



**RESOURCE
MANAGEMENT AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: April 10, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Lease Amendment with the State Lands Commission for the Avenue 416 Kings River Bridge

REQUEST(S):

That the Board of Supervisors:

1. Approve Amendment of Lease No. PRC 8900.1 with the State Lands Commission for the Avenue 416 Kings River Bridge; and
2. Authorize the Chairman of the Board to act on behalf of the County, to sign the Amendment of Lease No. PRC 8900.1; and
3. Approve a Lease Quitclaim Deed for Lease No. PRC 8900.1; and
4. Authorize the Chairman to sign the Lease Quitclaim Deed; and
5. Adopt the Categorical Exemption prepared pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (General Rule Exemption per Section 15061(b)(3)); and
6. Authorize the Environmental Assessment Officer, or designee, to sign and file the Notice of Exemption with the County Clerk.

SUMMARY:

Tulare County had previously established a lease agreement with the State Lands Commission (SLC) for sections of the new Avenue 416 Kings River bridge crossing (County Agreement No. 24832). Provisions of the lease agreement stipulated that

SUBJECT: Lease Amendment with the State Lands Commission for the Avenue 416 Kings River Bridge

DATE: April 10, 2018

upon completion of the bridge project, the County would be subject to an amended lease rate, as well as requiring the County to file a lease quitclaim deed for the portion of the unused right-of-way of the old bridge over the Kings River (which was demolished as part of the recently completed bridge replacement project). With bridge construction now complete, the SLC is seeking to complete the agreement accepting the quitclaim and requesting that the County agree to the terms of the new lease rate. The lease amendment includes an increase in the annual lease rate to \$223 per annum, up from the previous rate of \$195 per annum.

A review performed in accordance with the California Environmental Quality Act (CEQA) has shown that the transfer of the rights via the Lease Quitclaim Deed is not an activity that will have a significant effect on the environment and thus is exempt under 14 CCR 15601(b)(3).

This agreement has been approved as to form by County Counsel. The following term deviates substantively from the standard County boilerplate:

Late Fees: Under the lease, any installments of rent not paid when due is subject to a penalty and shall bear interest.

FISCAL IMPACT/FINANCING:

The amended lease has No Net County Cost to the General Fund. Application fees and previous agreement terms were established at the onset of the construction of the Avenue 416 Kings River bridge crossing. All current application fees have been paid and no other terms of the lease have been altered. Lease fees are paid out of the County Roads Fund.

LINKAGE TO THE COUNTY OF TULARE SAFETY AND SECURITY INITIATIVE:

The County's five-year strategic plan includes a Safety and Security initiative that includes the goal of improving and maintaining adequate transportation infrastructure in all regions of the County. By approving the reimbursement agreement and finalizing the lease amendment, the County will continue to fulfill its obligations associated with the new Avenue 416 Bridge over the Kings River, a component of infrastructure that will serve the public.

SUBJECT: Lease Amendment with the State Lands Commission for the Avenue 416
Kings River Bridge
DATE: April 10, 2018

ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.
Director

RS:jv

cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment (s):

- A. Vicinity Map
- B. Lease Amendment for SLC Lease No. PRC 8900.1
- C. Lease Quitclaim Deed for SLC Lease No. PRC 8900.1
- D. Notice of Exemption

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF LEASE)
AMENDMENT WITH THE STATE LANDS) Resolution No. _____
COMMISSION FOR THE AVENUE 416) Agreement No. _____
KINGS RIVER BRIDGE)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD
OF SUPERVISORS, AT AN OFFICIAL MEETING HELD APRIL 10, 2018, BY THE
FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

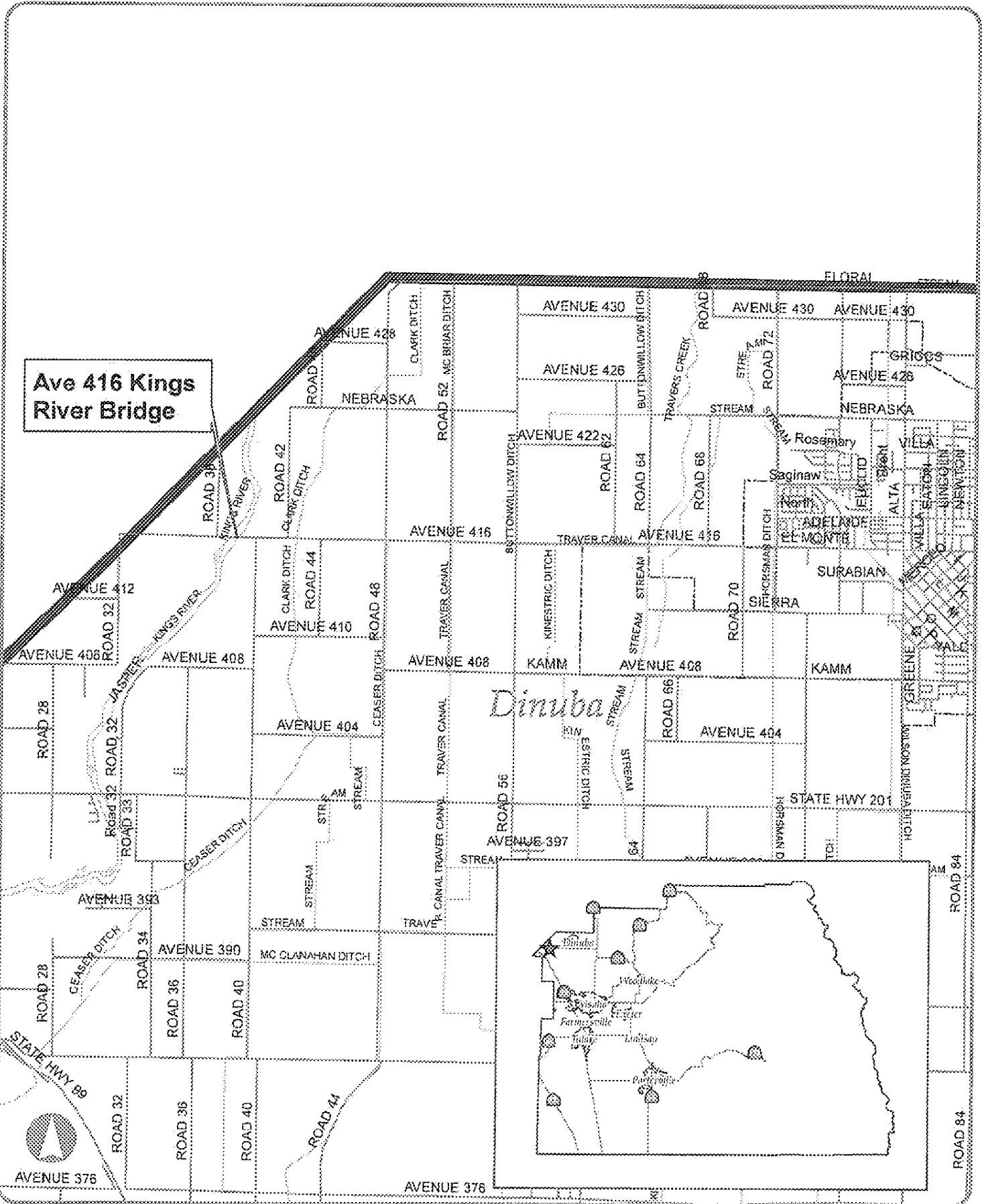
BY: _____
Deputy Clerk

* * * * *

1. Approved Amendment of Lease No. PRC 8900.1 with the State Lands Commission for the Avenue 416 Kings River Bridge; and
2. Authorized the Chairman of the Board to act on behalf of the County, to sign the Amendment of Lease No. PRC 8900.1; and
3. Approved a Lease Quitclaim Deed for Lease No. PRC 8900.1; and
4. Authorized the Chairman to sign the Lease Quitclaim Deed; and
5. Adopted the Categorical Exemption prepared pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (General Rule Exemption per Section 15061(b)(3)); and
6. Authorized the Environmental Assessment Officer, or designee, to sign and file the Notice of Exemption with the County Clerk.

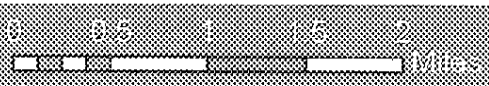
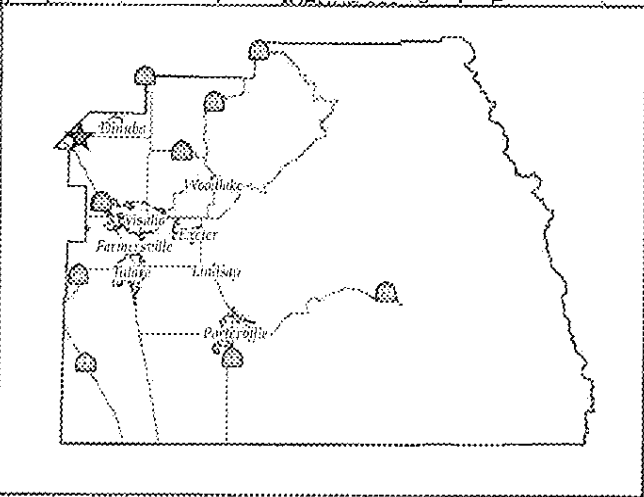
Attachment A

Vicinity Map



Ave 416 Kings River Bridge

Dinuba



Attachment B

**Lease Amendment for
SLC Lease PRC
8900.1**

RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
State Lands Commission
Attn: Title Unit
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

STATE OF CALIFORNIA
OFFICIAL BUSINESS
Document entitled to free recordation
pursuant to Government Code Section 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

County: Tulare

**STATE OF CALIFORNIA
STATE LANDS COMMISSION**

AMENDMENT OF LEASE No. PRC 8900.1

WHEREAS, the State of California, acting through the State Lands Commission, hereinafter called Lessor, and the County of Tulare, hereinafter called Lessee, have heretofore entered into an agreement designated as Lease No. PRC 8900.1 (Lease), authorized by the State Lands Commission on October 29, 2010 and executed by the State Lands Commission on March 15, 2011, whereby Lessor granted to said Lessee a General Lease – Public Agency Use and Endorsement of Subleases, covering certain State Land situated in Tulare County; and

WHEREAS, all existing obsolete bridge improvements were successfully removed and the new bridge construction project was completed in March 2015, pursuant to the terms and conditions of the lease, concurrent with the issuance of this lease amendment, Lessee has quitclaimed all interest in Parcel 2 to Lessor; and

WHEREAS, Section 4, Paragraph 15(e) provides that the Lease may be terminated and its terms, covenants and conditions amended, revised or supplemented only by mutual written agreement of the Lessor and the Lessee (hereinafter referred to as the Parties); and

WHEREAS, by reason of the foregoing, it is now the desire of the Parties to amend the Lease.

NOW THEREFORE, the Parties hereto agree as follows:

1. Add the attached Exhibit A, Site and Location map (For reference purpose only).
2. Section 3, Land Description is replaced by the attached Section 3, Land Description (Parcel 1).

The effective date of this Amendment to the Lease shall be June 22, 2017.

This Amendment is a portion of Lease No. PRC 8900.1, with a beginning date of October 29, 2010, consisting of four sections with a total of 16 pages.

All other terms and conditions of the lease shall remain in full force and effect.

This Agreement will become binding on the Lessor only when duly executed on behalf of the State Lands Commission of the State of California.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates hereafter affixed.

LESSEE:
COUNTY OF TULARE

LESSOR:
STATE OF CALIFORNIA
STATE LANDS COMMISSION

By: _____
Name

By: _____
Robert Brian Bugsch

Title: _____

Title: Chief, Land Management Division

Date: _____

Date: _____

APPROVE AS TO FORM:
COUNTY COUNSEL
BY [Signature]
DEPUTY SHK/HS

This document was authorized by the
California State Lands Commission on

JUNE 22, 2017
(Month Day Year)

ATTACH ACKNOWLEDGMENT

NO SCALE

SITE

SECTION 8

APN 012-040-021

RIVER

**PARCEL 1
LEASE AREA**

SECTION 8

AVE 416

(MOUNTAIN VIEW AVE)

SECTION 17

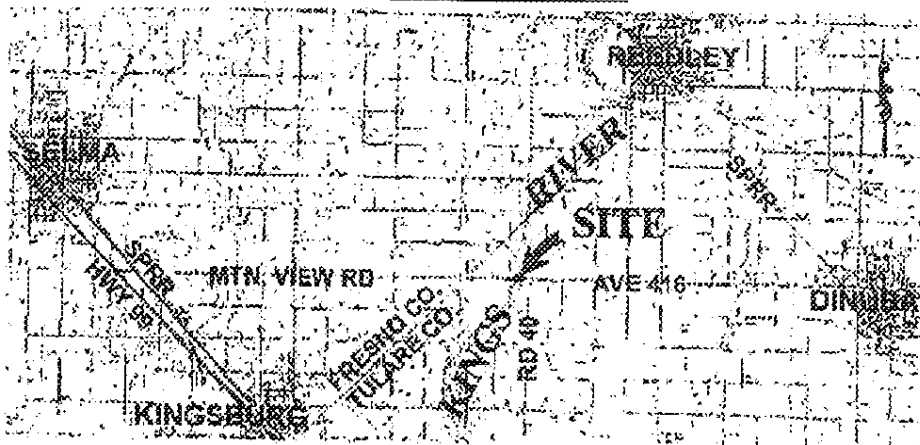
KINGS

SECTION 17

AVE 416 BRIDGE OVER THE KINGS RIVER, TULARE COUNTY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PRC 8900.1
COUNTY OF TULARE
GENERAL LEASE
PUBLIC AGENCY USE
TULARE 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.

SECTION 3

PRC 8900.1

LAND DESCRIPTION

PARCEL 1

A parcel of submerged land, lying in the bed of the Kings River, being adjacent to portions of Sections 8 and 17, Township 16 South, Range 23 East, MDM, as shown on the US Government Township Plat approved December 21, 1854, being in Tulare County, California, more particularly described as follows:

Commencing at the corner common to Sections 8, 9, 16, and 17, monumented by a brass disk marked "Tulare County Surveyor" set in concrete at the intersection of Avenue 416 and Road 40 as shown on a preliminary Record of Survey by Oscar Ramirez, RCE; thence N 89°23'05" W along the line common to Sections 8 and 17, 690.80 feet, more or less to the left (easterly) bank of the Kings River; thence N 46°41'58" E along said left (easterly) bank, 52.02 feet to the POINT OF BEGINNING; thence continuing along said left (easterly) bank the following two (2) courses:

1. N 46°41'58" E, 15.59 feet; and
2. N 35°57'53" E, 98.11';

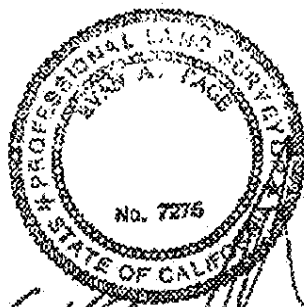
thence leaving said left (easterly) bank N 89°23'05" W parallel with the line common to Sections 8 and 17, 306.14 feet to the right (westerly) bank of the Kings River; thence along said right (westerly) bank the following two (2) courses:

1. S 49°18'52" W, 73.45 feet; and
2. S 25°56'04" W, 46.86 feet;

thence leaving said right (westerly) bank S 89°23'05" E parallel with the line common to Sections 8 and 17, 313.37 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water marks of the Kings River.

END DESCRIPTION



[Handwritten signature]
MAY 30 2017

Attachment C

Lease Quitclaim Deed

RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
California State Lands Commission
Attn: Title Unit
100 Howe Avenue, Suite 100-South
Sacramento, CA. 95825-8202

STATE OF CALIFORNIA
OFFICIAL BUSINESS
Document entitled to free recordation
pursuant to Government Code Section 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

County: Tulare

LEASE QUITCLAIM DEED

WHEREAS, pursuant to lease designated Lease No. PRC 8900.1, executed by the State Lands Commission on March 15, 2011, by and between the State of California, acting by and through the State Lands Commission, as Lessor, and the County of Tulare, as Lessee, said Lessee was granted for a term of twenty years (20) years commencing October 29, 2010, the right to use the property herein described, for certain purposes specified in said lease; and

WHEREAS, pursuant to said lease, Lessee agreed to execute and deliver to State a good and sufficient quitclaim deed for Parcel 2 following successful removal of the then-existing obsolete bridge improvements; and

WHEREAS, all existing obsolete bridge improvements were successfully removed and the new bridge construction project was completed in March 2015.

NOW THEREFORE, the County of Tulare, does hereby remise, release, and forever quitclaim unto the State of California any and all right, claim, title, or interest arising by virtue of or pursuant to that certain lease designated Lease PRC 8900.1, and approved by the State Lands Commission on October 29, 2010, respecting lands located in Tulare County, State of California, described in said lease as Parcel 2, and further described on Exhibit A (Parcel 2), attached.

LESSEE: COUNTY OF TULARE

By: _____
Name

Title: _____

Date: _____

In witness whereof, this Quitclaim Deed is executed this _____ day of _____

ATTACH ACKNOWLEDGMENT

APPROVE AS TO FORM:
COUNTY COUNSEL
BY [Signature]
HEBIV

EXHIBIT A

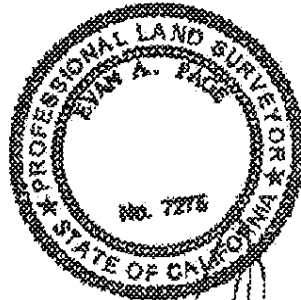
PRC 8900.1

LAND DESCRIPTION

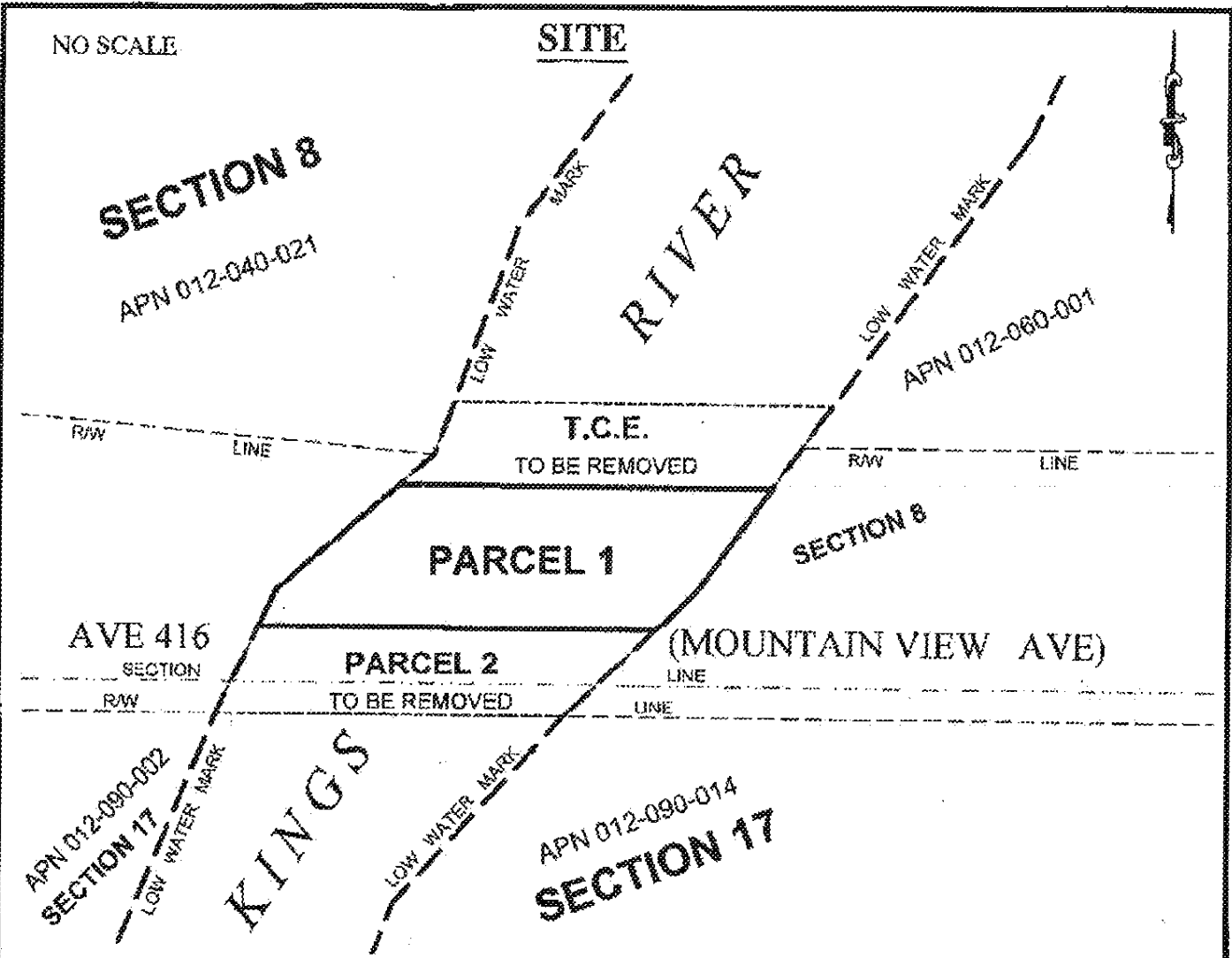
PARCEL 2

Commencing at the corner common to Sections 8, 9, 16, and 17, monumented by a brass disk marked "Tulare County Surveyor" set in concrete at the intersection of Avenue 416 and Road 40 as shown on a preliminary Record of Survey by Oscar Ramirez, RCE; thence N 89°23'05" W along the line common to Sections 8 and 17, 690.80 feet, more or less to the left (easterly) bank of the Kings River, said point being the POINT OF BEGINNING; thence N 46°41'58" E along the left (easterly) bank of the Kings River 52.02 feet; thence leaving said left (easterly) bank N 89°23'05" W parallel with the line common to Sections 8 and 17, 313.37 feet to the right (westerly) bank of the Kings River; thence S 25°56'04" W along said right (westerly) bank, 62.04 feet; thence leaving said right (westerly) bank S 89°23'05" E parallel with the line common to Sections 8 and 17, 281.66 feet to said left (easterly) bank; thence N 46°41'58" E along said left (easterly) bank, 28.84 feet to the POINT OF BEGINNING.

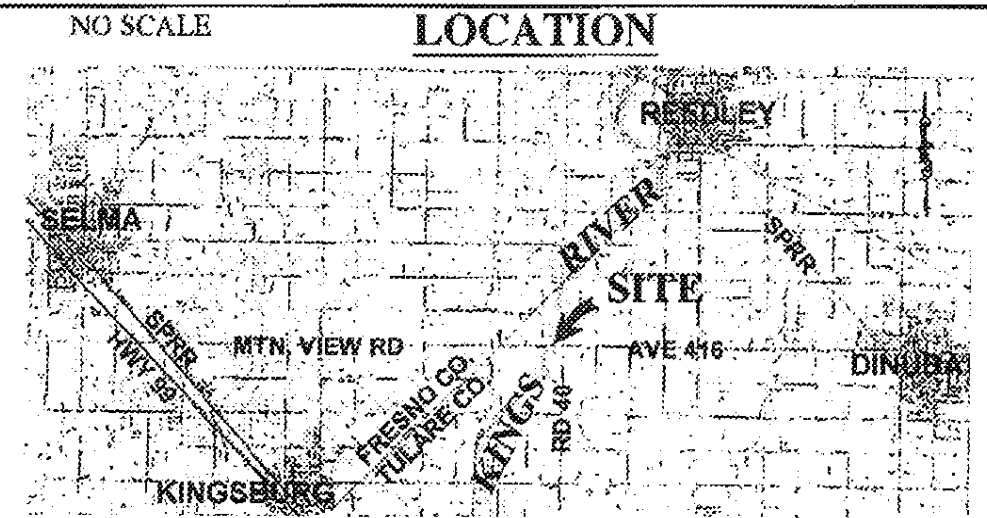
EXCEPTING THEREFROM any portion lying landward of the ordinary low water marks of the Kings River.



EVG
[Signature]
MAY 30 / 2017



AVE 416 BRIDGE OVER THE KINGS RIVER, TULARE COUNTY



MAP SOURCE: USGS QUAD

Exhibit A
 PRC 8900.1
 COUNTY OF TULARE
 GENERAL LEASE
 PUBLIC AGENCY USE
 TULARE 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.

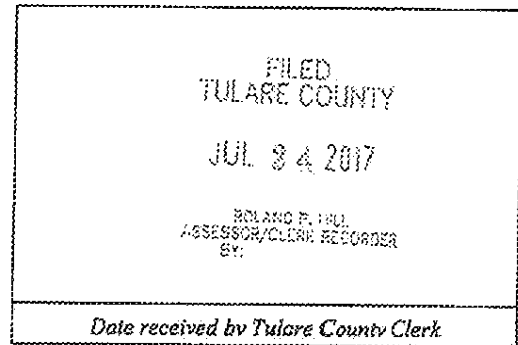
Attachment D

Notice of Exemption

Notice of Exemption

Fee Exempt per Government Code Section 6103

- To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814
- Tulare County Clerk
Room 105, Courthouse
221 South Mooney Boulevard
Visalia, California 93291



Lead Agency: Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277 559-624-700

Applicant(s): Tulare County – Resource Management Agency Ph: 559-624-7135
5953 South Mooney Blvd.
Visalia, CA 93277
Attn. hguerra@comcast.net

Activity/Project Title: Amendment of State Lands Commission Lease PRC 8900.1 for Avenue 416 Kings River Bridge Replacement Project and related Lease Quitclaim Deed

Activity / Project Location – Specific: Avenue 416 and Kings River;

Activity / Project Location- Section, Township, Range: A portion of the southeast quarter of the southeast quarter of Section 8, Township 16 South, Range 23, Mount Diablo Base and Meridian.

Activity / Project Location – City: Near the City of Dinuba

Activity / Project Location - County: Tulare County

Description of Nature, Purpose, and Beneficiaries of Activity / Project: In January 2011, the County of Tulare and the State of California entered into Tulare County Agreement No. 24832 (a Lease Agreement). The County of Tulare (County) constructed a replacement bridge on Avenue 416 and the Kings River crossing to replace an obsolete bridge that was previously located at the Avenue 416 and Kings River crossing. The agreement permitted the County to occupy a temporary construction easement during bridge construction. The use and rights to the temporary construction easement granted during the lease were to be terminated following the completion of the bridge via a Lease Quitclaim Deed relinquishing any right, title or interest previously granted in Section 3 of the lease agreement; the quitclaim is simply for the rights that were previously granted under the lease. As construction of the replacement Avenue 416 and Kings River Bridge has reached satisfactory completion, per the terms of the agreement Tulare County is to file a Lease Quitclaim Deed with the State of California via the State Lands Commission to relinquish all rights, interests and claim that were previously granted under the terms of the agreement.

Exempt Status:

- Ministerial (PRC Sections 21080(b)(1); 15268);
- Declared Emergency (PRC Sections 21080(b)(3); 15269(a));
- Emergency Project (PRC Sections 21080(b)(4); 15269(b)(c));
- Categorical Exemptions: General Rule Exemption: (14 Cal. Code Regs. Section 15061(b)(3))
- Statutory Exemptions: N/A.


Reasons Why Activity/Project are Exempt from CEQA: The Activity/Project is for the County of Tulare

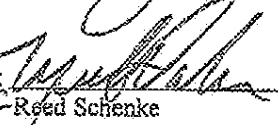
to transfer the rights to the temporary construction easement granted under the lease with the State Lands Commission to the State of California per the terms of Tulare County Agreement No 24832.

The transfer of the rights granted in the Lease for the subject property is exempt from CEQA pursuant to the "general rule" or "common sense" exemption on the ground that it can be seen with certainty that there is no possibility that the activity (transfer of property may not have a significant effect on the environment (14 CCR §15061(b)(3)). Therefore, it can reasonably be concluded, and it is appropriate and applicable, that the proposed project is exempt from California Environmental Quality Act per Section 15061(b)(3).

Name of Public Agency Approving Activity / Project: Tulare County Resource Management Agency

Activity/Project Representative: Jason Vivian, Engineer IV Telephone: (559) 624-7135

Signature:  Date: 7/18/17 Title: Chief Environmental Planner
Hector Guerra

Signature:  Date: 7/18/17 Title: Environmental Assessment Officer
FOR - Reed Schenke

Signed by Lead Agency

Date received for filing at OPR: N/A