

MINUTE ITEM
This Calendar Item No. C48
was approved as Minute Item
No. 48 by the State Lands
Commission by a vote of 3
to 0 at its 9-19-00
meeting.

CALENDAR ITEM
C48

A 74
S 38

09/19/00
WP 8053.9
J. Smith

AMENDMENT OF LEASE

LESSEE:

Leucadia County Water District
1960 La Costa Avenue
Carlsbad, California 92009

AREA, LAND TYPE, AND LOCATION:

0.17 acres, more or less, of sovereign lands adjacent to Batiquitos Lagoon, near Carlsbad, San Diego County.

AUTHORIZED USE:

Paved area for truck turnaround and certain above ground and underground pump station improvements associated with the Saxony Pump Station Rehabilitation Project.

LEASE TERM:

25 years, beginning December 1, 1998.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

Amend the legal description and authorized land use to include additional area needed for a 12-foot wide, approximately 433-foot long access road. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

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

CALENDAR ITEM NO. C48 (CONT'D)

2. As a result of the widening of La Costa Avenue by the City of Carlsbad, it became necessary for Lessee to relocate an access road and pump station improvements associated with the Saxony Sewage Pump Station. The Commission authorized the issuance of a Public Agency Lease to the Lessee (Lease No. PRC 8053.9) at its meeting on December 16, 1998, for a paved truck turnaround and pump station improvements. The Lessee has now submitted an application requesting that this lease be amended to include an additional area needed for an access road. The 12-foot wide access road was included as part of the original project description for the Saxony Pump Station Rehabilitation Project, for which a Mitigated Negative Declaration was adopted by the Lessee on July 15, 1998. The Commission adopted the Mitigation Monitoring Program at its meeting on December 16, 1998. However, due to an oversight the area was not included in Lease No. PRC 8053.9.
3. The access road will be constructed on sovereign public trust lands quitclaimed to the State by Pacific Rim Land Associates Limited Partnership in 1988, pursuant to a title settlement agreement AD 75. The Commission accepted the property subject to an existing easement to the San Diego Gas & Electric Company (SDG&E) for its utility facilities. As part of the Saxony Pump Station Improvement Project, SDG&E has now relocated its utility facilities to the south side of La Costa Avenue and no longer needs the easement. Pursuant to Calendar Item C46, staff is requesting that the Commission authorize the acceptance of a Quitclaim of Easement from SDG&E.
4. The access road will be located on sovereign public trust lands that are part of a lease to the California Department of Fish and Game (DFG) for management as part of the Batiquitos Lagoon Ecological Reserve (Lease No. PRC 7242.9). Commission staff has consulted with DFG staff and believes that this amendment will not be inconsistent or incompatible with DFG's operations under Lease No. PRC 7242.9.
5. A Mitigated Negative Declaration and a Mitigation Monitoring Program were prepared and adopted for this project by the Leucadia County Water District. The Commission's staff has reviewed such documents.

CALENDAR ITEM NO. C48 (CONT'D)

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.

EXHIBITS:

- A. Land Description
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

December 18, 2000

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE LEUCADIA COUNTY WATER DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

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 THE AMENDMENT OF LEASE NO. PRC 8053.9, A GENERAL LEASE - PUBLIC AGENCY USE, OF LANDS DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE SEPTEMBER 1, 2000, TO AMEND THE AUTHORIZED USE AND LEGAL DESCRIPTION TO ACCOMMODATE THE ADDITIONAL AREA NEEDED FOR AN ACCESS ROAD; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

EXHIBIT A

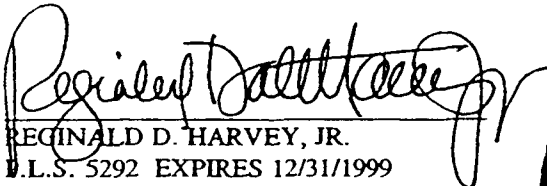
Parcel 1
LEGAL DESCRIPTION

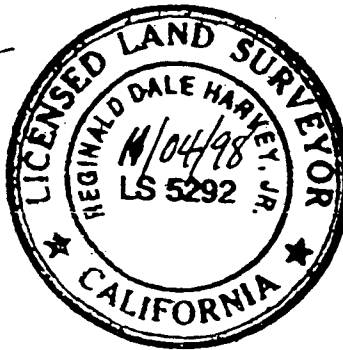
THAT PORTION OF LOT 14 OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY THEREOF APPROVED MAY 3, 1883; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 14, SAID CORNER IS AS SHOWN ON RECORD OF SURVEY MAP NO. 9880, SAID POINT ALSO SHOWN ON RECORD OF SURVEY MAP NO. 10774 AND LABELED NO. 43 THEREON; THENCE ALONG THE SOUTHERLY LINE OF PARCEL NO. 4 OF DEED RECORDED SEPTEMBER 2, 1981, AS F/P. 81-280855, O.R., NORTH 86°59'03" WEST 422.39 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHERLY LINE NORTH 86°59'03" WEST 139.91 FEET; THENCE LEAVING SAID SOUTHERLY LINE NORTH 1°10'54" EAST 18.62 FEET; THENCE NORTH 48°56'17" EAST 90.50 FEET; THENCE SOUTH 88°49'06" EAST 20.00 FEET TO AN ANGLE POINT IN THE BOUNDARY PARCEL A OF EASEMENT RECORDED JUNE 24, 1987 AS F/P. 87-352748, O.R.; THENCE FOLLOWING SAID BOUNDARY (SOUTH 8°15'57" EAST- EASEMENT REC.) SOUTH 8°16'07" EAST 40.00 FEET; THENCE CONTINUING ALONG SAID BOUNDARY AND ITS PROJECTION THEREOF (SOUTH 75°18'18" E - EASEMENT REC.) SOUTH 75°18'28" EAST 47.59 FEET; THENCE SOUTH 1°10'54" WEST 33.37 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING FROM SAID LAND THAT PORTION DEEDED TO LEUCADIA COUNTY WATER DISTRICT, A POLITICAL SUBDIVISION, RECORDED AUGUST 11, 1961 UNDER RECORDER'S FILE NO. 138158, O.R.

CONTAINING 7,175 SQ.FT., MORE OR LESS.


REGINALD D. HARVEY, JR.
L.S. 5292 EXPIRES 12/31/1999



CALENDAR PAGE 000323
MINUTE PAGE 009239

EXHIBIT 'A'

Parcel 2
LEGAL DESCRIPTION

THAT PORTION OF LOTS 14 AND 15 OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY THEREOF APPROVED MAY 3, 1883; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 12.00 FOOT WIDE STRIP OF LAND THE CENTERLINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 14, SAID CORNER IS AS SHOWN ON RECORD OF SURVEY MAP NO. 9880, SAID POINT ALSO SHOWN ON RECORD OF SURVEY MAP NO. 10774 AND LABELED NO. 43 THEREON; THENCE ALONG THE SOUTHERLY LINE OF PARCEL NO. 4 OF DEED RECORDED SEPTEMBER 2, 1981, AS F/P. 81-280855, O.R., AND THE SOUTHERLY LINE OF SAID LOT 14 AS SHOWN ON SAID RECORD OF SURVEY MAP NO. 9880, NORTH 86°59'03" WEST 0.56 FEET TO A POINT ON THE CENTERLINE OF THAT 12.00 FOOT WIDE SDG&E EASEMENT RECORDED OCTOBER 17, 1961 AS F/P. 180017, O.R. AND THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID SOUTHERLY LINE OF SAID LOT 14 AND FOLLOWING THE CENTERLINE OF SAID SDG&E EASEMENT, NORTH 00°31'35" WEST (NORTH 0°09'00" WEST- REC. SDG&E) 12.87 FEET; THENCE NORTH 88°02'47" WEST 432.69 FEET (NORTH 88°43'22" WEST 432.69 FEET- REC. SDG&E) TO A POINT OF TERMINUS.

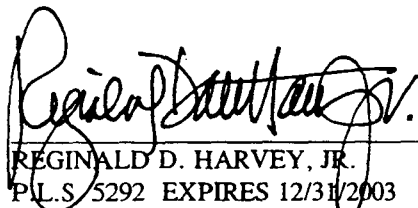
IT IS THE INTENT OF THIS LEGAL DESCRIPTION IS LIE WITHIN THE SAID SDG&E EASEMENT.

CONTAINING 5,310 SQ.FT., MORE OR LESS.

ATTACHED HERETO AND MADE A PART OF THIS LEGAL DESCRIPTION IS A PLAT LABELED EXHIBIT "B".

THIS LEGAL DESCRIPTION AND PLAT WERE PREPARED BY ME OR UNDER MY DIRECTION.

A.P.N. 216-110-02


REGINALD D. HARVEY, JR.
P.L.S. 5292 EXPIRES 12/31/2003



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.

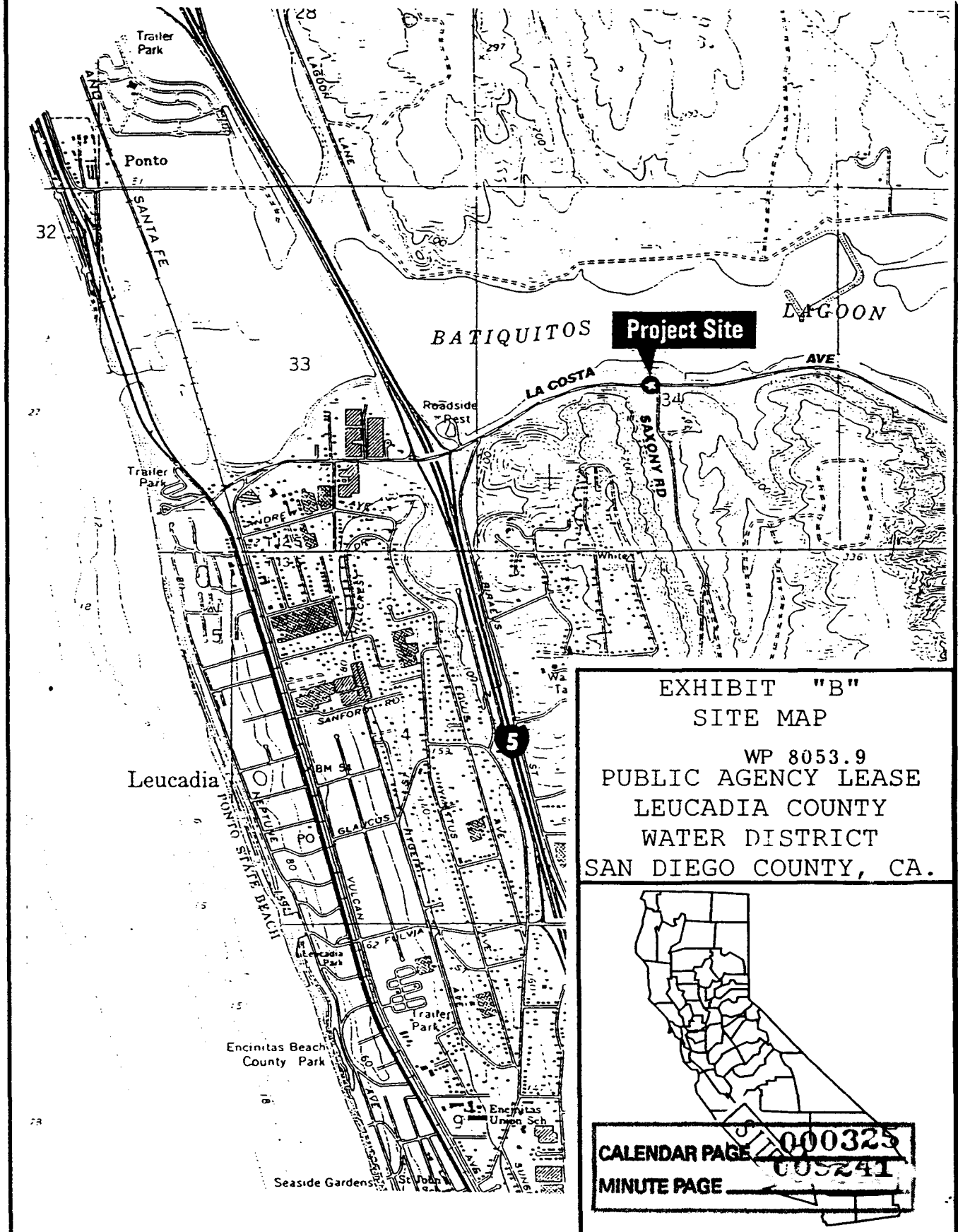
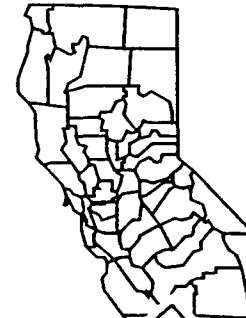


EXHIBIT "B"
SITE MAP

WP 8053.9
PUBLIC AGENCY LEASE
LEUCADIA COUNTY
WATER DISTRICT
SAN DIEGO COUNTY, CA.



CALENDAR PAGE 000325
MINUTE PAGE 005241