

**CALENDAR ITEM  
C13**

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S 3

08/15/14  
PRC 8041.9  
W. Hall

**AMENDMENT OF GENERAL LEASE – PUBLIC AGENCY USE**

**LESSEE:**

United States Department of the Interior Bureau of Land Management

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

Sovereign land adjacent to the Cosumnes River Preserve located in Galt, Sacramento County.

**AUTHORIZED USE:**

Open space and wildlife habitat.

**LEASE TERM:**

49 years, beginning January 1, 1999; ending December 31, 2048, unless sooner terminated as provided under this Lease.

**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

**PROPOSED AMENDMENT:**

Amend the lease to replace Section 3 (Land Description) of the original lease with the attached Exhibits A and B. All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

1. On June 19, 1998, the California State Lands Commission (Commission) acting as the Kapiloff Land Bank Trustee, authorized the purchase of a 263-acre parcel of land adjacent to the Cosumnes River Preserve (Preserve) in Sacramento County, with funds from the Kapiloff Land Bank Trust Funds, pursuant to Public Resources Code section 8613. The Commission also authorized Lease No. PRC 8041.9, a 49-year General Lease – Public Agency Use, with the U.S. Department of the Interior

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Bureau of Land Management for the management of the acquired property for the purpose of open space and wildlife habitat.

2. On February 17, 2005, the Commission authorized the acceptance of a quitclaim from Ronald S. Wong and Letha B. Wong, Donna Maria Montosa, and Joseph R. Martin and Charlene J. Martin, for 22 acres of land including the bed of Lost Slough (Assessor's Parcel Number [APN] 146-0120-021), for inclusion into the Preserve. The Commission also authorized the amendment of Lease No. PRC 8041.9 to include the management of APN 146-0120-021 for the purpose of open space and wildlife habitat within the Preserve. However, the land description of the original lease was not amended at that time to reflect the inclusion of APN 146-0120-021 within the lease area.
3. On April 23, 2014, the Commission authorized a Land Exchange Agreement (Agreement) between James Bradley Jones as Trustee of the J.B. Jones Trust Dated May 20, 2009 and the State of California acting by and through the Commission, pursuant to Public Resources Code section 6307. The Agreement settles and establishes certain boundary lines between parcels located adjacent to and within the Preserve. However, the land description of the original lease was not amended at that time to reflect the removal of the Trust Termination Parcel and the addition of the Public Trust Parcel within the lease area.
4. Therefore, staff recommends amending the lease to replace the land description of the original lease with a revised land description and to include a Site and Location Map, to reflect modifications to the original land description of the lease area, by prior amendments. Lessee has agreed to accept the land description in Exhibit A as the revised lease area.
5. The staff recommends that the Commission find that the subject lease amendment 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.

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**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the subject lease amendment 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.

**AUTHORIZATION:**

Authorize the amendment of Lease No. PRC 8041.9, effective August 15, 2014, to replace Section 3 (Land Description) of the original Lease with Exhibit A (Land Description) and Exhibit B (Site and Location Map), attached and by this reference made a part hereof; all other terms and conditions of the lease will remain in effect without amendment.

**EXHIBIT A**

**PRC 8041.9**

**LAND DESCRIPTION**

**PARCEL 1**

All that certain real property situated, lying and being in Section 12, Township 5 North, Range 5 East, and in Section 7, Township 5 North, Range 6 East, M.D.M., in the County of Sacramento, State of California, described as follows:

All that real property as described in the grant deed from Joe W. Whaley and Violet D. Whaley, Trustees of the Joe W. Whaley and Violet D. Whaley 1990 Revocable Trust to the State of California, recorded August 24, 1998 in Book 19980824 at Page 1427, Official Records of Sacramento County.

TOGETHER WITH all that certain real property situated, lying and being in Section 7, Township 5 North, Range 6 East, M.D.M., in the County of Sacramento, State of California, described as follows:

Being a portion of Tract No. 36 of the "Subdivision of the Rancho San Jon De Los Mokelumnes" as described in the final decree entered December 11, 1876 in the action of John F. McCauley vs. Obed Harvey, et al, and being a portion of Parcel 2, as said Parcel is shown on that certain "Plat of Tracts of Land Surveyed for O. Anderson and H.J. Need", filed in the office of the Recorder of Sacramento County on November 29, 1939 in Book 3 of Surveys, Map Number 140, more particularly described as follows:

COMMENCING at the Northeast corner of that certain parcel of land granted to James B. Jones in the Grant Deed recorded on June 30, 2011 in Book 20110630 at Page 0869, Official Records of Sacramento County; thence along the Northerly line of said parcel North 75° 59' 00" West 164.30 feet to the most Easterly corner of that certain parcel of land granted to J. B. Jones in the Grant Deed recorded on January 8, 2012 in Book 20120118 at Page 1821, Official Records of Sacramento County; thence along the Northerly line of said parcel North 75° 59' 17" West 277.42 feet to the true POINT OF BEGINNING for this description; thence from said point of beginning, and leaving the North line of said Jones parcel, North 87° 43' 32" West 367.75 feet; thence South 00° 30' 00" East 611.10 feet to a point on the North line of a county road known as "Twin Cities Road", being 66.00 feet in width; thence along the Northerly line of said road North 89° 45' West 17.29 feet to the Southwest corner of the parcel of land granted to J. B. Jones in

the Grant Deed recorded on January 8, 2012 in Book 20120118 at Page 1821; thence along the West line of said parcel North 00° 30' 00" West 621.97 feet to the Northwest corner of said parcel; thence along the Northerly line of said parcel South 89° 45' 00" East 287.51 feet and South 75° 59' 17" East 100.32 feet to the point of beginning, containing 0.37 acres.

EXCEPTING THEREFROM all that certain real property situated, lying and being in Section 7, Township 5 North, Range 6 East, M.D.M., in the County of Sacramento, State of California, described as follows:

That portion of Swamp and Overflowed Land Survey number 619, Sacramento County Surveys, also being a portion of Tract No. 36 of the "Subdivision of the Rancho San Jon De Los Mokelumnes" as described in the final decree entered December 11, 1876 in the action of John F. McCauley vs. Obed Harvey, et al, and being a portion of Parcel 2, as said Parcel is shown on that certain "Plat of Tracts of Land Surveyed for O. Anderson and H.J. Need", filed in the office of the Recorder of Sacramento County on November 29, 1939 in Book 3 of Surveys, Map Number 140, more particularly described as follows:

Beginning at the Northeast corner of that certain parcel of land granted to James B. Jones in the Grant Deed recorded on June 30, 2011 in Book 20110630 at Page 0869, Official Records of Sacramento County; thence along the Northerly line of said parcel North 75° 59' 00" West 164.30 feet to the most Easterly corner of that certain parcel of land granted to J. B. Jones in the Grant Deed recorded on January 8, 2012 in Book 20120118 at Page 1821, Official Records of Sacramento County; thence along the Northerly line of said parcel North 75° 59' 17" West 277.42 feet; thence, leaving said Northerly line, South 87° 43' 32" East 345.00 feet; thence South 54° 24' 36" East 34.88 feet; thence South 37° 14' 41" East 91.67 feet to the point of beginning, containing 0.37 acres.

The Basis of Bearings for the above description is the "Plat of Tracts of Land Surveyed for O. Anderson and H.J. Need", filed in the office of the Recorder of Sacramento County on November 29, 1939 in Book 3 of Surveys, Map Number 140.

## **PARCEL 2**

A portion of Section 17, Township 5 North, Range 5 East, MDB&M., described as BEGINNING at a point located on the east line of said Section 17 and southerly line of a canal; thence from said POINT OF BEGINNING northerly along said east line of said Section 17 to northeasterly line of a canal; thence southwesterly along said northerly line

of a canal to a point located on easterly projection of a line from northeast corner Lot 45, Alluvial Acres; thence East to centerline of a canal; thence northeasterly along centerline and southerly line of canal to POINT OF BEGINNING.

**END OF DESCRIPTION**

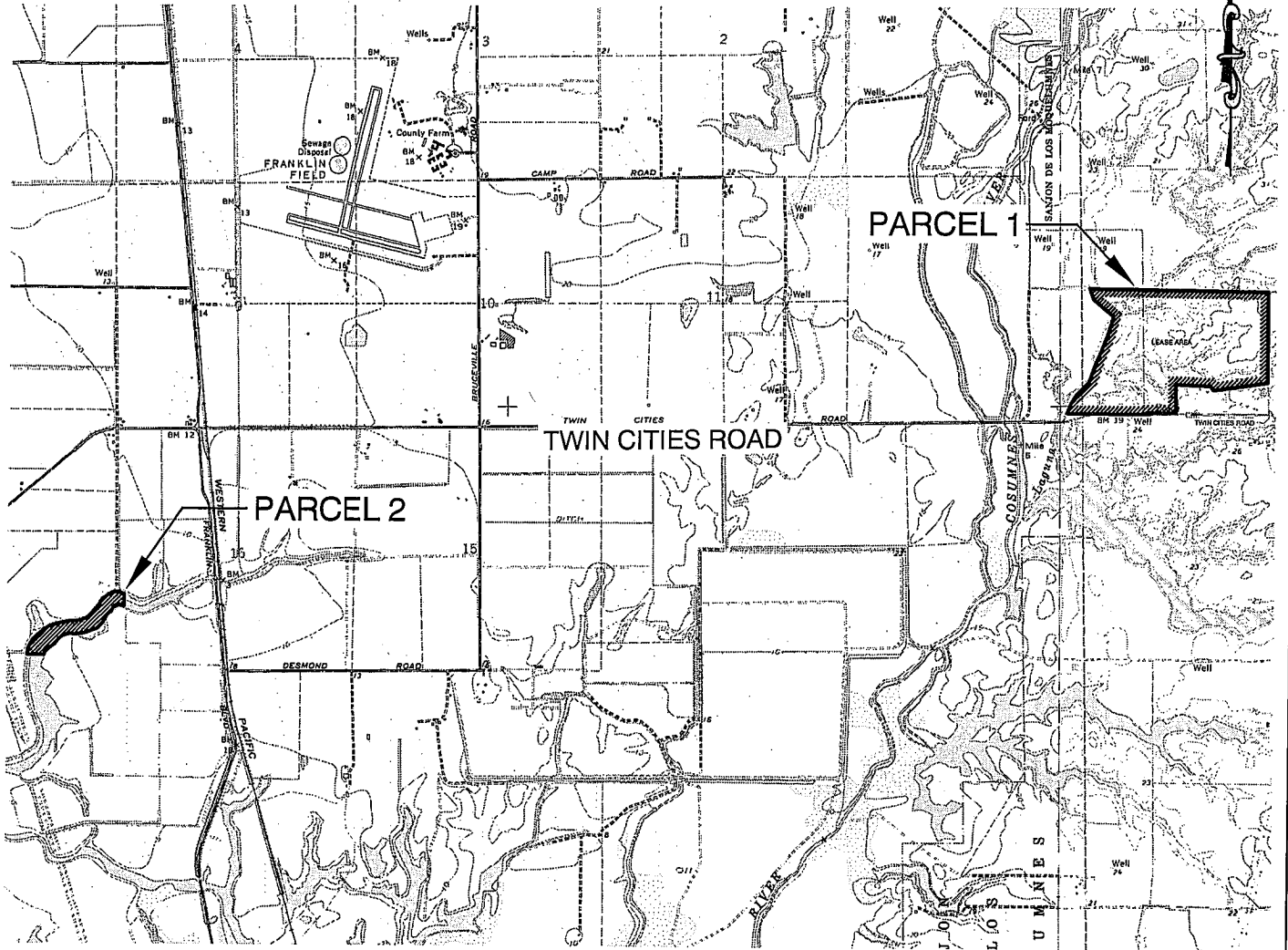
Parcel 1 description taken from that description of that Public Trust Parcel per Land Exchange Agreement (AD 346) on file at the Sacramento offices of the State Lands Commission. Parcel 2 description taken from that Tax Deed to Purchaser of Tax-Defaulted Property, Recorded in Book 910619, at Page 0442 of Official Records of Sacramento County.

Prepared July 16, 2014 by the California State Lands Commission Boundary Unit.



NO SCALE

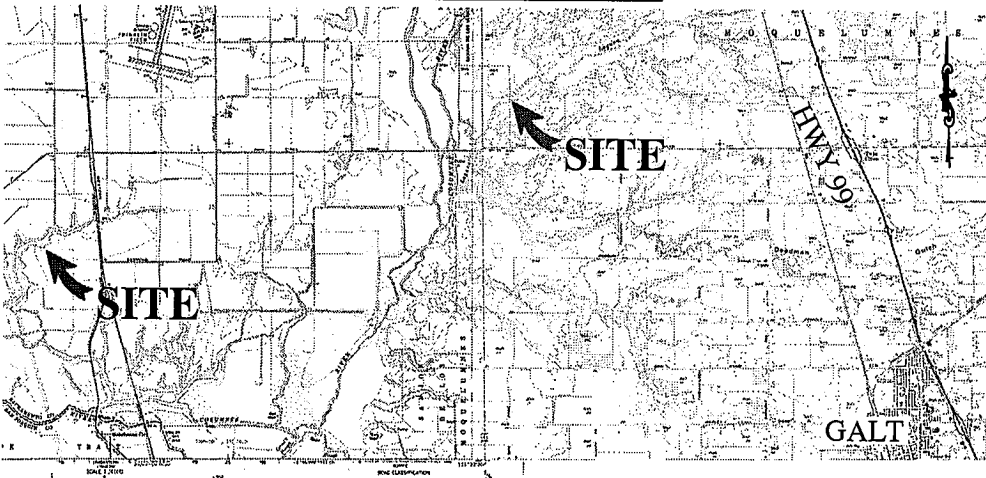
# SITE



COSUMNES RIVER PRESERVE

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

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.

## Exhibit B

PRC 8041.9

BLM

APN 148-0010-035, 051,

046-020-021

GENERAL LEASE-  
PUBLIC AGENCY USE  
SACRAMENTO COUNTY



JAK 7/16/14