

MINUTE ITEM

This Calendar Item No. 410
was approved by the Board
No. 70 of the Board
Committee on 3 of
to 0 on 3/24/83
meeting.

CALENDAR ITEM

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3/24/83
PRC 5392
Louie
Lipphardt

AMENDMENT TO
GENERAL LEASE - RIGHT-OF-WAY USE
PRC 5392.1

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

AREA, TYPE LAND AND LOCATION:
A 0.5-acre strip of submerged land in San
Diego Bay, San Diego County.

LAND USE: Maintenance of a six-inch natural gas line.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from October 1,
1977.

Renewal options: Three successive periods
of ten years each.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

Consideration: \$197.64 per annum; five-year
rent review.

TERMS OF PROPOSED AMENDED LEASE:

Initial period: 15 years from October 1,
1977.

Renewal options: Three successive periods
of ten years each.

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Public liability insurance: Combined single
limit coverage of \$1,000,000.

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:
\$0.0063 per each thousand
cubic feet of gas passing
over the State's land.
The minimum annual rental
is \$285.47. The State
reserves the right to
fix a different rental
on each fifth anniversary
of the lease. The effective
date of this change is
October 1, 1982.

BASIS FOR CONSIDERATION:

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

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is 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 activity 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.

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2. The activity is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in use category "C" 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 ACTIVITY IS CONSISTENT WITH ITS USE CLASSIFICATION.
2. AUTHORIZE ISSUANCE TO SAN DIEGO GAS AND ELECTRIC COMPANY OF AN AMENDMENT TO LEASE PRC 5392.1 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 \$0.0063.
 2. THE MINIMUM ANNUAL RENTAL SHALL BE \$285.47 AND SHALL BE APPLIED AGAINST THE ANNUAL RENTAL AS SPECIFIED 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 A SIX-INCH NATURAL GAS LINE TOGETHER WITH NECESSARY APPURTENANCES ON THE LAND DESCRIBED ON EXHIBIT "A" OF LEASE PRC 5392.1 AND BY REFERENCE MADE A PART HEREOF; PROVIDED THAT ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 5392.1 SHALL REMAIN IN FULL FORCE AND EFFECT. THE EFFECTIVE DATE OF THIS AMENDMENT IS OCTOBER 1, 1982.

EXHIBIT "A"

PRC 5392

A strip of submerged land 10 feet wide in the San Diego Bay, San Diego County, California, said strip lying 5 feet on each side of the following described centerline:

BEGINNING at a point on the U.S. Pierhead line of San Diego Bay from which U.S. Pierhead line Station 475 bears N 50°19'11"W, 1655.30 feet; thence S 18°31'41"W, 2195.92 feet to a point on said Pierhead line, from which Pierhead line station 535 bears N 58°24'02"W, 645.49 feet, and termination of said strip.

END OF DESCRIPTION

Prepared Frank T. Canby Checked J. G. Kannecke
Reviewed John E. J. [Signature] Date 8-31-77

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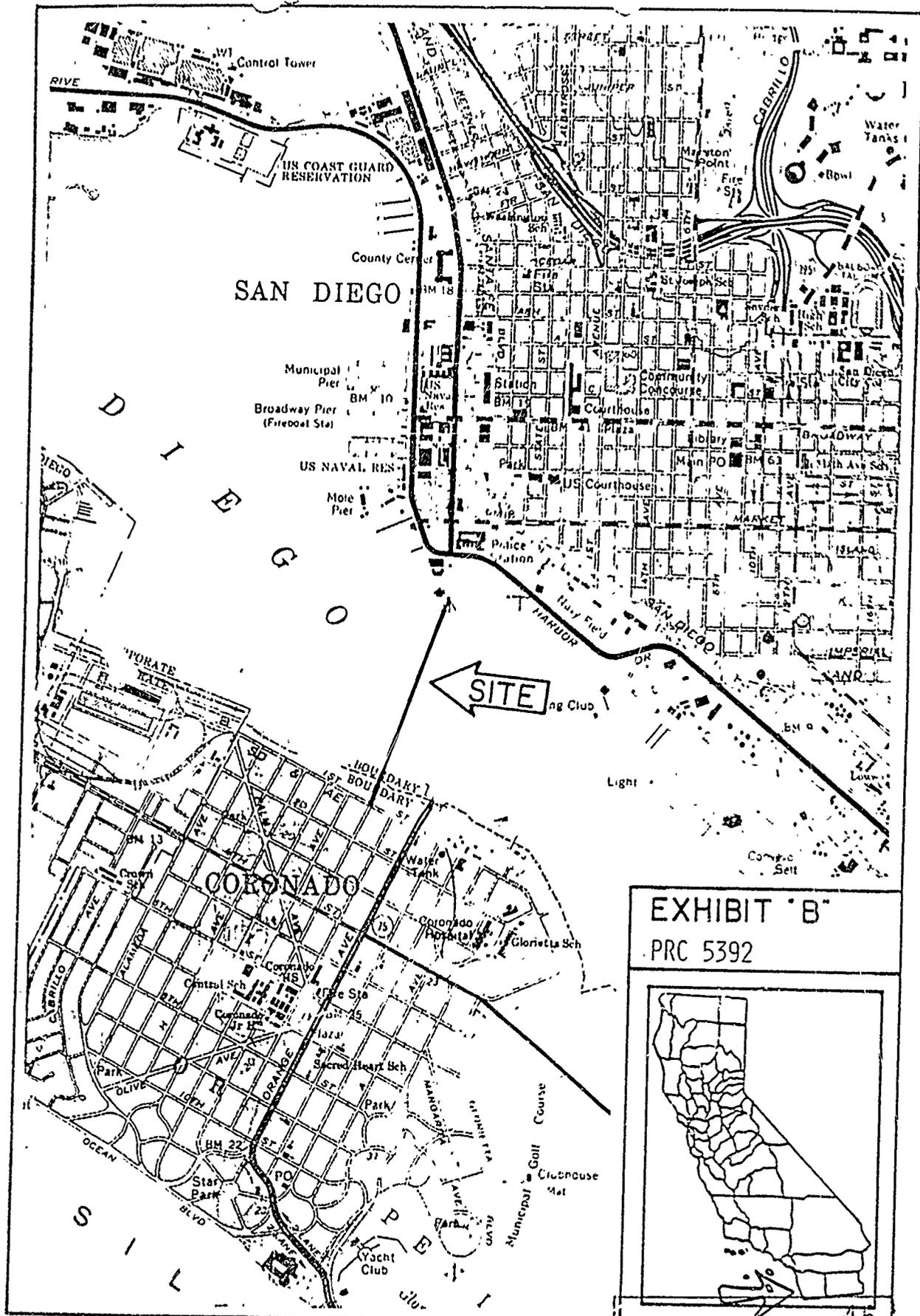


EXHIBIT 'B'

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