

**STAFF REPORT
C35**

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11/29/17
PRC 7604.1
D. Simpkin

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

John O. Wyatt, Trustee of the John O. Wyatt, Jr. Trust, Initially Established on August 14, 2001

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 14060 State Highway 160, near Walnut Grove, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, two pilings, water utility, and gangway.

LEASE TERM:

10 years, beginning January 31, 2013.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease and recommends that rent be revised from \$233 per year to \$290 per year, effective January 31, 2018.

PROPOSED AMENDMENT:

Amend the lease to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

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Public Trust and State's Best Interests Analysis:

On February 22, 2013, the Commission authorized a 10-year General Lease – Recreational Use to John O. Wyatt, Trustee of the John O. Wyatt, Jr. Trust, Initially Established on August 14, 2001, for an existing uncovered floating boat dock, two pilings, water utility, and gangway ([Item C04, February 22, 2013](#)). That lease will expire January 30, 2023.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$233 per year to \$290 per year based on changes to the lease (impact) area for the floating boat dock and application of the current Sacramento River Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of the rent are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed actions will not substantially interfere with the Public Trust needs and values at this location, at this time; and for the

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foreseeable term of the lease; are consistent with the Public Trust Doctrine; and are in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 7604.1, a General Lease – Recreational Use, effective November 29, 2017, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 7604.1 from \$233 per year to \$290 per year, effective January 31, 2018.

EXHIBIT A

PRC 7604.1

LAND DESCRIPTION

A parcel of tide and submerged land situate on the right bank of the Sacramento River, lying adjacent to Lot 9 of Section 35, Township 5 North, Range 4 East, M.D.B.M, of Federal Lands patented by the U.S. as Serial No. 271, May 1, 1867, County of Sacramento, State of California, and more particularly described as follows.

All those lands underlying an existing uncovered floating boat dock, gangway, water utility and two pilings lying adjacent to Parcel 1 and Parcel 2 as described in that Trust Transfer Deed recorded April 4, 2012 as Book 20120404 Page 1729 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the right bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared October 10, 2017 by the California State Lands Commission Boundary Unit.



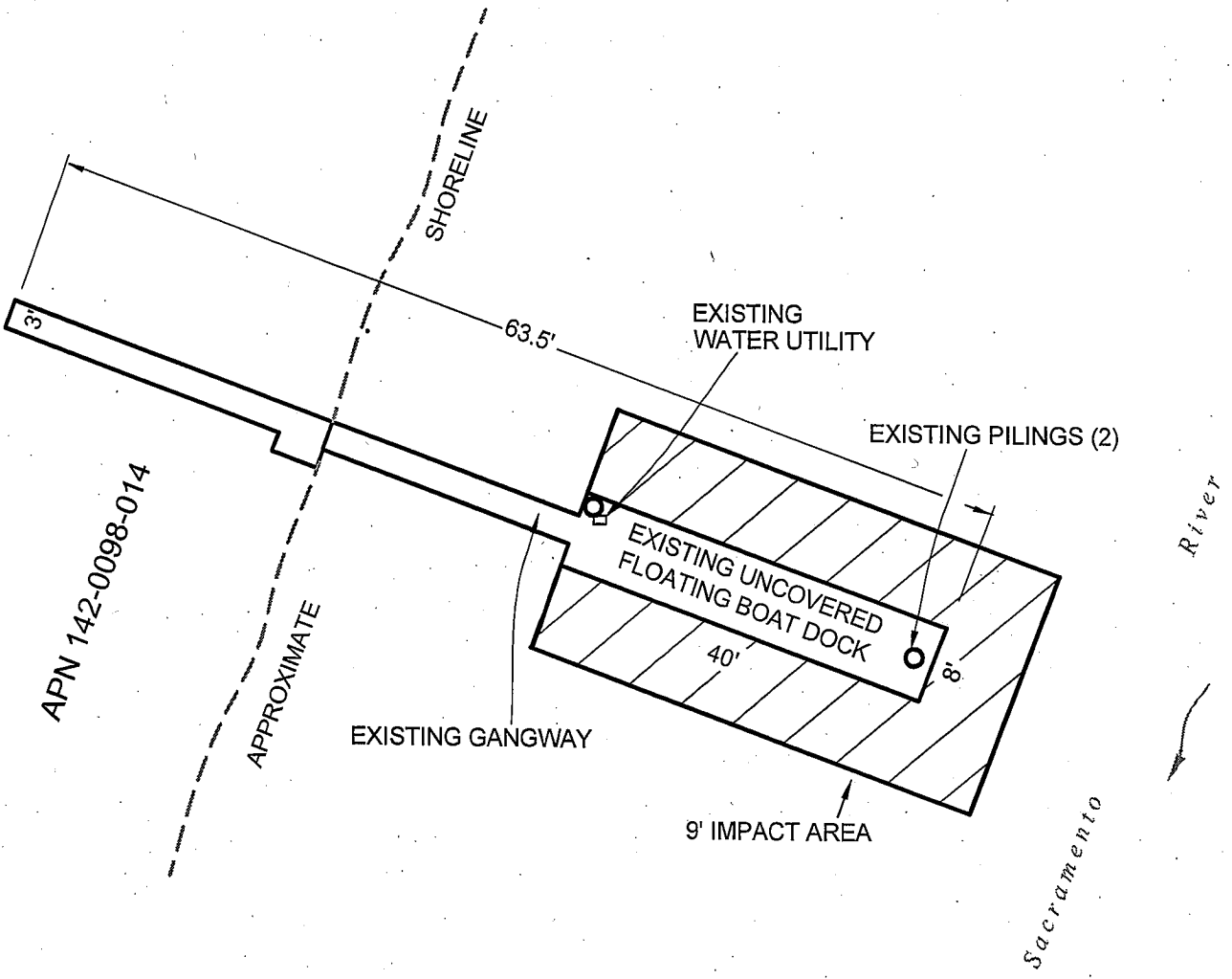


EXHIBIT A

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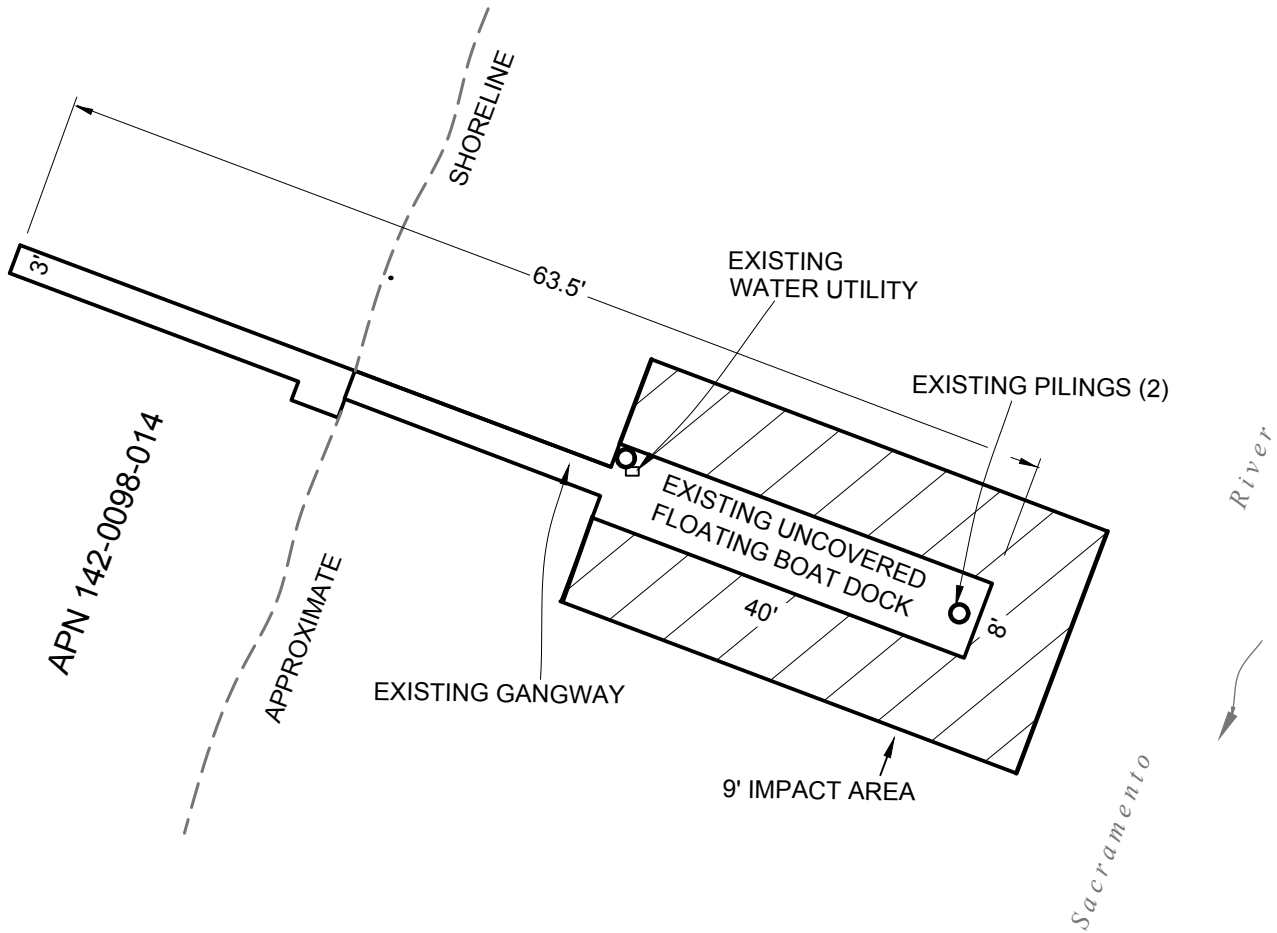
LAND DESCRIPTION PLAT
PRC 7604.1, WYATT TRUSTEE
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

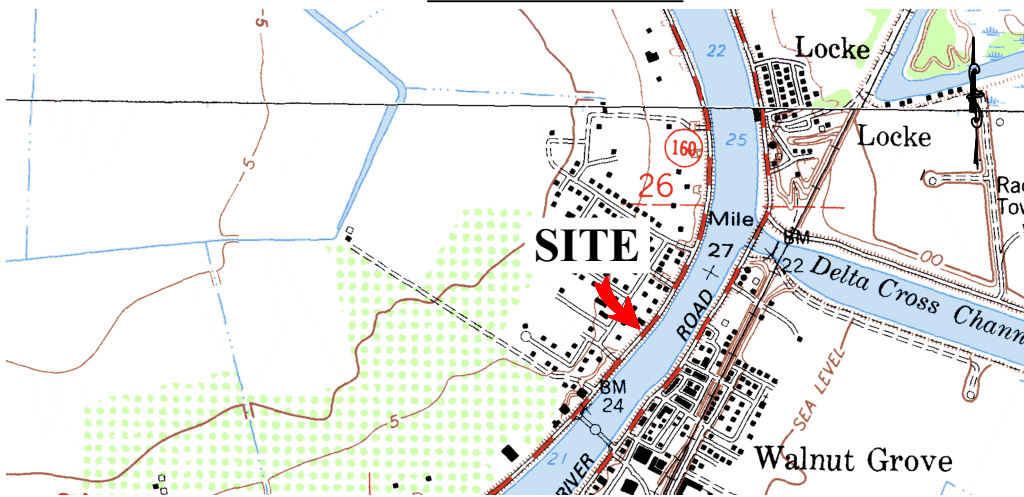
SITE



14060 STATE HWY. 160, WALNUT GROVE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7604.1

WYATT, TRUSTEE

APN 142-0098-014

GENERAL LEASE -

RECREATIONAL 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.

MJJ 10/09/17