MINUTE ITEM
This Calendar Item No. C25 was approved as Minute Item No. 25 by the California State Lands Commission by a vote of 3 to 0 at its 04-07-03 meeting.

CALENDAR ITEM
C25

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PRC 8454.9

04/07/03
W 25882
F. Singer

GENERAL LEASE - PUBLIC AGENCY USE

LESSEE:

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118

AREA, LAND TYPE, AND LOCATION:

0.56 acres, more or less, of sovereign lands, near the city of San Jose, Santa Clara County.

AUTHORIZED USE:

Maintenance of the leased premises as a construction staging area in connection with a levee restoration project on the Guadalupe River.

LEASE TERM:

Five years, beginning April 7, 2003.

CONSIDERATION:

The public health and safety; 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.

SPECIFIC LEASE PROVISIONS:

1. Lessee is not permitted to place any permanent fixtures on the leased premises and any personal property shall be removed upon expiration or earlier termination of this lease.

2. Lessee will indemnify Lessor for any claims, fines, or monetary awards tied to damages or injuries suffered by Lessee (including Lessee's agents, contractors, or their assigns) in the course of using or maintaining the leased premises for construction staging.

OTHER PERTINENT INFORMATION:

1. The lease premises are former submerged lands that consist of the filled, natural bed of the Guadalupe River. Furthermore, the lease premises also contain lands quitclaimed to the Commission by the Applicant pursuant to Boundary Line Agreement 109, on file with the Commission. The Applicant has access to the leased premises, which is surrounded by public streets.

2. An EIR was prepared and certified for this project by the Santa Clara Valley Water District (SCH# 2000042051). The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency, the Santa Clara Valley Water District, by Resolution No. 2002-48, dated July 9, 2002, adopted a Statement of Overriding Considerations for reduced travel speeds and potential delays for vehicles traveling through individual work zones associated with bridge-replacement activities even though such impacts will be temporary. Such impact will not occur within the Commission's jurisdiction.

APPROVALS OBTAINED:

San Francisco Bay Regional Water Quality Control Board, U.S. Army Corps of Engineers, California Department of Fish and Game, San Francisco Bay Conservation and Development Commission, and California Department of Transportation.

FURTHER APPROVALS REQUIRED:

California State Lands Commission

EXHIBIT:

A. Site Map

PERMIT STREAMLINING ACT DEADLINE:

August 31, 2003.

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

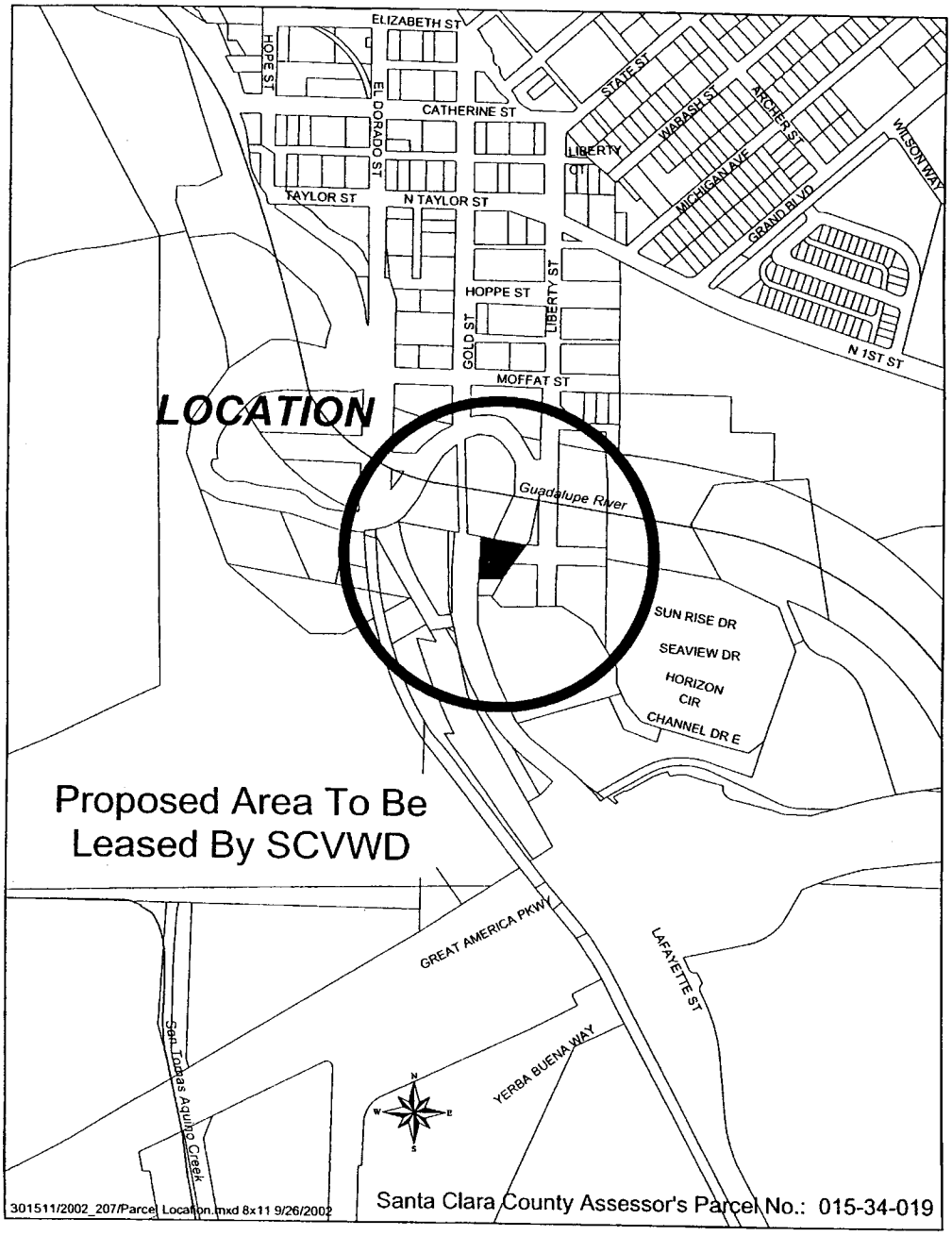
FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE SANTA CLARA VALLEY WATER DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS SET FORTH ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED IN RESOLUTION 2002-48, DATED JULY 9, 2002, AND ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO SANTA CLARA VALLEY WATER DISTRICT OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING APRIL 7, 2003, FOR A TERM OF FIVE YEARS, FOR MAINTENANCE OF THE LEASED PREMISES AS A STAGING AREA ON THE LAND SHOWN ON EXHIBIT A, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC HEALTH AND SAFETY, 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.



SITE MAP

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

Exhibit A
W 25882