. On August 21, 1984, the Commission approved a Continuation of Rent in the amount of \$225 per annum, effective September 1, 1982.

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Commission staff cited unresolved title problems in the region and the unknown extent of the State's ownership interest in the parcel.

4. On August 20, 1987, the Commission approved an Amendment to Lease No. PRC 5492 and deleted Co-Lessees, Ward J. Finch and Joy T. Finch from the lease, reduced the surety deposit from \$2,000 to \$500, and approved the Continuation of Rent at \$225 per annum.
5. In 1988, the Lessee failed to make the annual rental payment of \$225 and records indicate the Lessee has not made a rental payment since 1987.
6. On January 8, 1992, the Commission authorized the increase in rent from \$225 to \$250 (new minimum rent) per annum. The Lessee was properly notified of the new rent due and accrued penalties and late fees, but has made no rental payment since 1987.
7. In or about 2002, Commission staff renewed efforts to enter into a boundary agreement with Lessee, however, the process was not pursued to completion.
8. The file includes a reference to Certificate of Deposit No. 54250 dated July 9, 1987, drawn on the Fresno Bank of Commerce in the amount of \$500. Applicant has agreed to release the Certificate of Deposit in lieu of back rent. All billing and accrual of penalty and interest has been suspended since August 31, 2002.
9. The site is used as an unimproved recreational vehicle park for day use and overnight camping in undesignated campsites. The site provides public access to a pond and the San Joaquin River for fishing, swimming, and boat launching. There are no permanent improvements associated with the recreational vehicle park. Portable toilets and garbage receptacles are provided to serve the public. On April 30, 2013, Commission staff initiated contact with Judith A. Finch and was informed that Charles E. Finch passed away. Judith A. Finch (Applicant) has applied for a new General Lease – Commercial Use.
10. The site provides river access to members of the San Joaquin River Conservancy and to the RiverTree Volunteers, a non-profit organization dedicated to cleaning and clearing litter from the San Joaquin River, at a reduced day use fee.

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11. 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.

12. 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).

**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 – Commercial Use to Judith A. Finch beginning April 23, 2014, for a term of 10 years, for use and maintenance of an unimproved recreational vehicle park and unimproved boat launch as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; rent in the amount of \$600 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in

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the lease; accept \$500 Certificate of Deposit in lieu of back rent; and liability insurance in an amount no less than \$1,000,000 per occurrence.

## EXHIBIT A

PRC 5492.1

### LAND DESCRIPTION

A parcel of submerged land, situate in the bed of the San Joaquin River lying adjacent to , lying adjacent to Lot 6 of Section 16, Township 12 South, Range 20 East, MDM, as shown on the Official Township Plat, approved June 26<sup>th</sup>, 1874, County of Fresno, State of California, and more particularly described as follows:

COMMENCING at point #4442 being on the low water line of the San Joaquin River as shown on "Administrative Map – San Joaquin River", sheet 9, dated April 1992 and on file with California State Lands Commission and having the following coordinates North(y)=6331675 feet East(x)=2208243 feet thence along said low water line South 04°11'06" West 139.17 feet to the POINT OF BEGINNING; thence continuing along said low water line the following eight (8) courses:

- 1) South 04°11'06" West 25.27 feet to point #4443;
- 2) South 23°25'43" East 65.39 feet to point #4444;
- 3) South 32°11'45" East 127.62 feet to point #4445;
- 4) South 26°33'54" East 158.76 feet to point #4446;
- 5) South 27°52'01" East 98.41 feet to point #4447;
- 6) South 27°32'10" East 131.95 feet to point #4448;
- 7) South 20°04'17" East 55.36 feet to point #4449;
- 8) South 28°47'12" East 38.59 feet;

thence leaving said low water line North 89°58'47" West 615.58 feet;  
thence North 33°27'43" West 442.02 feet; thence North 22°01'25" West 152.92 feet;  
thence North 00°26'03" East 114.50 feet; thence South 89°58'49" East 608.04 feet to the POINT OF BEGINNING.

BASIS OF BEARING is CCS83, Zone 4.

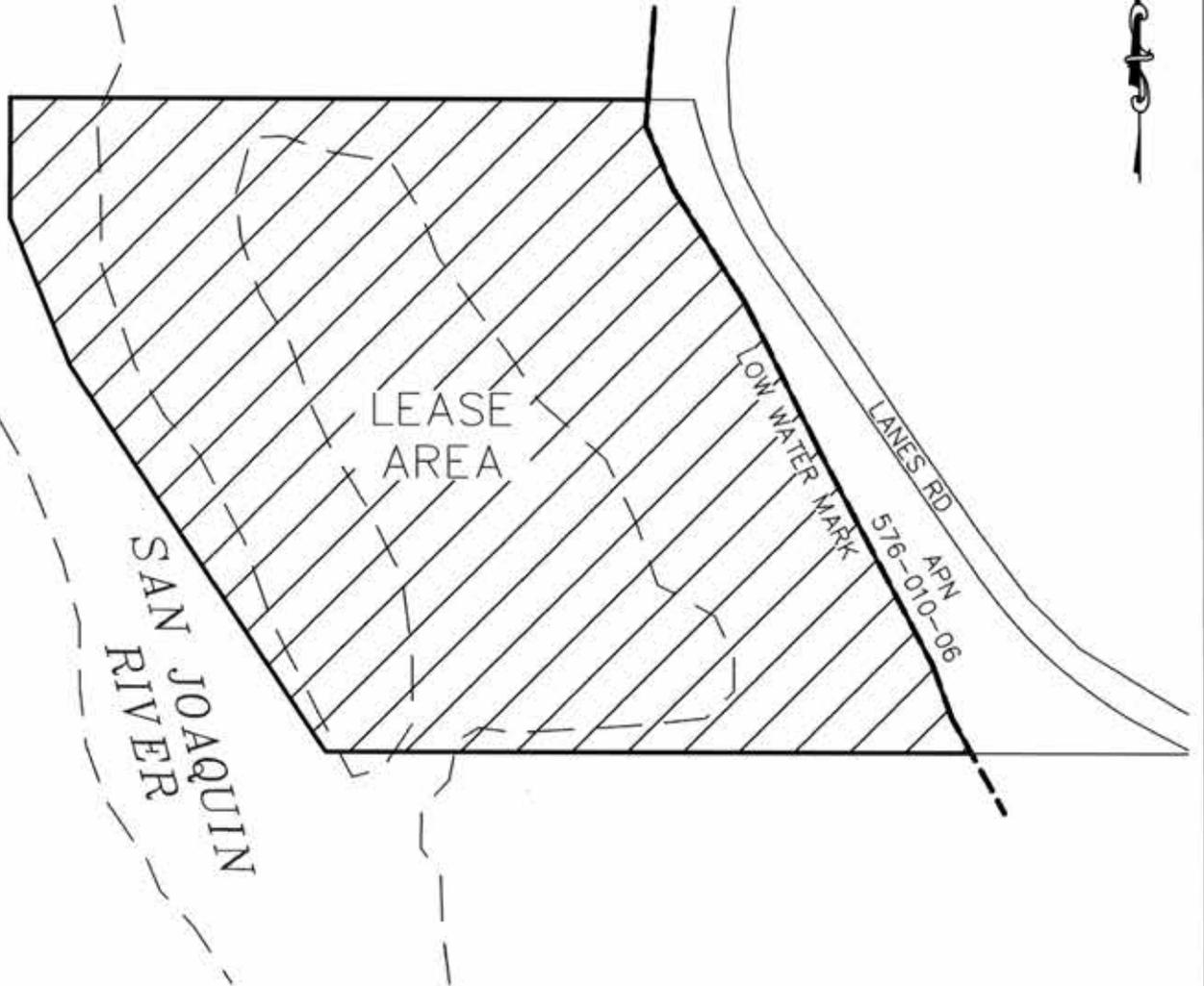
### END OF DESCRIPTION

PREPARED 3/14/14 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

**SITE**



Fort Washington Beach, Fresno - San Joaquin River

NO SCALE

**LOCATION**



MAP SOURCE: USGS QUAD

**Exhibit B**

PRC 5492.1

FINCH

APN 576-010-06

GENERAL LEASE -  
COMMERCIAL USE  
FRESNO 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.