MINUTE ITEM
This Calendar Item No. C7
was approved as Minute Item
No. 7 by the State Lands
Commission by a vote of 3
to 0 at its 4-7-81
meeting.

CALENDAR ITEM

C07

3/81
WP 3268
Maricle
PRC 3268

REPLACEMENT, GENERAL LEASE
RIGHT-OF-WAY USE

APPLICANT: Pacific Gas and Electric Company
5555 Florin-Perkins Road
Sacramento, California 95826
Attn: Mr. Scott A. Brown

AREA, TYPE LAND AND LOCATION:
18,000 square feet (0.413 acre), tide and submerged land, Pacheco Creek, Contra Costa County.

LAND USE: 110KV Overhead Transmission Line.

TERMS OF ORIGINAL LEASE:
Initial period: 15 years from March 23, 1965.

Renewal options: Three successive periods of ten years each.

Consideration: $17.77 per annum.

TERMS OF PROPOSED REPLACEMENT LEASE:
Initial period: 30 years from March 23, 1980.

Public liability insurance: $2,000,000, combined single limit coverage.

CONSIDERATION: $600 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
2 Cal. Adm. Code 2005 (8% of appraised value).

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is permittee of upland.

Filing fee has been received.

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STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

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.

2. This project is situated on land identified as possessing environmental values in that the State Lands Commission stated all waterways under the Commission's jurisdiction have environmental significance. Staff finds this project to be compatible with Commission policy.

3. This transaction provides for the termination of the original agreement which ran for a 15-year term from March 23, 1965 through March 22, 1980, with the right of renewal for three consecutive periods of ten years each upon such reasonable terms and conditions as the State might impose. The replacement lease provides for a straight 30-year period commencing March 23, 1980 thru March 22, 2010.

4. The proposed lease reflects the Commission's current leasing policies, and contains a clause which terminates the existing agreement.

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. 21084, 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. APPROVE THE TERMINATION OF LEASE PRC 3268.1 SIGNED MAY 10, 1965, SUCH TERMINATION TO BE EFFECTIVE MARCH 23, 1980.

4. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A REPLACEMENT GENERAL LEASE - RIGHT-OF-WAY USE NO. PRC 3268.1, FOR A 30-YEAR PERIOD FROM MARCH 23, 1980; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $600, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $2,000,000; FOR AN OVERHEAD ELECTRICAL TRANSMISSION LINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION WP 3268

A parcel of tide and submerged land in Pacheco Creek, Contra Costa County, California, approximately one-half mile southeast of Avon, lying 50 feet on each side of the following described centerline:

BEGINNING at a point on the ordinary high water mark on the northerly bank of Pacheco Creek which bears N 29°37'30"E 252.74 feet and S 5°22'30"W, 70 feet, more or less, from a 1-1/4" copper weld pin, U.S.C. of E. Sta. 639+65.33, having California Zone III coordinates of X = 1,547,288.97 and Y = 560,153.02; thence S 5°22'30"W 180 feet, more or less, to a point on the ordinary high water mark on the southerly bank of Pacheco Creek and the end of the herein described centerline.

END OF DESCRIPTION

REVIEWED JUNE 24, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

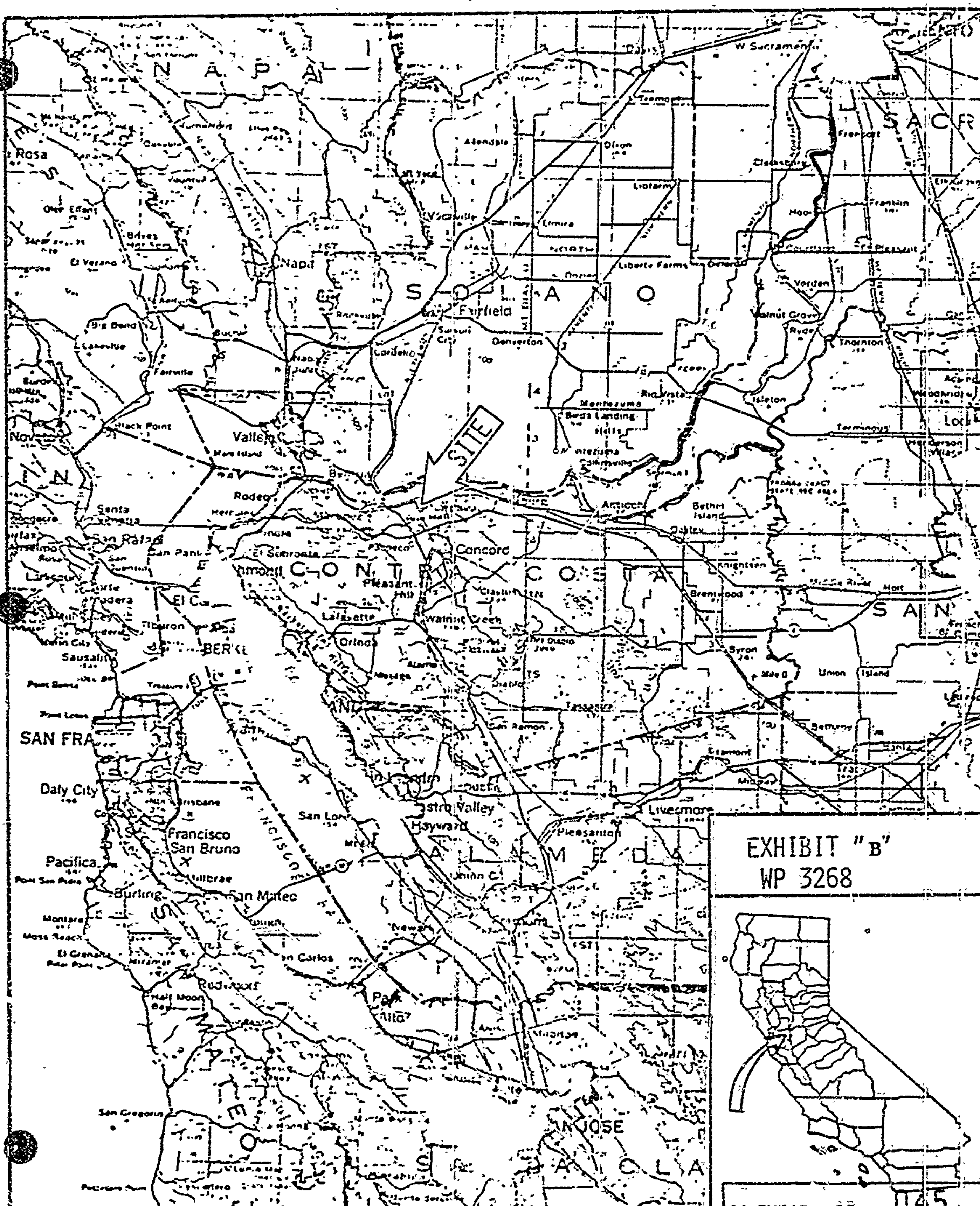

EXHIBIT "B"
WP 3268

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