

**CALENDAR ITEM
C30**

A 8
S 4

04/26/13
PRC 9033.1
M. Hays

AMENDMENT OF LEASE

LESSEE/SUBLESSOR:

Sacramento Valley Conservancy

SUBLESSOR:

University of California, Berkeley

AREA, LAND TYPE, AND LOCATION:

11 acres, more or less, of sovereign land, known as Camp Pollock, adjacent to the American River and the American River Parkway, in the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Use, maintenance, and operation of Camp Pollock and its ancillary facilities for recreation, conservation, education, and public access purposes.

LEASE TERM:

25 years, beginning January 22, 2013.

CONSIDERATION:

Minimum annual rent in the amount of \$500; against three percent of annual gross income derived from sublease, license and event fees, and five percent of annual gross income from all other sources derived from the Lease Premises.

PROPOSED AMENDMENT:

Amend PRC 9033.1 to include the following:

1. Amend Section 2, Special Provisions, Consideration, to incorporate as part of the Lease the annual reporting form, Report of Annual Gross Income.
2. Amend Section 2, Special Provisions, to include a provision clarifying the Lessee's ability to submit an application for consideration of a new lease at expiration of the lease.

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3. Endorsement of sublease between the Lessee and the University of California, Berkeley expiring on June 30, 2014.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. On December 5, 2012, the Commission authorized the expenditure of \$300,000 from the Kapiloff Land Bank Funds, held in trust, for the purchase of two parcels equaling 11 acres of land, known as Camp Pollock, and authorized issuance of Lease No. PRC 9033.1 to the Sacramento Valley Conservancy (Conservancy) for the long term management of Camp Pollock.
2. This amendment is a result of several issues that the parties have agreed need further clarification. Due to purchase contract deadlines, it was agreed to pursue an amendment of the lease after execution of the lease. At the time of the purchase, the University of California, Berkeley, was in the middle of a three year license agreement with the seller, the Golden Empire Council of the Boy Scouts of America, for use of an area at Camp Pollock for the storage of scientific testing equipment and access through the property to the river to conduct seasonal toxicity testing of the waters of the American River. Funding for the program is provided by the State's Delta Science Program. The amendment endorses this sublease use of the Lease Premises through the expiration on June 30, 2014.
3. The staff recommends the Commission find that the subject amendment of lease 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.

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 subject amendment of lease 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 9033.1, a General Lease, of sovereign land described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof, effective April 26, 2013, to incorporate as part of the Lease, the Report of Annual Gross Income; include a provision for the process of application for a new lease at expiration; and endorsement of a sublease as part of the lease; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 9033.1

LAND DESCRIPTION

Two (2) parcels of land being a portion of Swamp Land Survey 484, patented September 13, 1866, and a portion of Swamp Land Survey 809, patented November 1, 1869, County of Sacramento, State of California, and more particularly described as follows:

Parcel 1

All those lands as described in Book 2773 at Page 38 recorded February 21, 1955 in Official Records of said County.

Parcel 2

All those lands as described in Book 2773 at Page 40, recorded February 21, 1955 in Official Records of said County.

END OF DESCRIPTION

Prepared December 4, 2012 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



CAMP POLLOCK, AMERICAN RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 9033.1
 SACRAMENTO VALLEY
 CONSERVANCY
 APN 274-120-007, 009
 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