MINUTE ITEM
This Calendar Item No. C05 was approved as Minute Item No. 05 by the California State Lands Commission by a vote of 3 to 0 at its 9-3-99 meeting.

CALENDAR ITEM
C05

A 35

S 18

PRC 8101

09/03/99
W 25551
B. Dugal

GENERAL LEASE - RIGHT OF WAY USE

APPLICANT:
Cox PCS Assets, L.L.C.
4683 Chabot Drive, Suite 100
Pleasanton, California 94588

AREA, LAND TYPE, AND LOCATION:
0.93 acres, more or less, of sovereign lands located adjacent to and on Rincon Island, near the community of Mussel Shoals, Ventura County.

AUTHORIZED USE:
Construction and operation of a wireless telecommunication site.

LEASE TERM:
20 years, beginning December 1, 1999.

CONSIDERATION:
$6,000 per annum, with the State reserving the right to fix a different rent periodically as provided in the lease.

SPECIFIC LEASE PROVISIONS:
Insurance:
Combined single limit coverage not less than $1,000,000.

OTHER PERTINENT INFORMATION:

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

2. The Applicant is one of several telecommunication companies recently issued a license by the Federal Communications Commission (FCC) to develop and operate a new network of wireless telecommunications known as Personal Communication Services (PCS). The Applicant's proposed project is in a joint venture with Sprint and the site will be operated under the name "Sprint PCS".

3. To provide coverage along the northern Ventura County coastline, the Applicant proposes to install the wireless telecommunication site on Rincon Island, which is man-made. This location was selected to provide

cellular service to motorists and residents between Rincon Point and Faria Beach.

4. Rincon Island Limited Partnership is the State's lessee under oil and gas Lease No. PRC 1466 which authorizes oil and gas drilling and production on Rincon Island. The Applicant has entered into an agreement with Rincon Island Limited Partnership providing for the installation and operation of the telecommunication site. Pursuant to the proposed lease terms, the Applicant will be required to maintain the written consent from Rincon Island Limited Partnership throughout the lease term. Additionally, the lease terms also state that in the event that State oil and gas Lease No. PRC 1466 is terminated, then the lease for the telecommunication site shall also terminate.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

California Coastal Commission
California State Lands Commission

EXHIBITS:

A. Location Map
B. Lease Description

PERMIT STREAMLINING ACT DEADLINE:
September 7, 1999.

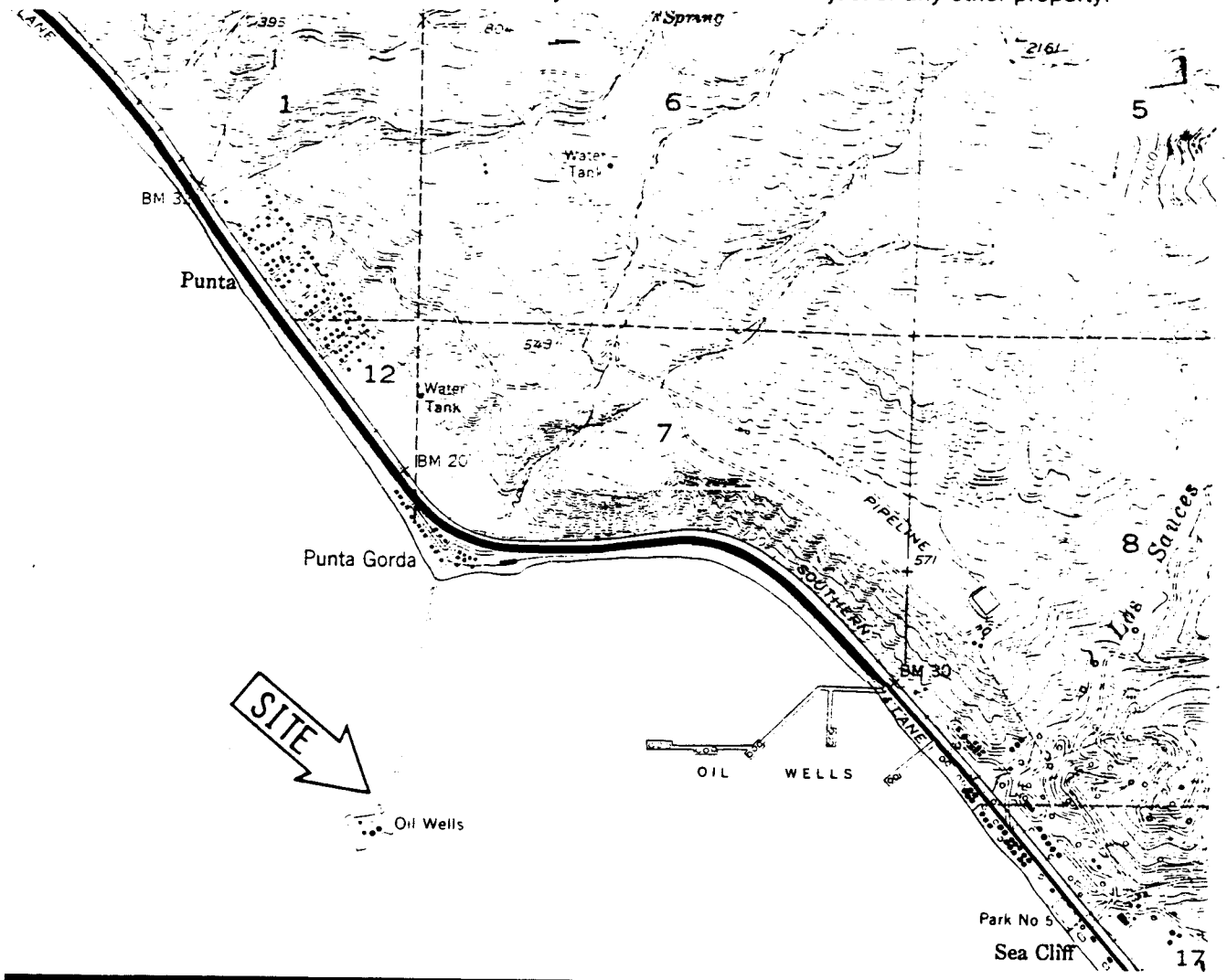
RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303.

SIGNIFICANT LANDS INVENTORY FINDING:
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:
AUTHORIZE ISSUANCE TO COX PCS ASSETS, L.L.C., OF A GENERAL LEASE - RIGHT OF WAY USE, FOR CONSTRUCTION AND OPERATION OF A WIRELESS TELECOMMUNICATION SITE ALONG WITH THE RIGHT OF INGRESS AND EGRESS AND THE INSTALLATION OF NECESSARY APPURTENANT UTILITIES TO THE TELECOMMUNICATION SITE ACROSS THE CAUSEWAY TO RINCON ISLAND, ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS; 1) THE LEASE TERM SHALL COMMENCE ON DECEMBER 1, 1999, AND CONTINUE FOR A PERIOD OF 20 YEARS, SUBJECT TO EARLIER TERMINATION IN THE EVENT OF TERMINATION OF STATE OIL AND GAS LEASE NO. PRC 1466; 2) ANNUAL RENT IN THE AMOUNT OF $6,000 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM AS PROVIDED IN THE LEASE; 3) LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE NOT LESS THAN $1,000,000; AND 4) OTHER TERMS AND CONDITIONS AS CONVENTIONALLY INCORPORATED INTO THE RIGHT OF WAY LEASE IN ACCORDANCE WITH THE COMMISSION'S LEASING STANDARDS AND PRACTICES.

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.



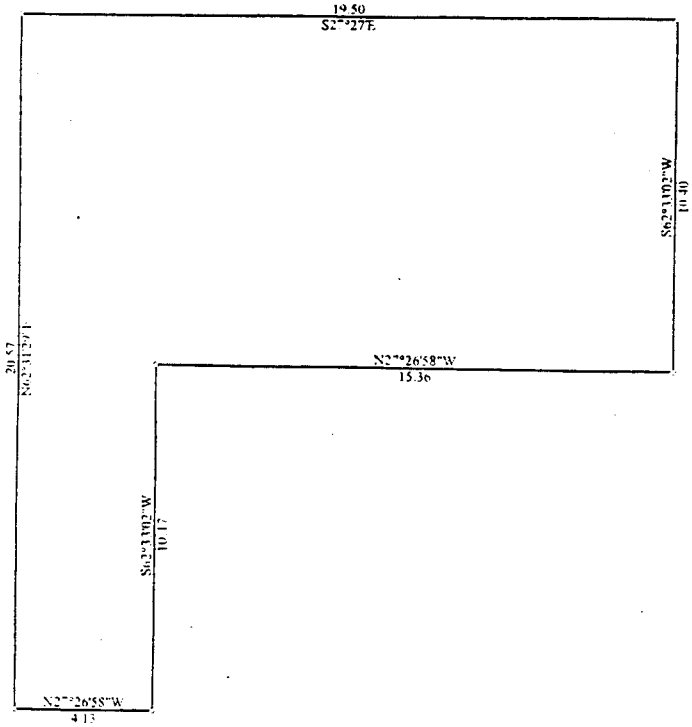
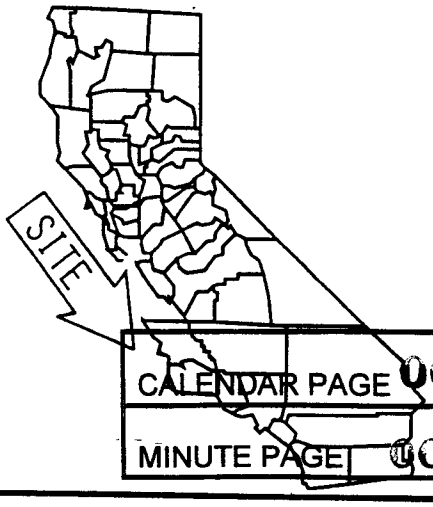


EXHIBIT "A"

SITE MAP W 25551
RINCON ISLAND
VENTURA CO., CALIF.



CALENDAR PAGE 000023
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CNP 99

EXHIBIT "B"
LAND DESCRIPTION

W 25551

Two parcels of tide and submerged land in the Pacific Ocean, located in Ventura County, State of California and more particularly described as follows:

PARCEL 1

A strip of land 90 feet wide, lying between the ordinary high water mark of the Pacific Ocean and the north line of State Oil and Gas Lease P.R.C. 1466.1, lying 45 feet on each side of the following described centerline:

BEGINNING at a point which is located 127.73 feet west (astronomically) from the Division of State Lands Survey Station "Gorda 2" relocated; thence from said point S11°15'34"W to the said north line of State Oil and Gas Lease P.R.C. 1466.1 and the end of the herein described strip of land.

PARCEL 2

COMMENCING at a California Department of Transportation (Caltrans) standard brass cap monument stamped "VEN 5655" located at the southwesterly return of the Mussel Shoals exit of the south bound 101 Freeway, per Caltrans Book SR 74-003, Page 4; thence S 13°17'30" W, 73.51 feet to the P. I. of a curve on the centerline of Old Highway 101, 60 feet wide, with a radius of 250 feet and a delta of 39°22' as shown on the Map of Mussel Shoal Tract No. 1, recorded in Book 12 M. R. Page 29; thence N 64°33' W, 89.43 feet along the westerly tangent of said curve; thence N 64°33' W, 318.46 feet continuing along the centerline of the Old Highway 101 to a point; thence S 25°27' W, 30 feet to the intersection of the southerly right-of-way line of the Old Highway 101 and the easterly right-of-way of Ocean Avenue; thence continuing along the easterly line of Ocean Avenue S 25°27'W, 140 feet to the northerly line of Breakers Way; thence S 9°35'15" W, 3209.65 feet to the POINT OF BEGINNING; thence the following six (6) courses:

1. S 27°27'00" E 19.50 feet;
2. S 62°33'02" W 10.40 feet;
3. N 27°26'58" W 15.36 feet;
4. S 62°33'02" W 10.17 feet;
5. N 27°26'58" W 4.13 feet;
6. N 62°31'29" E 20.57 feet to the point of beginning and the end of the herein described parcel.

END DESCRIPTION