

MINUTE ITEM

Time Calendar No. 09
to 0 3/24/83
meeting.

CALENDAR ITEM

LC09

3/24/83
WP 4799
Louie
Lipphardt

AMENDMENT TO
GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT: San Diego Gas and Electric Company
P. O. Box 1831
San Diego, California 92112

AREA, TYPE LAND AND LOCATION: Two parcels of submerged land in San Diego Bay, San Diego County.

LAND USE: Maintenance of an eight-inch natural gas line, one ten-inch and three three-inch electrical cables.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from April 13, 1972.

Renewal options: Three successive periods of ten years each.

Public liability insurance: \$600,000 per occurrence for bodily injury and \$1,000,000 for property damage.

Consideration: \$829.26 per annum; five-year rent review.

TERMS OF PROPOSED AMENDED LEASE:

Initial period: 15 years from April 13, 1972.

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Public liability insurance: \$600,000 per occurrence for bodily injury and \$1,000,000 for property damage.

CONSIDERATION: This amendment changes the annual rental as occasioned by the occurrence of a five-year rent review of the lease. In addition to changing the rental amount, a special provision is being added which details the impounding of volumetric rentals in excess of the minimum annual rental. The new annual rental is as follows:

\$0.00255 per thousand cubic feet of gas passing over the State's land. The minimum annual rental is \$1105.11, with the State reserving the right to fix a different rental on each fifth anniversary of the lease. The effective date of this change is April 13, 1982.

BASIS FOR CONSIDERATION:

Volumetric rental pursuant to 2 Cal. Adm. Code 2003.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is lessee or permittee of upland.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. This project is exempt from CEQA because it is not a project within the meaning of CEQA and the State CEQA Guidelines, P.R.C. 21065, 14 Cal. Adm. Code 15037 and 15060.
2. The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category "C"

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which authorizes Multiple Use. The activity as proposed will not have a significant effect upon the identified environmental values.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21065, 14 CAL. ADM. CODE 15037 AND 15060; AND FIND THAT THE PROJECT IS CONSISTENT WITH ITS USE CLASSIFICATION.
2. AUTHORIZE ISSUANCE TO SAN DIEGO GAS AND ELECTRIC COMPANY OF AN AMENDMENT TO LEASE PRC 4799.1 WHICH:
 - (a) CHANGES THE ANNUAL RENTAL TO THE VOLUMETRIC RENTAL ALTERNATIVE AS FOLLOWS:
 1. THE ANNUAL RENTAL SHALL BE COMPUTED BY MULTIPLYING EACH THOUSAND CUBIC FEET OF GAS PASSING OVER THE STATE'S LAND BY \$0.00255.
 2. THE MINIMUM ANNUAL RENTAL SHALL BE \$1,105.11 AND SHALL BE APPLIED AGAINST THE ANNUAL RENTAL COMPUTED ABOVE.
 - (b) PROVIDES FOR PAYMENT OF RENTALS IN EXCESS OF THE MINIMUM ANNUAL RENTAL INTO A SPECIAL DEPOSIT ACCOUNT IN THE STATE TREASURY PENDING A FINAL DISPOSITION OF CURRENT LITIGATION CONCERNING THE VALIDITY OF THE COMMISSION'S RENTAL REGULATIONS; SAID IMPOUNDED RENTALS TO BE REFUNDED AND A NEW REASONABLE RENTAL DETERMINED BY THE COMMISSION SHOULD THE COMMISSION'S VOLUMETRIC RENTAL REGULATIONS BE INVALIDATED.
 - (c) CONTINUES THE OPERATION OF AN EIGHT-INCH NATURAL GAS LINE, ONE TEN-INCH AND THREE THREE-INCH ELECTRIC CABLES TOGETHER WITH NECESSARY APPURTENANCES ON THE LAND DESCRIBED ON EXHIBIT "B" OF LEASE PRC 4799.1, AND BY REFERENCE MADE A PART HEREOF; PROVIDED THAT ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 4799.1 SHALL REMAIN IN FULL FORCE AND EFFECT. THE EFFECTIVE DATE OF THIS AMENDMENT IS APRIL 13, 1983.

EXHIBIT "A"

LAND DESCRIPTION

WP 4799

Two parcels of submerged land lying in the bed of San Diego Bay, San Diego County, California, being more particularly described as follows:

PARCEL 1

A strip of submerged land 25 feet wide lying 12.5 feet on each side of the following described centerline:

COMMENCING at Station 475 on the U. S. Pierhead Line as shown on a map entitled "Harbor Lines, San Diego Bay, California", approved by the Secretary of the Army, September 8, 1959, which map bears File No. (D.O. Series) 426 in the Office of The District Engineer, U. S. Corps of Engineers, Los Angeles, California; thence along the Pierhead Line between Stations 475 and 477 as shown on said map S 50° 50' 00" E 2443.67 feet to the TRUE POINT OF BEGINNING; thence southerly to a point on the Pierhead Line between Stations 535 and 533, as shown on said map, and being 2026.30 feet southeasterly of said Station 535.

PARCEL 2

A strip of submerged land 100 feet wide lying 50 feet on each side of the following described centerline:

COMMENCING at the above described Station 475; thence along said Pierhead Line between Stations 475 and 477 S 50° 50' 00" E 1122.00 feet to the TRUE POINT OF BEGINNING; thence southerly to a point on the Pierhead Line between Stations 535 and 533, as shown on said map, and being 245.00 feet southeasterly of said Station 535.

Bearings in this description are based on the above mentioned U. S. Corp of Engineer Map.

END OF DESCRIPTION

Prepared Carla Najera Checked _____
Reviewed _____ Date SEP 11 1959

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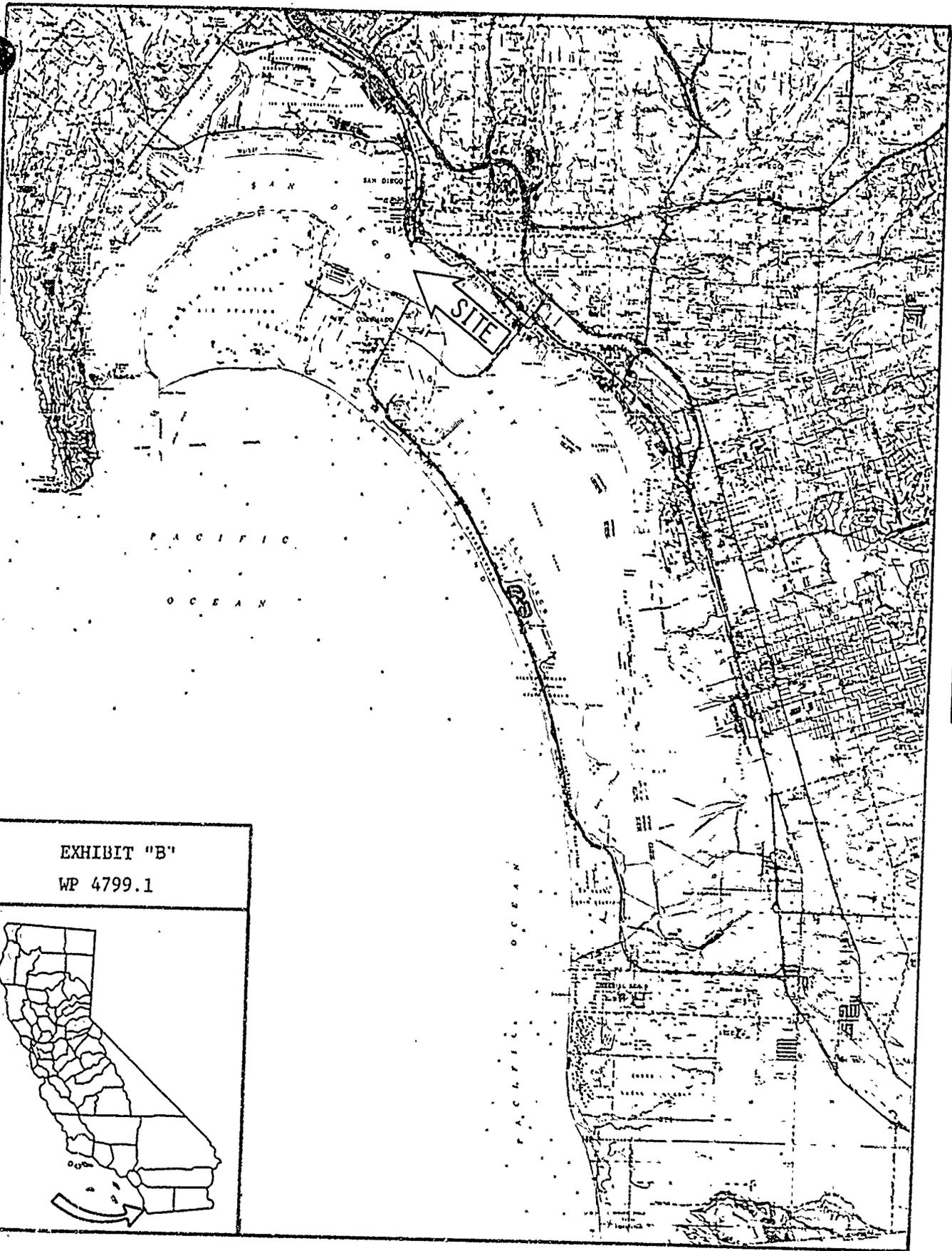


EXHIBIT "B"

WP 4799.1



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