

MINUTE ITEM

This Calendar Item No. 20.  
was approved as Minute Item  
No. 20 by the State Lands  
Commission by a vote of 3  
to 0 at its 5-29-80  
meeting.

MINUTE ITEM

5/29/80  
W 21661  
W 21733  
PRC 5180.2  
Bjornsen

20. APPROVAL OF AGREEMENTS GRANTING RECIPROCAL ROAD USE  
EASEMENTS EMBRACING LANDS OF THE SOUTHERN PACIFIC  
LAND COMPANY AND STATE SCHOOL LANDS IN TRINITY AND  
SHASTA COUNTIES.

To clarify the assignment of lease numbers for this transaction,  
the following information is provided:

W 21661 - Trinity County

Parcel described as Exhibit B-1 assigned PRC 5833  
(SP as lessee)

Parcel described as Exhibit A-1 assigned PRC 5835  
(SLC as lessee)

W 21733 - Shasta County

Parcel described as Exhibit B-2 assigned PRC 5834  
(SP as lessee)

Parcel described as Exhibit A-2 assigned PRC 5836  
(SLC as lessee)

PRC 5180 - Shasta County

Parcel described as Exhibit B-3 assigned PRC 5180  
(SP as lessee)

Parcel described as Exhibit A-3 assigned PRC 5837  
(SLC as lessee)

Upon motion duly made and carried, the resolution as presented  
in Calendar Item C20 was approved by a vote of 3-0.

Attachment: Calendar Item 20

A 1  
S 1

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C20.

PRC 5833  
PRC 5834  
PRC 5837

5/80  
W 21661 PRC 5835  
W 21733 PRC 5836  
PRC 5180.2  
Bjornsen

APPROVAL OF AGREEMENTS GRANTING RECIPROCAL ROAD USE  
EASEMENTS EMBRACING LANDS OF THE SOUTHERN PACIFIC LAND  
COMPANY AND STATE SCHOOL LANDS IN TRINITY AND SHASTA COUNTIES.

The Southern Pacific Land Company, hereinafter referred to as "S.P.", by letter dated November 29, 1977, requested an easement over an existing road that crossed State school land in the E $\frac{1}{2}$  NW $\frac{1}{4}$ , Section 14, T31N, R10W, MDM, in Trinity County. S.P. informed staff that roads existing in the area were used 15 to 20 years ago for logging purposes, but permanent rights-of-way were never acquired by the company.

The S.P. desired the easement for the purpose of re-entering its lands adjoining and in the proximity of the described school land for long-term use. A purchase of the easement by S.P. was precluded due to the Commission's April 27, 1970 withdrawal of school lands from sale to the general public. The S.P. proposed an exchange of road easements in preference to entering into a lease with the Commission requiring annual rental payments. The Commission's staff reviewed other possibilities of exchanging rights-of-way over S.P. lands for rights-of-way over school lands. Two such possibilities were found in Shasta County. The school lands with existing roads thereon are described as: 1) Section 16, T35N, R5W, MDM, and 2) the S $\frac{1}{2}$  SE $\frac{1}{4}$ , Section 36, T37N, R5W, MDM. In both instances, the existing roads cross adjoining S.P. lands and will provide access to these school land parcels.

The company's access exchange agreement proposal was submitted to the Office of the Attorney General for legal review. Following an analysis, an opinion Exchange of Rights-of-Way for Access to School Lands was received by the Commission's staff; the summarized conclusions follow:

1. Rights-of-way over school lands may be exchanged for rights-of-way over private lands to provide access to otherwise inaccessible parcels of school lands, pursuant to Public Resources Code Section 6210.9, without violating the trust conditions over such school lands.

1

S 1

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2. If the exchanges are for the fee interest in the properties, a patent should be issued for the school lands."

The Opinion gave a legal basis for the Commission's staff to pursue access exchanges with the S.P. and to secure maximum economic benefits from the school lands. Thereafter, a mutually acceptable document titled Agreement Granting Reciprocal Road Use Easements was negotiated with the S.P. by the Commission's staff. The principal provisions of the agreement are as follows:

The grant by State to S.P. shall be appurtenant to S.P.'s property and the grant by S.P. to State shall be appurtenant to State's property.

The term of the agreements shall be for a period of forty-nine (49) years.

The grant by the State shall not be construed to transfer any rights the State may hold in the State property under Section 6401(a), Public Resources Code, or any other rights not specifically granted.

Both parties reserve the right to lease, convey, grant easements, or otherwise transfer or encumber their respective properties so long as any use resulting does not unreasonably interfere with the interest granted to the other party.

The agreement shall inure to the benefit of and be binding upon heirs, devisees and successors of the respective parties.

No fee interests in the respective properties are being exchanged. The Agreement Granting Reciprocal Road Use Easements is applicable; issuance of a patent is not required.

The easements granted shall be thirty feet in width, being fifteen feet on either side of the center line of the existing roads, or more as road maintenance may require and as necessary to accommodate cut and fill slopes and drainage structures. The existing roads over and across State school lands and S.P. lands are shown on Exhibits C-1, C-2 and C-3 attached hereto.

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Three separate agreements have been executed by the S.P. The State school land and S.P. land in each of the said agreements are described and delineated on the exhibits attached and made a part hereof as follows:

W 21661 - Exhibit A-1, State school land,  
(Trinity County) Exhibit B-1, S.P. lands  
Exhibit C-1, Location Map

W 21733 - Exhibit A-2, State school land  
(Shasta County) Exhibit B-2, S.P. lands  
Exhibit C-2, Location Map

PRC 5180.2 - Exhibit A-3, State school land  
(Shasta County) Exhibit B-3, S.P. lands  
Exhibit C-3, Location Map

A copy of each proposed agreement is on file in the office of the State Lands Commission.

Upon the Commission's authorization to enter into the Agreement Granting Reciprocal Road Use Easements respecting the school land parcel described as the S $\frac{1}{2}$  SE $\frac{1}{2}$ , Section 36, T37N, R $\frac{1}{2}$ , MDM, the termination of Lease PRC 5180.2 will be in order. Said lease for a road right-of-way was authorized by the Commission on August 26, 1976 for an initial term of 15 years, commencing July 1, 1976 for the consideration of \$100 per annum with the State reserving the right to fix a different rental on each fifth anniversary of the lease. Three successive renewal option periods of 10 years each were provided for in the lease.

**OTHER PERTINENT INFORMATION:**

1. This project is exempt from CEQA because it is within the purview of 2 Cal. Adm. Code 2907, Class 1(B) which exempts an existing structure.
2. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1. All of Section 16, T35N, R5W, MDM, only is classified in a use category, Class A, which authorizes Restricted Use.

Staff has coordinated this project with those agencies and organizations

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who nominated Section 16, T35N, R5W, MDM as containing significant environmental values. They have found this project to be compatible with their nomination.

EXHIBITS:           A-1, A-2, and A-3 - State lands.  
                      B-1, B-2, and B-3 - S.P. lands.  
                      C-1, C-2, and C-3 - 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 GRANTING OF THE AGREEMENTS WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE THE EXECUTION OF THREE AGREEMENTS GRANTING RECIPROCAL ROAD USE EASEMENTS WITH THE SOUTHERN PACIFIC LAND COMPANY TO PROVIDE ACCESS TO AND ACROSS LANDS OWNED BY THE RESPECTIVE PARTIES IN TRINITY AND SHASTA COUNTIES ON THE LANDS DESCRIBED ON EXHIBITS A-1, A-2 AND A-3 (SCHOOL LANDS) AND B-1, B-2 AND B-3 (S.P. LANDS) ATTACHED AND BY REFERENCE MADE A PART HEREOF AND TO TERMINATE LEASE P.R.C. 5180.2, A ROAD RIGHT-OF-WAY, UPON THE DATE OF THIS AUTHORIZATION.

W 21661

EXHIBIT "A-1"

State school lands of the State of California under the jurisdiction  
of the State Lands Commission.

Township 31 North, Range 10 West, Mount Diablo Base and Meridian,  
Trinity County

Section 14; E $\frac{1}{2}$  of the NW $\frac{1}{4}$

Said easement herein granted shall be thirty (30) feet in width,  
being fifteen (15) feet on either side of the centerline of the  
existing road, or more as road maintenance may require and as  
necessary to accommodate cut and fill slopes and drainage structures.

APPROVED MAY 14, 1980 BY TECHNICAL SERVICES UNIT, ROY MIINICK, SUPERVISOR.

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EXHIBIT "A-2"

State school land of the State of California under the jurisdiction  
of the State Lands Commission.

Township 35 North, Range 5 West, Mount Diablo Base and Meridian,  
Shasta County

Section 16; A11

Said easement herein granted shall be thirty (30) feet in width,  
being fifteen (15) feet on either side of the centerline of the  
existing road, or more as road maintenance may require and as  
necessary to accommodate cut and fill slopes and drainage structures.

APPROVED MAY 14, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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EXHIBIT "A-3"

State school land of the State of California under the jurisdiction of the State Lands Commission.

Township 37 North, Range 5 West, Mount Diablo Base and Meridian, Shasta County

Section 36; S $\frac{1}{2}$  of the SE $\frac{1}{4}$

Said easements herein granted shall be thirty (30) feet in width, being fifteen (15) feet on either side of the centerline of the existing road, or more as road maintenance may require and as necessary to accommodate cut and fill slopes and drainage structures.

APPROVED MAY 14, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

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EXHIBIT "B-1"

Property of the Southern Pacific Land Company

Township 31 North, Range 9 West, Mount Diablo Base and  
Meridian, Trinity County

Section 7; All

Township 31 North, Range 10 West, Mount Diablo Base and  
Meridian, Trinity County

Section 11; All

Said easements herein granted shall be thirty (30) feet  
in width, being fifteen (15) feet on either side of the  
center line of the existing roads, or more as road maintenance  
may require and as necessary to accommodate cut and fill  
slopes and drainage structures.

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EXHIBIT "B-2"

Property of the Southern Pacific Land Company

Township 35 North, Range 5 West, Mount Diablo Base and  
Meridian, Shasta County

Section 9; All  
Section 15; All  
Section 17; All

Said easements herein granted shall be thirty (30) feet  
in width, being fifteen (15) feet on either side of the  
centerline of the existing roads, or more as road maintenance  
may require and as necessary to accommodate cut and fill  
slopes and drainage structures.

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EXHIBIT "B-3"

Property of the Southern Pacific Land Company

Township 37 North, Range 4 West, Mount Diablo Base and Meridian, Shasta County

Section 29; All excepting an 18.8 acre parcel of United States of America ownership in the  $W\frac{1}{2}$  of the  $NW\frac{1}{4}$  of the  $NW\frac{1}{4}$

Section 31; All

Said easements herein granted shall be thirty (30) feet in width being fifteen (15) feet on either side of the centerline of the existing roads, or more as road maintenance may require and as necessary to accommodate cut and fill slopes and drainage structures.

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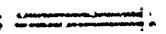


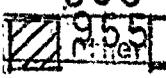
W 21661

EXHIBIT "C-1"

Reciprocal Road Use  
Easement Map

Township 31 North  
Range 9 & 10 West  
Mt. Diablo Meridian  
County of Trinity  
Scale: 2" = 1 Mile

Existing Roads   
Easements Granted For:  
Existing Roads   
Ownership: 

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State	955
MINUTEMASTER Co.	

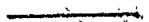
T 36 N  
T 35 N

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EXHIBIT "C-2"

Reciprocal Road Use  
Easement Map

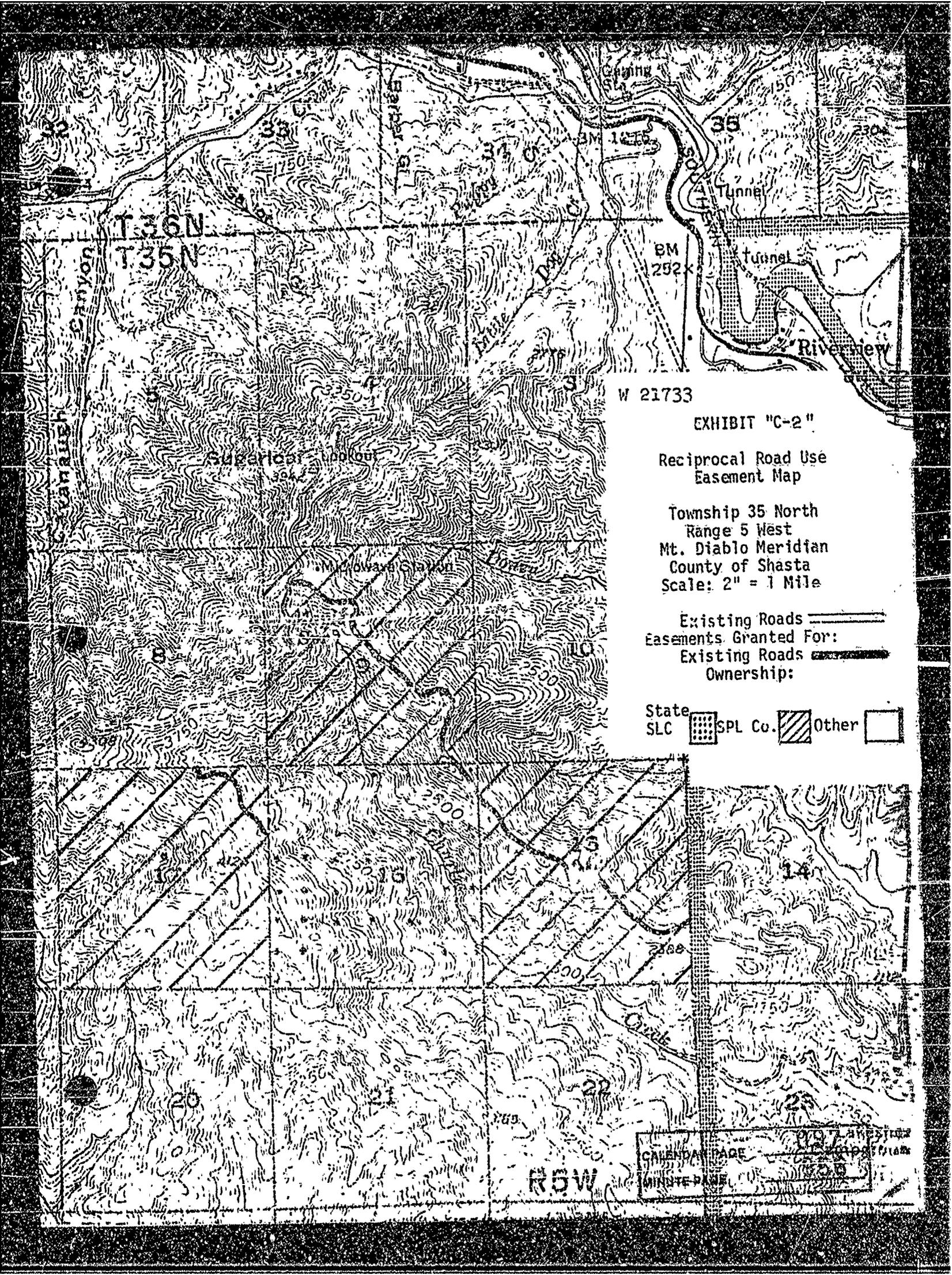
Township 35 North  
Range 5 West  
Mt. Diablo Meridian  
County of Shasta  
Scale: 2" = 1 Mile

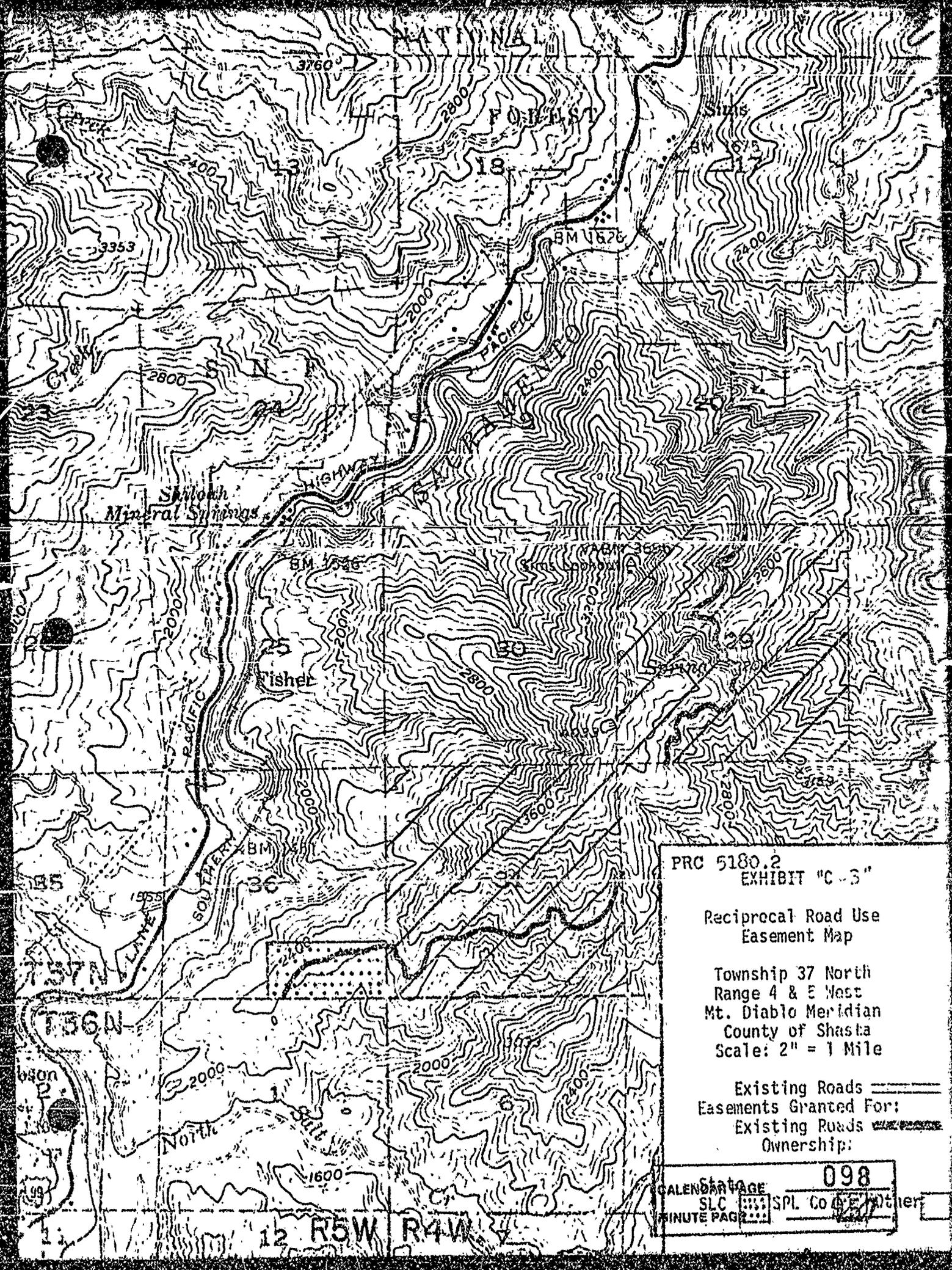
Existing Roads   
Easements Granted For:  
Existing Roads   
Ownership:

State  SLC  
SPL Co.  Other 

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R 5 W

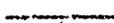




PRC 5180.2  
EXHIBIT "C-3"

Reciprocal Road Use  
Easement Map

Township 37 North  
Range 4 & 5 West  
Mt. Diablo Meridian  
County of Shasta  
Scale: 2" = 1 Mile

Existing Roads   
Easements Granted For:  
Existing Roads   
Ownership: 

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