MINUTE ITEM
This Calendar Item No. C21 was approved as Minute Item No. 21 by the California State Lands Commission by a vote of 3 to 0 at its 12-16-98 meeting.

CALENDAR ITEM
C21

A 34

S 17

12/16/98
PRC 8047 W 25448
B. Dugal

GENERAL LEASE - RIGHT OF WAY USE

LESSEE:
IXC Carrier, Inc.
1122 Capital of Texas Hwy. S.
Austin, Texas 78746-6426

AREA, LAND TYPE, AND LOCATION:
3.15 acres, more less, of school land located near the towns of Homer, Goffs, and Essex in San Bernardino County.

AUTHORIZED USE:
Installation, operation and maintenance of a one-inch diameter fiber optic cable encased in a high density polyethylene (HDPE) conduit.

LEASE TERM:
25 years, beginning, August 1, 1998.

CONSIDERATION:
$651 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:
Insurance: $1,000,000 combined single limit coverage.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the lands adjoining the lease premises.

2. IXC Carrier, Inc., has filed an application to install a one-inch diameter fiber optic cable, encased within a two-inch diameter HDPE conduit, on lands under the jurisdiction of the California State Lands Commission. The project proposed by the Applicant is needed to improve IXC's existing communication and information carrying capacity throughout their communication system.

3. The proposed fiber optic project will extend approximately 369 miles from Henderson, Nevada to Los Angeles, California and involves the installation of fiber optic cable, encased in HDPE conduit, at depths up to 42 inches in previously disturbed rights-of-ways. When completed, the project will become part of IXC's nationwide communication network.

4. A Finding of No Significant Impact (FONSI) was prepared and adopted for this project by the United States Bureau of Land Management. The document was circulated for public review as broadly as state and local law may require and notice was given meeting the standards in Title 14, California Code of Regulations, section 15072(a). Therefore, pursuant to Title 14, California Code of Regulations, sections 15221 and 15225, the staff recommends the use of the federal FONSI in place of a Negative Declaration.

APPROVALS OBTAINED:

United States Bureau of Land Management
California Department of Transportation
California Department of Water Resources
San Bernardino County
Los Angeles County Department of Public Works

EXHIBITS:

A. Location Map
B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

February 12, 1999.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE FINDING OF NO SIGNIFICANT IMPACT, PREPARED AND ADOPTED FOR THIS PROJECT BY THE UNITED STATES BUREAU OF LAND MANAGEMENT, MEETS THE REQUIREMENTS OF THE CEQA. THEREFORE, PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15221 AND 15225, ADOPT SUCH FEDERAL DOCUMENT FOR USE IN PLACE OF A NEGATIVE DECLARATION.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO IXC CARRIER, INC., OF A GENERAL LEASE - RIGHT OF WAY USE, BEGINNING AUGUST 1, 1998, FOR A TERM OF 25 YEARS, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A FIBER OPTIC CABLE ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF $651, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN $1,000,000.

This Exhibit is solely for purposes of generally defining the lease premises and is not intended to be, nor shall it be construed as a waiver or limitation of any State interest in the subject or any other property.

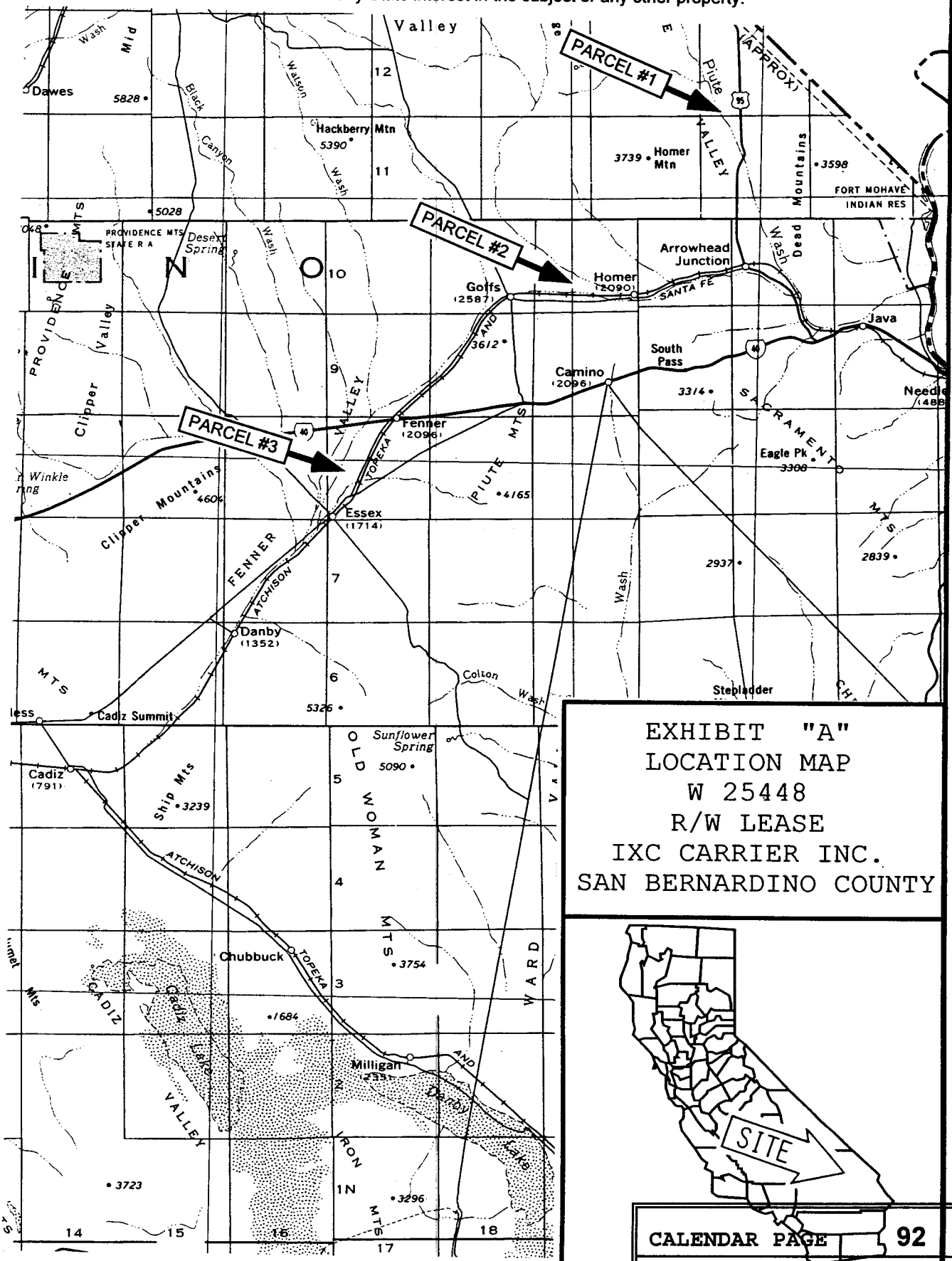

EXHIBIT "A"
LOCATION MAP
W 25448
R/W LEASE
IXC CARRIER INC.
SAN BERNARDINO COUNTY

CALENDAR PAGE	92
MINUTE PAGE	604163

CNP 98

EXHIBIT "B"
LAND DESCRIPTION
RIGHT OF WAY LEASE

W 25448

Those state-owned school lands for use as an easement for underground utility lines, situated in San Bernardino County, State of California and more particularly described as follows:

PARCEL #1

A strip of land, 10 feet wide, across school land in Tract 39 of Sections 29 and 32, T12N, R20E, SBM, as shown on the Official Plat thereof, dated September 29, 1924 and lying 5 feet on each side of the following described centerline:

COMMENCING at the northeast corner of said Tract 39; thence along the north line of said Tract 39, N 89° 53' 37" W, 1440.90 feet to a point 5 feet westerly of the present west edge of pavement of State Highway 95, said point also being the POINT OF BEGINNING of the herein described strip; thence parallel with and adjacent to said present west edge of pavement of State Highway 95, S 00°58' 19" W, 5280.09 feet to the intersection with the south line of Tract 39 and the end of the herein described centerline. The southeast corner of said Tract 39 bears S 89° 51' 27" E, 1340.59 feet.

The sidelines of said strip are to be prolonged or shortened so as to terminate on the north and south lines of Tract 39.

PARCEL #2

A strip of land, 10 feet wide, across school land in Section 36, T10N, R19E, SBM, as shown on the Official Plat thereof, dated March 17, 1913 and lying 5 feet on each side of the following described centerline:

COMMENCING at the northeast corner of said Section 36; thence along the north line of said section 36, N 89° 59' 29" W, 1319.93 feet to the east line of the west one-half of the east one-half of section 36; thence along said east line, S 00°00'03" W, 357.13 feet to a point 5 feet northerly of the present north edge of pavement of Goffs Road, said point also being the POINT OF BEGINNING of the herein described centerline; thence parallel with and adjacent to said present north edge of pavement of Goffs Road, S 87°14' 22" W, 1895.48 feet to an angle point; thence S 87°16' 49" W, 747.75 feet to a point on the west line of the east one-half of the west one-half of section 36 and the end of the herein described centerline. The northwest corner of said east one-half of the west one half of section 36 bears N 00° 00' 05" E, 484.30 feet.

The sidelines of said strip are to be prolonged or shortened so as to terminate on the east line of the west one-half of the east one-half of section 36 and to terminate on the west line of the east one-half of the west one-half of section 36.

PARCEL #3

A strip of land, 10 feet wide, across school land in Section 16, T8N, R17E, SBM, as shown on the Official Plat thereof, dated October 6, 1856 and lying 5 feet on each side of the following described centerline:

COMMENCING at the intersection of the centerline of Goffs Road and the centerline of U. S. Interstate 40; thence southerly along the approximate centerline of Goffs Road S 09° 50' 28" W, 2704.49 feet; thence leaving said approximate centerline S 36° 04' 32" W, 1536.78 feet to a point 5 feet westerly of the present west edge of pavement of Goffs Road; thence parallel with and adjacent to said present west edge of pavement of Goffs Road S 28° 51' 24" W, 1499.87 feet; thence continuing parallel with and adjacent to said present west edge of pavement of Goffs Road S 25° 29' 00" W, 3680.84 feet, plus or minus, to a point on the north line of Section 16 and the POINT OF BEGINNING of the herein described centerline, the north one-quarter corner of said Section 16 bears S 90° W, 940.2 feet, plus or minus; thence from said point of beginning and parallel with and adjacent to said present west edge of pavement of Goffs Road, S 25° 27' 36' W, 1571.38 feet; thence S 25° 51' 10" W, 1140.17 feet; thence S 25°49' 18" W, 2630.85 feet to the point of curvature of a circular curve, concave to the southeast, having a central angle of 03° 40' 47" and a radius of 7344.10 feet; thence southwesterly thru said arc, 471.68 feet to a tangent line; thence along said tangent line S 22° 08' 31" W, 38.99 feet to the south line of Section 16 and the end of the herein described centerline. The southwest corner of said Section 16 bears S 90° W, 1035.42 feet, plus or minus.

The sidelines of said strip are to be prolonged or shortened so as to terminate on the north and south lines of Section 16.

END DESCRIPTION