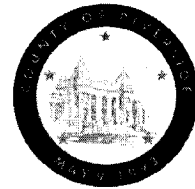


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 13.1
(ID # 15000)**

MEETING DATE:

Tuesday, May 11, 2021


FROM: Regional Parks and Open Space District:

SUBJECT: REGIONAL PARK & OPEN-SPACE DISTRICT: Approval of First Amendment to Lease and Operating Agreement PRC 9128.1 between Riverside County Regional Park & Open Space District and the State Lands Commission for the Southerly Blythe Marina; CEQA Exempt; District 4. [\$242,765 Total Cost, \$10,555 Ongoing Cost - District Funds 100%] (Clerk to File Notice of Exemption)

RECOMMENDED MOTION: That the Board of Directors:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 – Existing Facilities and 15061(b)(3) Common Sense Exemption;
2. Approve First Amendment to PRC 9128.1 between Riverside County Regional Park & Open-Space District (RivCoParks) and the State Lands Commission for Southerly Blythe Marina;
3. Authorize the Chair of the Board of Directors to execute the First Amendment to PRC 9128.1 and have the execution notarized;
4. Authorize the General Manager, or designee, to execute documents and to take all actions necessary to administer the agreement that do not fundamentally change the scope or intent of the original agreement, upon approval of County Counsel;
5. Direct the Clerk of the Board to return three (3) copies of the executed Amendment to RivCoParks; and
6. Direct the Clerk of the Board to file the Notice of Exemption within five (5) days of approval by the Board.

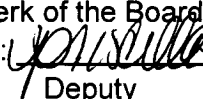
ACTION: Policy


Kyla R. Brown, General Manager 4/15/2021

MINUTES OF THE BOARD OF DIRECTORS

On motion of Director Hewitt, seconded by Director Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt
Nays: None
Absent: None
Date: May 11, 2021
xc: Parks, Recorder

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 10,555	\$ 10,555	\$ 242,765	\$ 10,555
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: District Operating Fund 25400			Budget Adjustment:	No
			For Fiscal Year:	20/21

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Riverside County Regional Park & Open-Space District ("RivCoParks") is the owner of record of approximately 21 acres of land located at 500 Riviera Drive, Blythe, California 92225, also known as Southerly Blythe Marina ("Marina"). RivCoParks has leased land surrounding the 21 acres from the California State Land Commission.

The California State Lands Commission ("SLC") has authority over public trust lands of the State along the Colorado River. SLC's Land Management Division in Sacramento administers the leasing of these lands. On March 1, 1966, SLC issued a forty-nine (49) year lease to the County of Riverside ("County"), also referenced as Lease No. PRC 3448.9. In 1998, the County quitclaimed its real property interest in its property to RivCoParks. RivCoParks took over the management and control of the property, thereafter, including Lease No. PRC 3448.9. On October 28, 2014, per minute order 13.1D, your honorable Board terminated general Lease No. PRC 3448.9 and approved a new general Lease No. PRC 9128.1 ("PRC 9128.1"), and approved an Amended and Restated Lease and Sublease (Sublease) with Reynolds Resorts-Blythe, LLC, for the management of the Marina. On October 4, 2016, per minute order 13.2D, your honorable Board approved the assignment of the Sublease to The Cove RV Resort. This assignment was not consented to by SLC, which is a requirement of PRC 9128.1. The Amendment will result in the required consent by SLC and align the expiration date of the Sublease with The Cove RV Resort with PRC 9128.1. The Amendment will result in both PRC 9128.1 with SLC and the Sublease with The Cove RV resort to terminate on June 30, 2044.

The SLC approved the Amendment at their meeting on December 17, 2020.

The District desires to amend PRC 9128.1 with SLC to continue the use, operations, and maintenance of the Marina.

County Counsel reviewed and approved the Amendment as to form.

California Environmental Quality Act

Pursuant to the California Environmental Quality Act ("CEQA"), the proposed project was reviewed and determined to be categorically exempt from CEQA under CEQA Guidelines Section 15301 – Existing Facilities and 15601(b)3 – Common Sense. The proposed project is

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

the amendment of an existing lease and letting of property involving existing facilities where negligible or no new changes or expansion of the use will occur. It can be seen with certainty that the amendment of the lease will not result in a direct or reasonably foreseeable indirect impact or physical change in the environment because it is merely an amendment of a contract and is not prompting any development or changes in the land.

Impact on Citizens and Businesses

The Amendment will allow The Cove RV to continue operating the site for the citizens and visitors of Riverside County.

Additional Fiscal Information

The land upon which The Cove RV Resort operates the Riviera Resort RV Park, at Blythe Southerly Marina campground, includes that portion of land in which SLC has an interest. Because there are income-producing activities on that land, SLC has required RivCoParks to share a portion of that earned revenue in the form of an annual rent payment. The annual rent under PRC 9128.1 was reviewed in accordance with the SLC's rules and regulations. SLC is increasing RivCoParks' annual rental from \$7,157.45 to \$10,555 per year, which went into effect July 1, 2020.

The total cost for the remainder of the 30-year lease has increased 47% from \$164,611 to \$242,765.

Attachments

First Amendment to PRC 9128.1
Rent Revision Letter
Notice of Exemption



Jason Farin, Principal Management Analyst

5/4/2021



Gregory L. Prietas, Director County Counsel

4/29/2021

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



Established in 1938

December 1, 2020

JENNIFER LUCCHESI, *Executive Officer*

(916) 574-1800 FAX (916) 574-1810

California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1858

Contact FAX: (916) 574-1835

File Ref: PRC 9128; A2738

Donald Crow
Riverside County Regional Park & Open-Space District
4600 Crestmore Road
Jurupa Valley, CA 92509

SUBJECT: Revision of Rent and Amendment of General Lease - Commercial Use, to Change Named Sublessee Operator of an Existing RV Park in the Historic Bed of the Colorado River, Blythe, Riverside County.

Dear Mr. Crow:

The enclosed draft lease amendment document, in duplicate, states the terms and conditions of Riverside County Regional Park and Open-Space District's (District) amended 30-year General Lease – Commercial Use, to change the named Sublessee/Operator for the existing RV Park Associated with Lease No PRC 9128 in Blythe, Riverside County. The District's lease application is scheduled for consideration by the California State Lands Commission (Commission) at its December 17, 2020, meeting. Please review the enclosed documents at your earliest convenience and let me know as soon as possible if you have any questions or concerns regarding any information shown in the document so that we can address them prior to the December Commission meeting.

If you find these documents to be in order, please have **both copies of the Lease Amendment executed before a notary public** and return them to my attention at the above-stated address. Please **ensure that all signatures are acknowledged by the notary public on a separate acknowledgment** form and not on the lease amendment. If approved, a fully executed lease amendment will be returned to you.

Revision of Rent:

The District's lease with Commission provides that the State may revise the base annual rent effective on each fifth anniversary of the lease, or any subsequent year thereafter if rent is not adjusted on each fifth anniversary, pursuant to Section 3,

General Provisions, Paragraph 2(b). Therefore, the annual rent under your lease was reviewed in accordance with the Commission's rules and regulations. Staff is recommending to the Commission that the base annual rent be adjusted from **\$7,157.45 to \$10,555** per year, effective July 1, 2020.

Thank you for your attention in this matter. I look forward to working with you to complete your application processing. If you have any further questions or concerns please contact me by email at Lucien.Pino@slc.ca.gov or by telephone at 916-574-1858.

Sincerely,

A handwritten signature in black ink, appearing to read "Lucien Pino", with a stylized flourish at the end.

Lucien Pino
Public Land Management Specialist

Enclosures:

Two copies of the draft amendment for Lease No. PRC 9128

Notice of Exemption

Appendix E

To: County Clerk
County of: Riverside
2724 Gateway Drive
Riverside, CA 92507

From: (Public Agency)
Riverside County Regional Parks & Open-Space District
4600 Crestmore Road, Jurupa Valley, CA 92509

Project Title: First Amendment to Southerly Blythe Marina Lease No. 9128

Project Applicant: Riverside County Regional Parks and Open-Space District

Project Location-Specific: 500 Riviera Drive, Blythe, CA

Project Location-City: Blythe

Project Location-County: Riverside

Description of Nature, Purpose and Beneficiaries of Project: The proposed project is to amend Lease No. PRC 9128 for the operation of the Southerly Blythe Marina by adjusting the rent due to the State Lands Commission, and aligning the expiration dates of the Lease and Sublease with The Cove RV Resort.

Name of Public Agency Approving Project: Riverside County Regional Parks & Open-Space

Name of Public Agency Carrying Out Project: Riverside County Regional Parks & Open-Space

Exempt Status: (check one):

Ministerial (Sec. 21080(b)(1); 15268);

Declared Emergency (Sec. 21080(b)(3); 15269(a));

Emergency Project 9Sec. 21080(b)(4); 15269 (b)(c));

Categorical Exemption. State type and section number: **15301. Existing Facilities and 15061 (b)3 – Common Sense Exemption**

Statutory Exemptions. State code number:

Reasons why project is exempt: The proposed project is exempt from the provisions of CEQA by guidelines section 15301 – Existing Facilities and 15061 – Common Sense Exemption because the assignment is not expanding the use or capacity of the property, and it can be seen with certainty that the proposed project will not have an impact on the environment. The District's Board of Directors will need to make responsible agency findings pursuant to CEQA for any additional projects proposed on the property.

Lead Agency Contact: Analicia Gomez, Senior Park Planner

Phone Number: 951-955-6998

If Filed by Applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes
☐ No

Signature: 

Date: 4/8/2021 Title: Senior Park Planner

☒ Signed by Lead Agency

☒ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for Filing at OPR:

MAY 11 2021 13.1

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**

This document is entitled to free recordation pursuant to
Government Code Section 27383

A.P.N. 833-290-006 and 869-230-012
County: Riverside

SPACE ABOVE THIS LINE

**STATE OF CALIFORNIA
STATE LANDS COMMISSION**

AMENDMENT OF LEASE NO. PRC 9128

WHEREAS, the State of California, acting through the State Lands Commission, as Lessor, and Riverside County Park and Open-Space District, as Lessee, entered into an agreement designated as Lease No. PRC 9128 (Lease), authorized by the State Lands Commission on June 19, 2014, and executed by the State Lands Commission on December 9, 2014, whereby Lessor granted to Lessee a General Lease - Commercial Use covering certain State lands situated in the historic bed of the Colorado River in Riverside County; and

WHEREAS, Section 3, Paragraph 15(e) provides that the Lease may be terminated or and its terms, covenants, and conditions amended, revised, or supplemented only by mutual written agreement of the Lessor and the Lessee (collectively, the Parties); and

WHEREAS, Lease authorizes by endorsement the sublease agreement between Reynolds Resorts- Blythe, LLC and Lessee for the use, operation, and maintenance of the RV park within the lease premises; and

WHEREAS, Lessee has assigned its sublease agreement with Reynolds Resorts -Blythe, LLC to The Cove RV Resorts on the Colorado River LLC; and

WHEREAS, it is now the desire of the Parties to amend the Lease to authorize The Cove RV Resorts on the Colorado River LLC as a sublessee.

NOW, THEREFORE, the Parties agree as follows:

1. Section I, TERM, SUBLESSEE, is deleted and replaced with the following:

Pursuant to Section 2, Term, of the Amended and Restated Southerly Blythe Marina lease/sublease Agreement dated October 14, 2014, the term of the sublease agreement is 30 years, beginning July 1, 2014 and ending June 30, 2044.

2. Section 2, Paragraph 3, is deleted and replaced with the following:

3. Any agreement or contract between Lessee and a third-party for the operation of the RV park shall name the State of California as an additional insured for operation within the Lease Premises for all liability insurance coverage required by the agreement. Lessee shall not enter into any contracts or agreements for activities within the Leased Premises that extend beyond the term of this Lease.

3. Section 2, Paragraph 4 is deleted and replaced with the following:

4. Prior to the execution of any third-party agreement/contract, extension, renewal, or amendment for park operations, Lessee shall provide Commission staff with copies of the proposed agreement for review and approval as described in Section 3, Paragraph 11(d). In no event shall the term of any contract for operations within the Leased Premises extend beyond the term of this Lease. A material change in a sublease will require Commission approval. Commission Staff will notify Lessee within thirty (30) days whether farther Commission action and approval is required.

4. Section 2, Paragraph 5 is deleted and replaced with the following:

5. In addition to the 5-year rent review pursuant to Section 3, GENERAL PROVISIONS, Paragraph 3(b), Lessor shall also have the right to adjust the annual rent upon any amendment of the sublease agreement.

5. Section 2, Paragraph 6 is deleted and replaced with the following:

6. [Provision Intentionally Omitted]

6. Exhibit C, Sublease Endorsement, attached, is added as an exhibit to the Lease.

The effective date of this Amendment to the Lease shall be December 17, 2020.

This Amendment is a portion of Lease No. PRC 9128, with a beginning date of July 1, 2014, consisting of three (3) sections and two (2) exhibits with a total of (16) pages, a copy of which is attached hereto.

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

*[Remainder of Page Intentionally Left Blank]
[Signature Page follows]*

This Amendment 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 Agreement on the day and year set forth below.

**RIVERSIDE COUNTY REGIONAL
PARK AND OPEN-SPACE DISTRICT**

a park and open-space district created
pursuant to California Public Resources
Code Div.5, Ch.3, Art. 3

LESSOR

CALIFORNIA STATE LANDS COMMISSION

Signature: 
Chuck Washington
Chairman, Board of Directors

Signature: 
Robert Brian Bugsch
Title: Chief, Land Management Division

Dated: 05-11-2021

Dated: OCT 28 2021


ATTEST:
Kecia Harper
Clerk of the Board

By: 
Deputy

(Seal)

APPROVED AS TO FORM:

Gregory P. Priamos
County Counsel

By: 
Kristine Bell-Valdez
Supervising Deputy County Counsel

PRC #9128

ATTACH ACKNOWLEDGMENT

Execution of this document was authorized by the
California State Lands Commission on

12/17/20
(Month Day Year)

STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

} §

On May 11, 2021, before me, Priscilla Rasso, Board Assistant, personally appeared Chuck Washington, Chairman of the Board of Directors of the Regional Park and Open-Space District, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument; and that a copy of this paper, document or instrument has been delivered to the chairperson.

I certify under the penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Kecia Harper
Clerk of the Board of Supervisors

By:


Deputy Clerk

(SEAL)

SUBLEASE

ENDORSEMENT

**STATE OF CALIFORNIA
STATE LANDS COMMISSION**

Pursuant to Commission Minute Item No. 49 dated, December 17, 2020, the sublease between Riverside County Parks and Open-Space District and Cove RV Resorts on the Colorado River, LLC, under a portion of State Lease PRC 9128, is hereby approved.

BY: _____


BRIAN BUGSCH, Chief
Land Management Division