

MINUTE ITEM

12/20/73  
GRH

3. 49-YEAR PUBLIC AGENCY PERMIT, SUBMERGED LAND IN THE TUOLUMNE RIVER, CITY OF MODESTO, STANISLAUS COUNTY; CITY OF MODESTO - W 8822, PRC 4838.9.

After consideration of Calendar Item 1 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. CERTIFIES THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CONSIDERS AND ADOPTS ENVIRONMENTAL IMPACT REPORT NO. 138.
3. DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZES THE ISSUANCE TO THE CITY OF MODESTO OF A 49-YEAR PUBLIC AGENCY PERMIT FROM DECEMBER 1, 1971, IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE MAINTENANCE OF AN 18-INCH SEWER LINE ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 1 (3 pages)

CALENDAR ITEM

12/73  
GRH  
W 8822

1.

PUBLIC AGENCY PERMIT

APPLICANT: City of Modesto.

LOCATION: A 0.19-acre parcel of submerged land in the Tuolumne River, City of Modesto, Stanislaus County.

LAND USE: Sewer line crossing.

TERMS OF PROPOSED LEASE:  
49 years, from December 1, 1971.

CONSIDERATION: The public health and safety, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

PREREQUISITE TERMS:

Applicant is lessee or permittee of upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Arts. 1, 2 and 10.

OTHER PERTINENT INFORMATION:

- 1. The annual rental value of the site is estimated to be \$20.
- 2. An environmental impact report has been prepared and circulated to agencies and persons having jurisdiction and expertise. There were no adverse comments received.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

- 1. CERTIFY THAT AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
- 2. CONSIDER AND ADOPT ENVIRONMENTAL IMPACT REPORT NO. 138.
- 3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
- 4. AUTHORIZE THE ISSUANCE TO THE CITY OF MODESTO OF A 49-YEAR PUBLIC AGENCY PERMIT FROM DECEMBER 1, 1971, IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN

CALENDAR ITEM NO. 1. (CONTD)

IN THE STATE'S BEST INTEREST; FOR THE MAINTENANCE OF AN 18-INCH SEWER  
LINE ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE  
MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 8822

A 30 foot wide strip of submerged land in the bed of the Tuolumne River situated in Section 5, T 4 S, R 9 E, MDM, State of California, the center line of which is described as follows:

BEGINNING at the southwesterly corner of the Modesto Tallow Company, said property described in deed recorded in Volume 873, page 46, Stanislaus County Records; thence S 85° W, 270 feet to the end of the herein-described center line.

To the extent that the same shall cross the sovereign lands of the State of California in the bed of said Tuolumne River.

END OF DESCRIPTION