

MINUTE ITEM

This Calendar Item No. 211
was approved as Minute Item
No. 11 by the State Lands
Commission by a vote of 3
to 0 at its 5/09/80
meeting.

CALENDAR ITEM

C11.

5/80
WP 3462
Maricle

RENEWAL OF RIGHT-OF-WAY EASEMENT

APPLICANT: Pacific Gas and Electric Company
P.O. Box 7444
Sacramento, California 95826
Attn: Mr. Scott Brown

AREA, TYPE LAND AND LOCATION:
Two contiguous parcels near Alvarado, Alameda
County, to wit:

Parcel 1: 0.392 acre at Alameda Creek.
Parcel 2: 0.273 acre at Alameda Creek
Flood Control Channel.

LAND USE: Overhead Transmission Line.

TERMS OF ORIGINAL AGREEMENT:
Initial period: 15 years from January 10,
1963.
Renewal options: 3 successive periods
of 10 years each.
Consideration: \$300.90 total rental
for 15 year term.

TERMS OF PROPOSED RENEWAL:
Initial period: 10 years from January 10,
1978.

CONSIDERATION: \$100.00 per annum, with the State reserving
the right to fix a different rental on
each fifth anniversary of the Agreement.

BASIS FOR CONSIDERATION:
Minimum rental for this type of Agreement.

PREREQUISITE TERMS, FEES AND EXPENSES:
Filing fee has been received.

BACKGROUND: Pacific Gas and Electric Company has applied
for a renewal of its overhead transmission-
line easement across Alameda Creek, one

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mile west of Alvarado, in Alameda County (as shown on Exhibit "A"). The issuance of the Original Easement Agreement was authorized by the Commission at its meeting of March 31, 1966, Minute Item No. 9.

The land is part of an exchange of lands with Leslie Salt Company, which was consummated on January 10, 1963, and the transmission line was installed during the period of negotiations.

The easement area consists of two parcels, as follows:

Parcel 1 encompasses 0.392 acres of land acquired by the State in exchange with Leslie Salt Company, and is encumbered by a perpetual easement granted to the applicant prior to acceptance by the State. This parcel is incorporated in the agreement for record purposes only; rental terms, and other terms of the agreement, do not apply to Parcel 1, inasmuch as PG & E secured its right in the property in advance of State Lands Commission interests.

Parcel 2 encompasses 0.273 acre of land contiguous to the above land and unencumbered, being part of the original bed of Alameda Creek.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 & 2.
- B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

- 1. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1(B), which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

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2. This project is situated on State land which has not been identified as possessing significant environmental values pursuant to P.R.C. 6370.1; however, the State Lands Commission has stated that all waterways under the Commission's jurisdiction have environmental significance. Staff finds this project to be compatible with Commission policy.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ. AND 2 CAL. ADM. CODE 2907.
2. FIND THAT THIS PROJECT IS SITUATED ON LAND IDENTIFIED AS POSSESSING ENVIRONMENTAL VALUES IN THAT THE STATE LANDS COMMISSION FOUND ALL WATERWAYS UNDER THE COMMISSION'S JURISDICTION HAVE ENVIRONMENTAL SIGNIFICANCE, BUT THAT THIS PROJECT IS COMPATIBLE WITH THAT FINDING AS IT APPLIES TO THE SUBJECT LAND.
3. AUTHORIZE ISSUANCE TO THE PACIFIC GAS AND ELECTRIC COMPANY OF A TEN YEAR RENEWAL OF RIGHT-OF-WAY EASEMENT PRC 3462.1 FROM JANUARY 10, 1978; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$100.00, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE AGREEMENT FOR THE CONTINUED USE OF AN EXISTING OVERHEAD TRANSMISSION LINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
LAND DESCRIPTION

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A STRIP OF LAND 70 FEET WIDE, DIVIDED INTO TWO CONTIGUOUS PARCELS AND LYING ACROSS THE 400-FOOT-WIDE ALAMEDA CREEK FLOOD CONTROL CHANNEL AS SAME IS DESCRIBED AND RECORDED IN DOCUMENT NO. 6720 ON REEL 770, IMAGE 650, RECORDS OF ALAMEDA COUNTY; SAID CROSSING IS LOCATED APPROXIMATELY ONE MILE WESTERLY OF ALVARADO, ALAMEDA COUNTY, CALIFORNIA, AND IS 30 FEET EASTERLY AND 40 FEET WESTERLY OF THE FOLLOWING-DESCRIBED LINE:

PARCEL 1

(ENCUMBERED BY PERPETUAL EASEMENT UPON CONVEYANCE TO AND ACCEPTANCE, BY STATE ON JANUARY 10, 1963.)

BEGINNING AT A POINT ON A CURVE OF THE NORTHWESTERLY LINE OF THE AFOREMENTIONED 400-FOOT CHANNEL WHICH BEARS S. 16° 42' 33" N., 912.33 FEET MORE OR LESS FROM TRANSMISSION TOWER NO. 9/65 OF NEWARK STATION "J" TOWER LINE 1931, SAID STATION HAVING CALIFORNIA ZONE 3 COORDINATES OF X = 1,538,505.07, Y = 403,319.36; THENCE PROCEEDING ACROSS THE 400-FOOT CHANNEL S. 20° 28' 32" E., 243.71 FEET MORE OR LESS TO THE NORTHERLY BANK OF THE LAST NATURAL BED OF ALAMEDA CREEK; CONTAINING 0.392 ACRE MORE OR LESS.

PARCEL 2

COMMENCING AT TRANSMISSION TOWER NO. 9/65 MENTIONED IN PARCEL 1 ABOVE, THENCE S. 16° 42' 33" E., 912.33 FEET AND S. 20° 28' 32" E., 243.71 FEET MORE OR LESS TO THE NORTHERLY BANK OF THE LAST NATURAL BED OF ALAMEDA CREEK, BEING THE SOUTHERLY TERMINUS OF PARCEL 1 ABOVE AND THE TRUE POINT OF BEGINNING OF THIS PARCEL; THENCE PROCEEDING ACROSS SOVEREIGN LANDS OF THE STATE OF CALIFORNIA S. 20° 28' 32" E., 170 FEET MORE OR LESS TO THE SOUTHERLY BOUNDARY OF THE ALAMEDA CREEK FLOOD CONTROL CHANNEL; CONTAINING APPROXIMATELY 0.275 ACRE.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTIONS ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3.

Said Parcel 1 is described herein for record purposes only. No portion of Parcel 1 is demised hereby and none of the terms, conditions, reservations, restrictions, covenants and limitations of this instrument apply to said Parcel 1.

END OF DESCRIPTION

REVIEWED MARCH 10, 1980, BY TECHNICAL SERVICES UNIT, ROY MINNICK,
SUPERVISOR.

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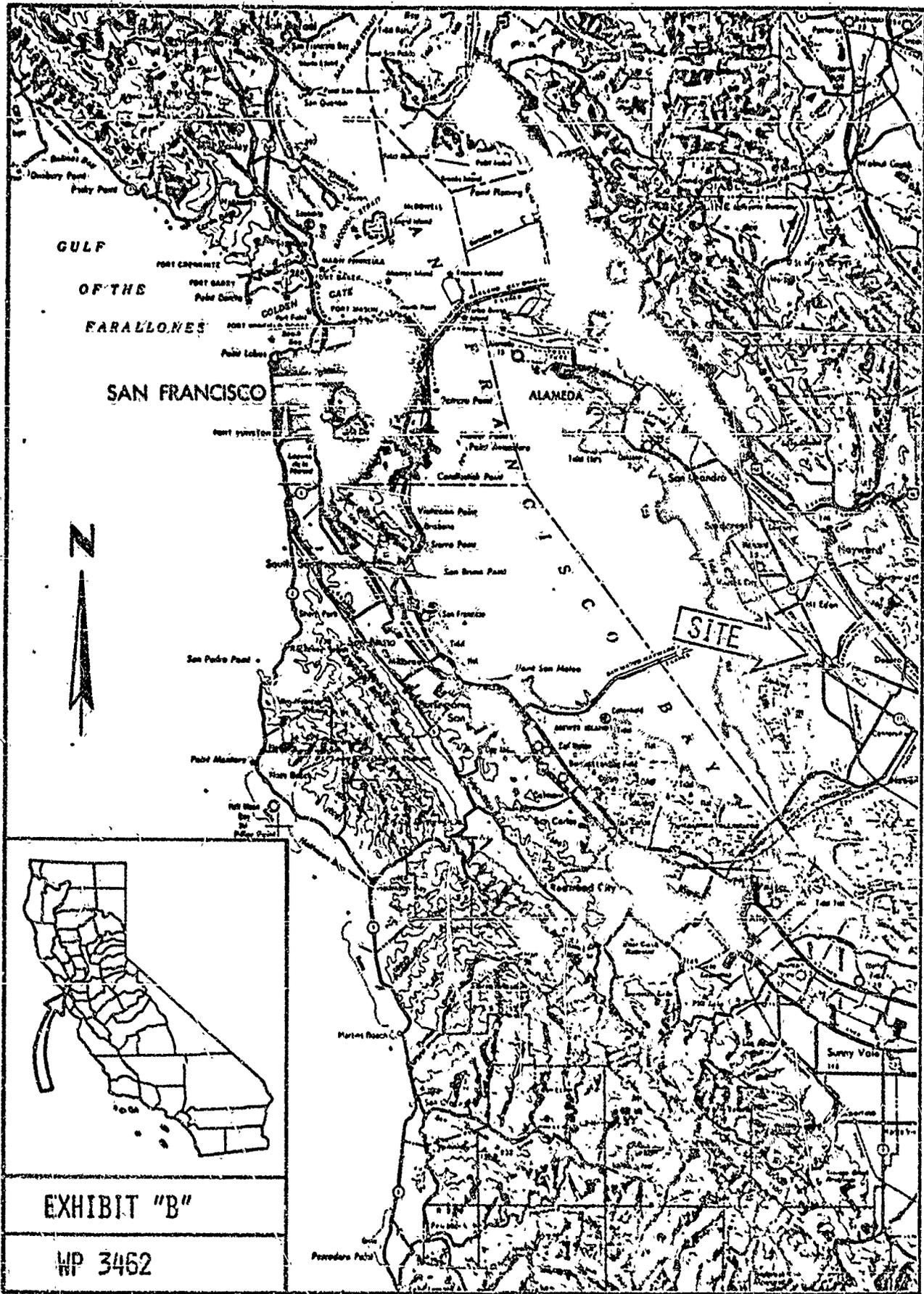


EXHIBIT "B"
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