

MINUTE ITEM
This Calendar Item No. C13
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 3
to 0 at its 9-19-00
meeting.

CALENDAR ITEM
C13

A 37

S 80

09/19/00

W 25657

B. Dugal

**GENERAL LEASE - RIGHT OF WAY -
NON-EXCLUSIVE USE**

APPLICANT:

Verizon California, Inc.
11 South 4th Street, 2nd Floor
Redlands, California 92372

AREA, LAND TYPE, AND LOCATION:

One acre, more or less, of school land located near Lake Elsinore in Section 36,
Township 6 South, Range 5 West, SBM, located near Lake Elsinore, Riverside
County.

AUTHORIZED USE:

Use and maintenance of an existing four-inch conduit, use of one existing aerial
fiber optic cable and one buried copper cable, and the installation of one new
fiber optic cable within the existing four-inch conduit.

LEASE TERM:

20 years, beginning September 1, 1994

CONSIDERATION:

\$1,581 per year, commencing September 1, 2000; with the State reserving the
right to modify the method, amount, or rate of consideration effective on the
second anniversary of the beginning date of the lease. Irrespective of whether
the State exercises the right to modify the lease consideration on the second
anniversary, it may do so on the fifth anniversary, and subsequently thereafter as
provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single limit liability coverage of no less than \$1,000,000.

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OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the lands adjoining the lease premises.
2. The California State Lands Commission (CSLC) issued a lease to Southern California Edison Company (SCEC) for the use and maintenance of a 12 kV overhead transmission line which is located on a portion of the proposed lease premises. The lease to SCEC is identified as PRC 4465.2 and was issued for a period of 49 years and expires November 30, 2022.
3. The Applicant and SCEC have entered into a Joint Pole Agreement that authorized the Applicant to attach its fiber optic cable onto SCEC's facilities authorized by lease PRC 4465.2. The Applicant believed that since they entered into the Joint Pole Agreement with SCEC, that they were under no obligation to secure the approval from the CSLC prior to attaching the cable to SCEC's existing facilities in September 1994.
4. In addition to the lease issued by the CSLC to SCEC, the CSLC also issued two road easements to the United States Forest Service. The roads traverse portions of the proposed lease premises.
5. In addition to the existing aerial cable, the Applicant also placed a four-inch buried conduit and buried a copper cable adjacent to the conduit on State property without the prior approval of the CSLC. However, the Applicant entered into an agreement with the USFS for the placement of the conduit and fiber optic cable. It was not until late in 1999 that the USFS realized they did not have the right to enter into an agreement with the Applicant. As soon as the error was discovered, the Applicant contacted the CSLC and made an application to obtain a lease from the CSLC for the existing and future improvements located on State property.
6. The Lessee has agreed to pay for the use of the State's land for the existing improvements (aerial fiber optic cable and the conduit containing one fiber optic cable) for the period of September 1, 1994, through August 1, 2000. Staff believes the Applicant constructed the facilities in good faith believing they had obtained the appropriate rights from the third parties.
7. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the

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staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

EXHIBITS:

- A. Location Map
- B. Lease Description

PERMIT STREAMLINING ACT DEADLINE:

N/A

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 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b) (3).

AUTHORIZATION:

AUTHORIZE ISSUANCE TO VERIZON CALIFORNIA, INC., OF A GENERAL LEASE – RIGHT OF WAY NON-EXCLUSIVE USE, BEGINNING SEPTEMBER 1, 1994, FOR A TERM OF 20 YEARS, FOR THE USE AND MAINTENANCE OF AN EXISTING AERIAL FIBER OPTIC CABLE, ONE COPPER CABLE AND ONE EXISTING FOUR-INCH CONDUIT AND THE INSTALLATION OF ONE ADDITIONAL FIBER OPTIC CABLE WITHIN THE EXISTING CONDUIT ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$1,581, COMMENCING SEPTEMBER 1, 2000, WITH THE STATE RESERVING THE RIGHT TO MODIFY THE METHOD, AMOUNT, OR RATE OF CONSIDERATION EFFECTIVE ON THE SECOND ANNIVERSARY OF

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THE BEGINNING DATE OF THE LEASE, IRRESPECTIVE OF WHETHER THE STATE EXERCISES THE RIGHT TO MODIFY THE LEASE CONSIDERATION ON THE SECOND ANNIVERSARY, IT MAY DO SO ON THE FIFTH ANNIVERSARY, AND SUBSEQUENTLY THEREAFTER AS PROVIDED IN THE LEASE, COMBINED SINGLE LIMIT LIABILITY COVERAGE OF NO LESS THAN \$1,000,000, ACCEPT PAYMENT IN THE AMOUNT OF \$6,230 FOR RENT FOR THE EXISTING AERIAL FIBER OPTIC CABLE AND CONDUIT CONTAINING ONE FIBER OPTIC CABLE FOR THE PERIOD SEPTEMBER 1, 1994 THROUGH AUGUST 31, 2000.

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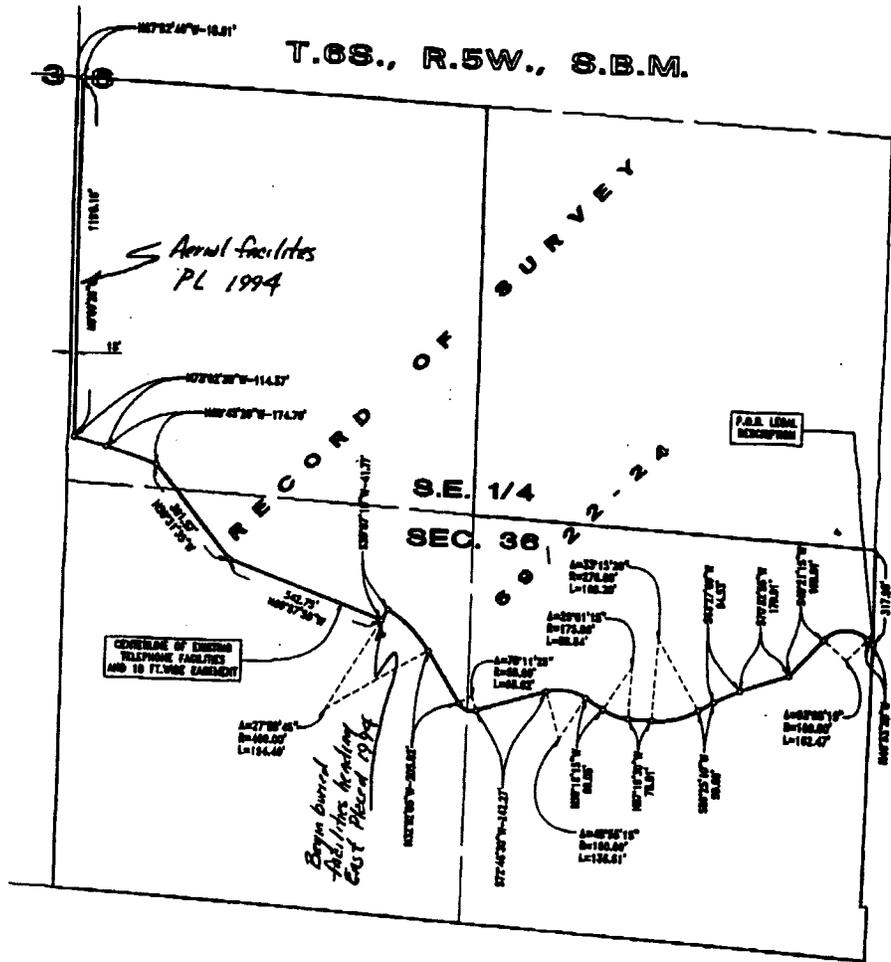
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NO SCALE

SITE MAP



W 1/2 & SE 1/4 of SE 1/4, Section 36, Township 6S, Range 5W, SBM

NO SCALE

LOCATION MAP

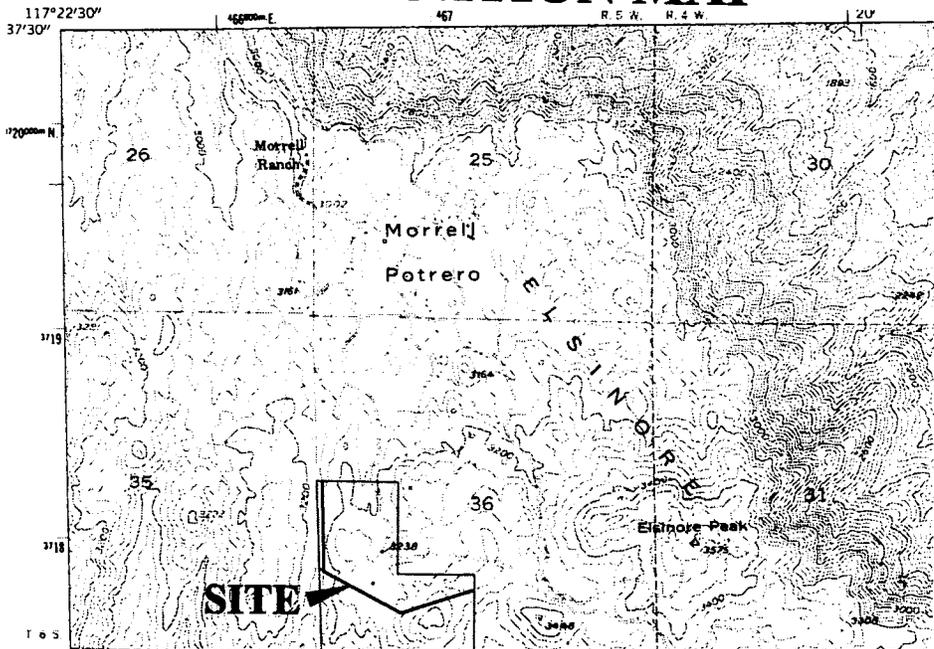
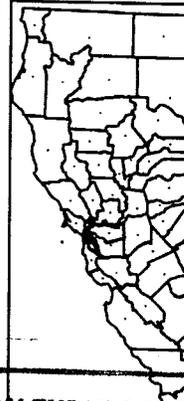


Exhibit A
 W25657
 PTN. S36, T6S, R5W SBM
 School Lands
 RIVERSIDE COUNTY



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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 of limitation of any state interest in the subject or any other property.

EXHIBIT B

A strip of land 10.00 feet in width located within the Southeast quarter of Section 36, Township 6 South, Range 5 West, San Bernardino Meridian, in the County of Riverside, State of California, said strip of land lying 5.00 feet on each side of the following described centerline:

Beginning at a point on the East line of said Southeast quarter that bears South 0°35'20" West 317.99 feet from the Northeast corner of the Southeast quarter of said Southeast quarter, thence Westerly and Northerly along the following courses:

North 46°33'30" West 21.32 feet; thence
along a tangent curve concave Southerly with a radius 100.00 feet and through
a central angle of 93°05'15", an arc distance of 162.47 feet; thence
South 40°21'15" West 168.81 feet; thence
South 70°32'55" West 170.91 feet; thence
South 63°27'00" West 94.53 feet; thence
South 59°25'10" West 58.08 feet; thence
along a tangent curve concave Northerly with a radius of 276.00 feet and
through a central angle of 33°15'20", an arc distance of 160.20 feet; thence
North 87°19'30" West 78.01 feet; thence
along a tangent curve concave Northerly with a radius of 175.00 and through
a central angle of 29°01'15", an arc distance of 88.64 feet; thence
North 58°18'15" West 69.05; thence
along a tangent curve concave Southerly with a radius of 160.00 feet and
through a central angle of 48°55'15", an arc distance of 136.61 feet; thence
South 72°46'30" West 242.27 feet; thence
along a tangent curve concave Northerly with a radius of 50.00 feet and
through a central angle of 75°11'25", an arc distance of 65.62 feet; thence
North 32°02'05" West 203.82 feet; thence
along a tangent curve concave Southwesterly with a radius of 400.00 feet and
through a central angle of 27°50'45", an arc distance of 194.40 feet; thence
South 30°07'10" West 41.77 feet; thence
North 69°57'50" West 542.75 feet; thence
North 39°31'35" West 391.57 feet; thence
North 68°43'20" West 174.76 feet; thence
North 73°02'30" West 114.37 feet to a line parallel with and distant 18.00 feet
Easterly, measured at right angles, from the West line of said Southeast
quarter; thence North 0°00'28" West along said parallel line, 1190.19 feet to the
North line of said Southeast quarter and the terminus of said centerline.



J. Ronald White
7-5-00

Verizon R/W #104-571-98

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