



Board Agenda Item 48

DATE: September 11, 2018

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Retroactive Renewal of Public Agency Lease/Agreement with California State Lands Commission for Laton/Kingston Park

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a retroactive Public Agency Lease Agreement with the California State Lands Commission for 12.5 acres within Laton/Kingston Park, effective October 1, 2017, not to exceed 25 years, at \$125 per year with an annual Consumer Price Index adjustment.

Approval of the recommended action will authorize a 25-year Public Agency Lease Agreement with the California State Lands Commission (CSLC) at \$125 per year, plus an annual Consumer Price Index (CPI) adjustment, over the 25-year term. On December 12, 2017, the Board approved Resolution No. 17-557, in support of the submission of a renewal 25-year Public Agency Lease Agreement for Laton/Kingston Park. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

There are no viable alternative actions. Declining to approve the recommended agreement may require the removal of improvements made by the County within the historic path of the Kings River, including a pump house, covered sitting areas, two bathrooms, two lift stations, portions of a parking lot, a portion of roadway, and portions of a storage warehouse within the park.

FISCAL IMPACT:

There is Net County Cost associated with the recommended action. The recommended agreement includes a rental fee of \$125 per year, with an annual Consumer Price Index adjustment. Sufficient appropriations are included in the Department of Public Works and Planning - Parks and Grounds Org 7910 FY 20118-19 Recommended Budget and will be included in budget requests for the duration of the term.

DISCUSSION:

In October 1968, the County entered into a 49-year Public Agency Lease Agreement with the CSLC as a condition to receive grant funds to improve Laton/Kingston Park. The original lease was for 12.5 acres of tide and submerged land located in the original natural bed of the Kings River. The park is located approximately 25 miles southeast of the City of Fresno on Fowler Ave., west of Laton along the Kings River.

During the ensuing years, with 2002 Park Bond Act funding, the County made improvements including a pump house, covered sitting areas, two bathrooms, two lift stations, portions of a parking lot, a portion of the roadway, portions of a storage warehouse within the park. In July 2017, CSLC staff notified Department

staff that the lease would be expiring effective September 30, 2017, and a renewal lease agreement with a 25-year term would need to be executed, as the park improvements were within the historic path of the Kings River and, as such, on State Lands Commission property along the banks of the Kings River (see Exhibit A). To validate CSLC's claim that improvements made by the County to Laton/Kingston Park were within the historic path of the Kings River, CSLC staff agreed to provide reference maps. The drawings were provided by CSLC in mid-October 2017. Since December 2017, County staff has worked with CSLC staff in drafting the renewal lease agreements. By entering into the renewal agreement, CSLC staff indicate they will be able to limit its liability on park improvements made by the County.

With your Board's approval, the CSLC representative has indicated the agreement will be backdated to October 1, 2017 to ensure adequate liability coverage for CSLC.

REFERENCE MATERIAL:

BAI #34, December 12, 2017
BAI #5e, November 5, 1968

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with California State Lands Commission

CAO ANALYST:

Sonia M. De La Rosa