CALENDAR ITEM

C17

A	61	12/17/09
		PRC 7201.2
S	25	C. Hudson

CONTINUATION OF RENT AND AMENDMENT OF LEASE

LESSEE:

Sprint Communications Company L. P.
6391 Sprint Parkway
Mail Stop KSOPHT0101-Z2040
Overland Park, Kansas 66251

AREA, LAND TYPE, AND LOCATION:

Five parcels of State school and lieu land containing 3.16 acres, more or less, in a portion of Sections 30 and 31, Township 10 North, Range 1 East; Section 36, SBM, Township 15 North, Range 9 East; Tract 37, SBM, Township 16 North, Range 11 East, SBM; and Lot 1, Section 16, Township 16 North, Range 13 East, SBM, near Barstow, San Bernardino County.

AUTHORIZED USE:

Operation, use and maintenance of an existing underground fiber optic communications cable.

LEASE TERM:

30 years, beginning May 9, 1988.

CONSIDERATION:

This lease provides that the Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be continued at $400 per year, effective May 9, 2009.

PROPOSED AMENDMENT:

Delete and replace the land description contained in Section 3 of the lease with the land descriptions and site and location maps which are attached hereto as Exhibit A-1, B-1; A-2, B-2; A-3, B-3; A-4, B-4; and A-5,B-5; All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. On May 9, 1988, the Commission authorized a General Lease - Right of Way Use with U.S. Sprint Communications Company, for the installation of a fiber optic cable that crosses State school and lieu lands. Subsequently, on December 13, 1988, the Commission authorized an assignment of the lease to U.S. Sprint Communications Company Limited Partnership. In addition, the name of the business entity has since changed to Sprint Communications Company L.P. The lease will expire on May 8, 2018.

2. Pursuant to the terms of the Lease, after the fiber optic cable was installed, "as built" drawings and legal descriptions were to be provided to confirm the location of the cable. This information has been submitted and reviewed by Commission staff who have determined that the cable was placed outside of the lease premises previously approved by the Commission. Therefore, the lease description needs to be amended to authorize the "as-built" location of the cable.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

   Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

4. 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-1 Legal Description
B-1. Site and Location Map
A-2 Legal Description
B-2. Site and Location Map
A-3. Legal Description
B-3. Site and Location Map
A-4. Legal Description
B-4. Site and Location Map
A-5. Legal Description

B-5. Site and Location Map

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:
FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

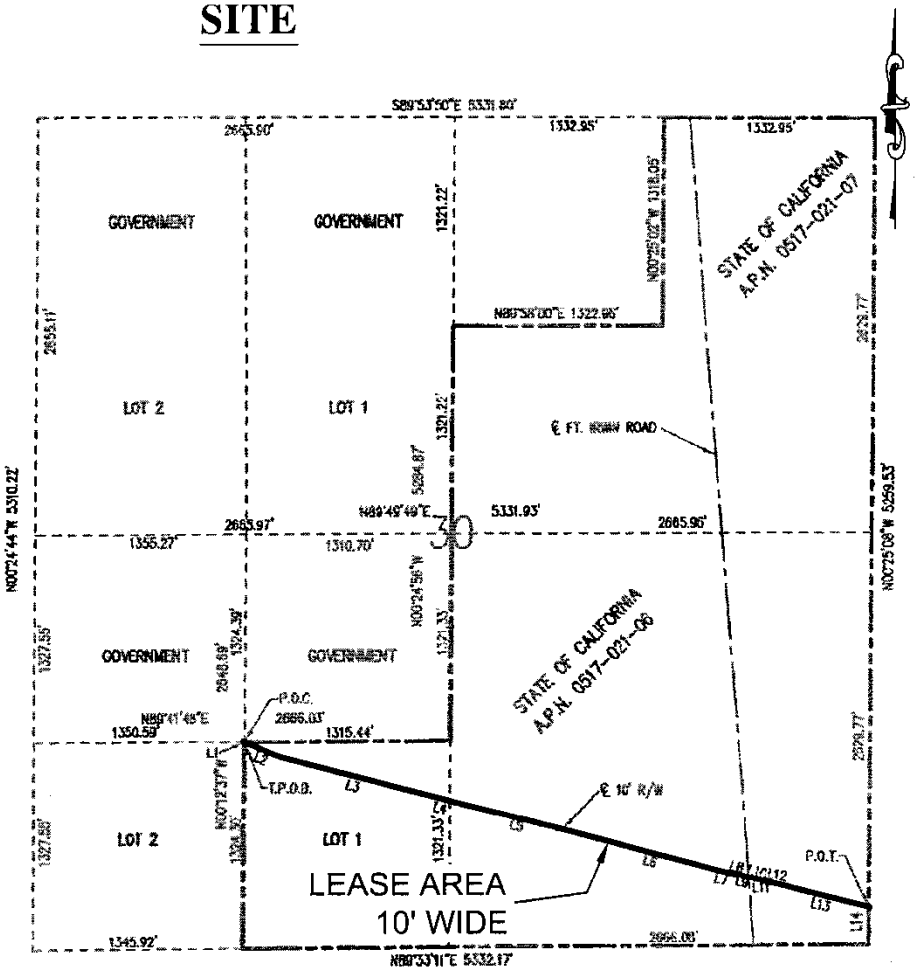
SIGNIFICANT LANDS INVENTORY FINDING:
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:
APPROVE THE CONTINUATION OF RENT FOR LEASE NO. PRC 7201.2, AT $400 PER YEAR, EFFECTIVE MAY 8, 2009; AND AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 7201.2, A GENERAL LEASE – RIGHT OF WAY USE, OF STATE SCHOOL AND LIEU LAND, TO DELETE AND REPLACE THE DESCRIPTION OF THE LEASE PREMISES WITH THE LAND DESCRIBED IN EXHIBITS A-1, A-2, A-3, A-4, AND A-5, AS SHOWN ON EXHIBITS B-1, B-2, B-3, B-4, AND B-5 (FOR REFERENCE PURPOSES ONLY), BOTH ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, SAID AMENDMENT SHALL BE EFFECTIVE DECEMBER 17, 2009, ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

NO SCALE

SITE

LINE	BEARING	DISTANCE
L1	S00°12'37"E	7.99'
L2	S87°27'44"E	209.84'
L3	S75°06'49"E	1052.89'
L4	S76°13'08"E	190.32'
L5	S76°13'08"E	871.83'
L6	S75°04'19"E	875.36'
L7	S78°51'13"E	79.14'
L8	S77°27'08"E	53.39'
L9	S76°28'46"E	53.32'
L10	S75°54'32"E	96.66'
L11	S88°22'35"E	7.81'
L12	S79°42'30"E	23.97'
L13	S75°56'21"E	692.63'
L14	N00°25'08"W	240.05'

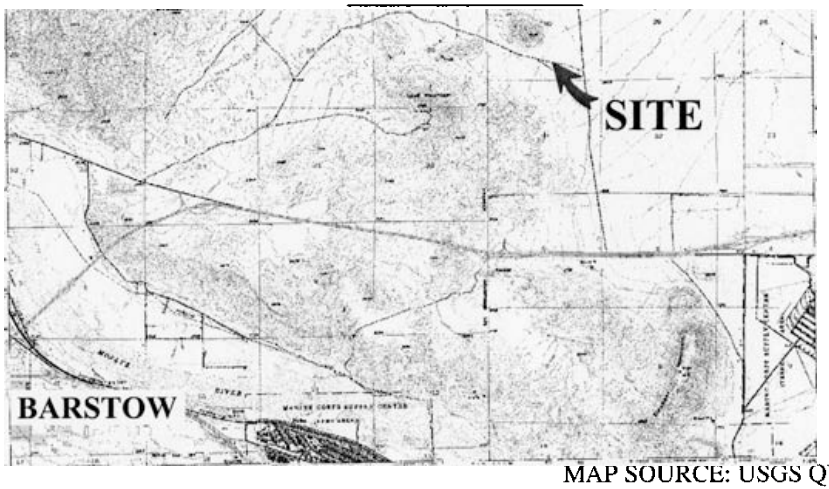


LEGEND
A.P.N. = ASSESORS PARCEL NUMBER
℄ = CENTERLINE
P.O.C. = POINT OF COMMENCEMENT
P.O.T. = POINT OF TERMINATION
R/W = RIGHT OF WAY
T.P.O.B. = TRUE POINT OF BEGINNING

PORTION OF SECTION 30 T10N, R1E, SBM

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B-1

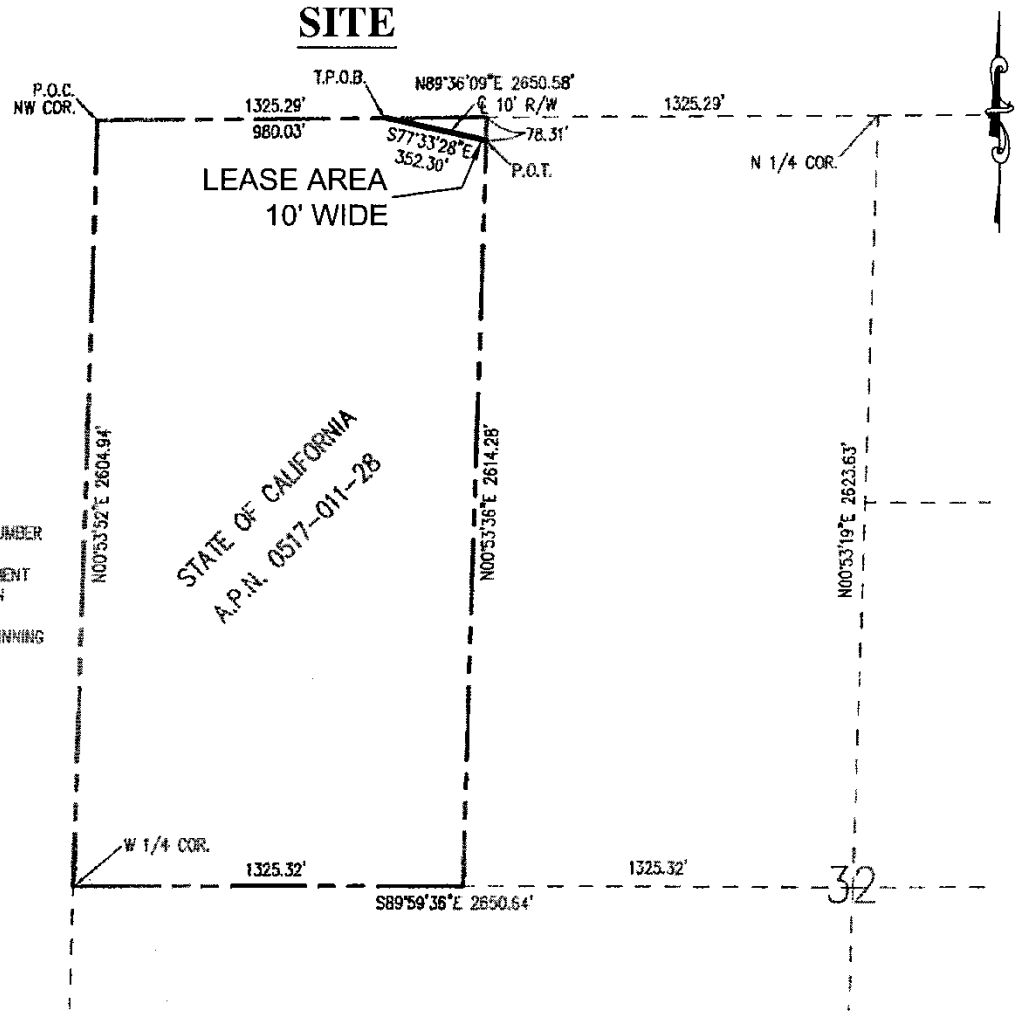
PRC 7201.2
SPRINT
APN 0517-021-06
GENERAL LEASE
RIGHT-OF-WAY USE
SAN BERNARDINO CO.

JAK 06/09

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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.

NO SCALE

SITE



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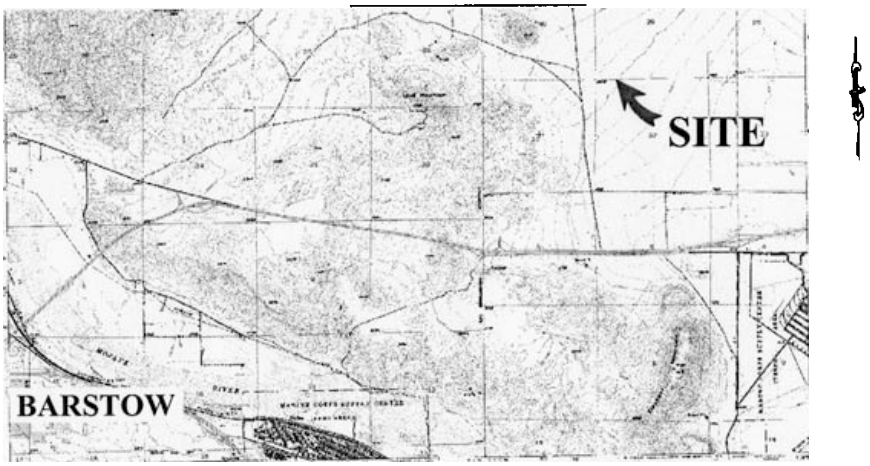
T.P.O.B. = TRUE POINT OF BEGINNING

PORTION OF SECTION 32 T10N, R1E, SBM

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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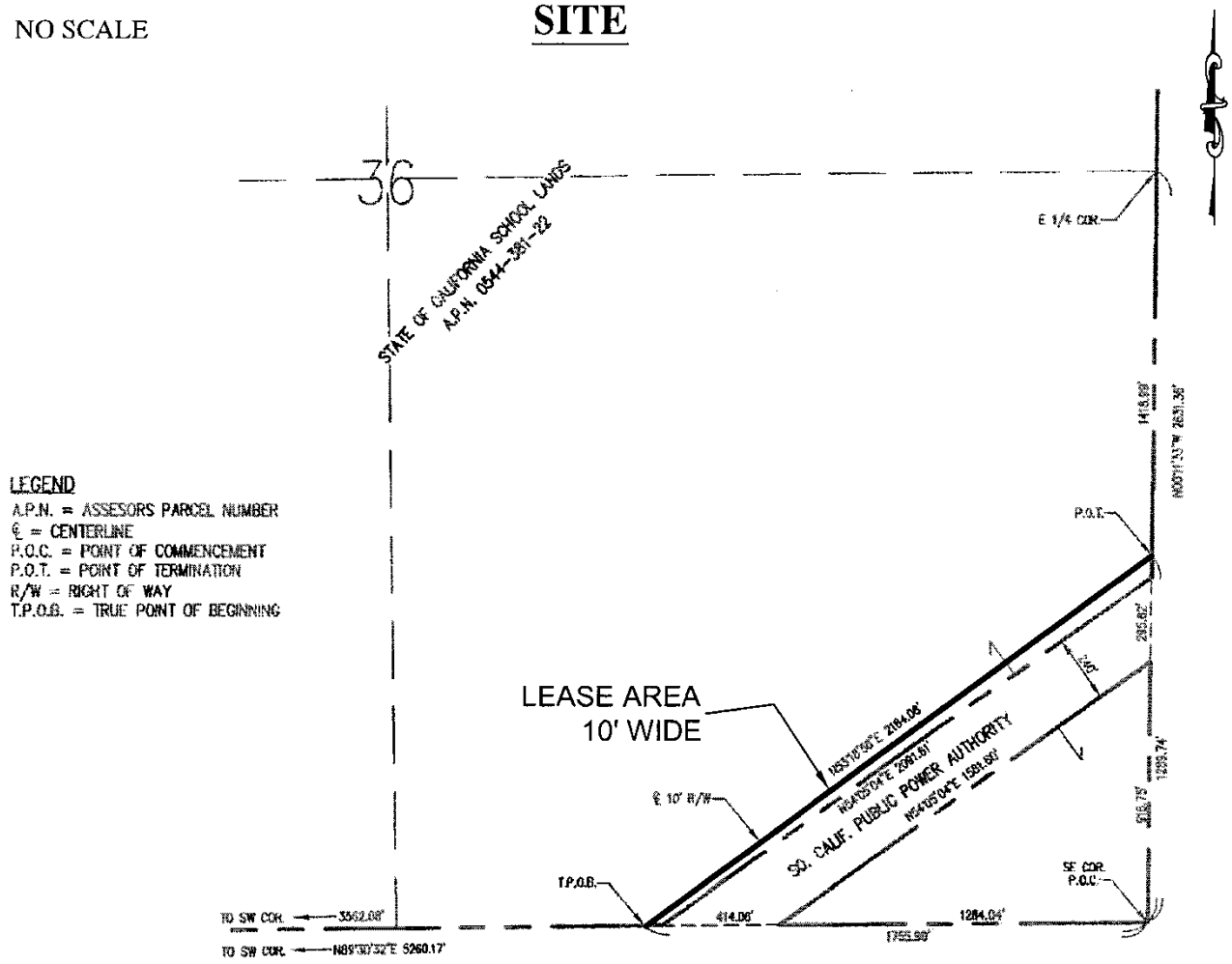
Exhibit B-2

PRC 7201.2
SPRINT
APN 0517-011-28
GENERAL LEASE
RIGHT-OF-WAY USE
SAN BERNARDINO CO.

JAK 06/09

NO SCALE

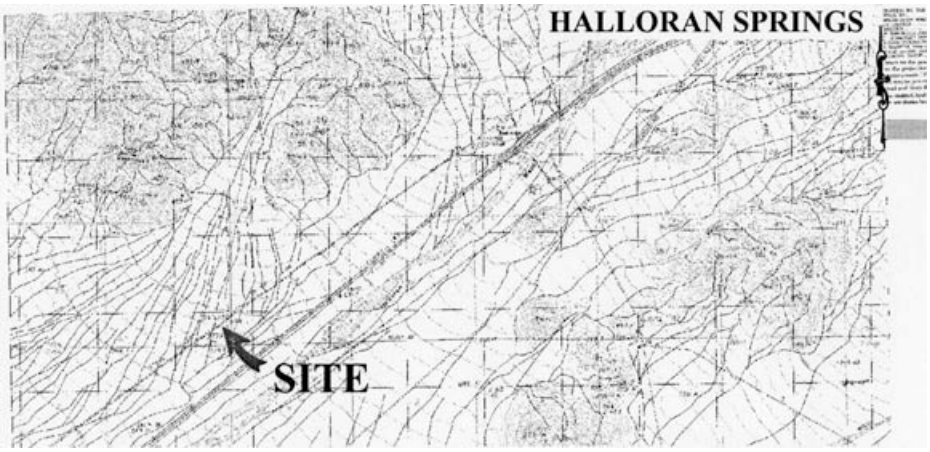
SITE



PORTION OF SECTION 36 T15N, R9E, SBM

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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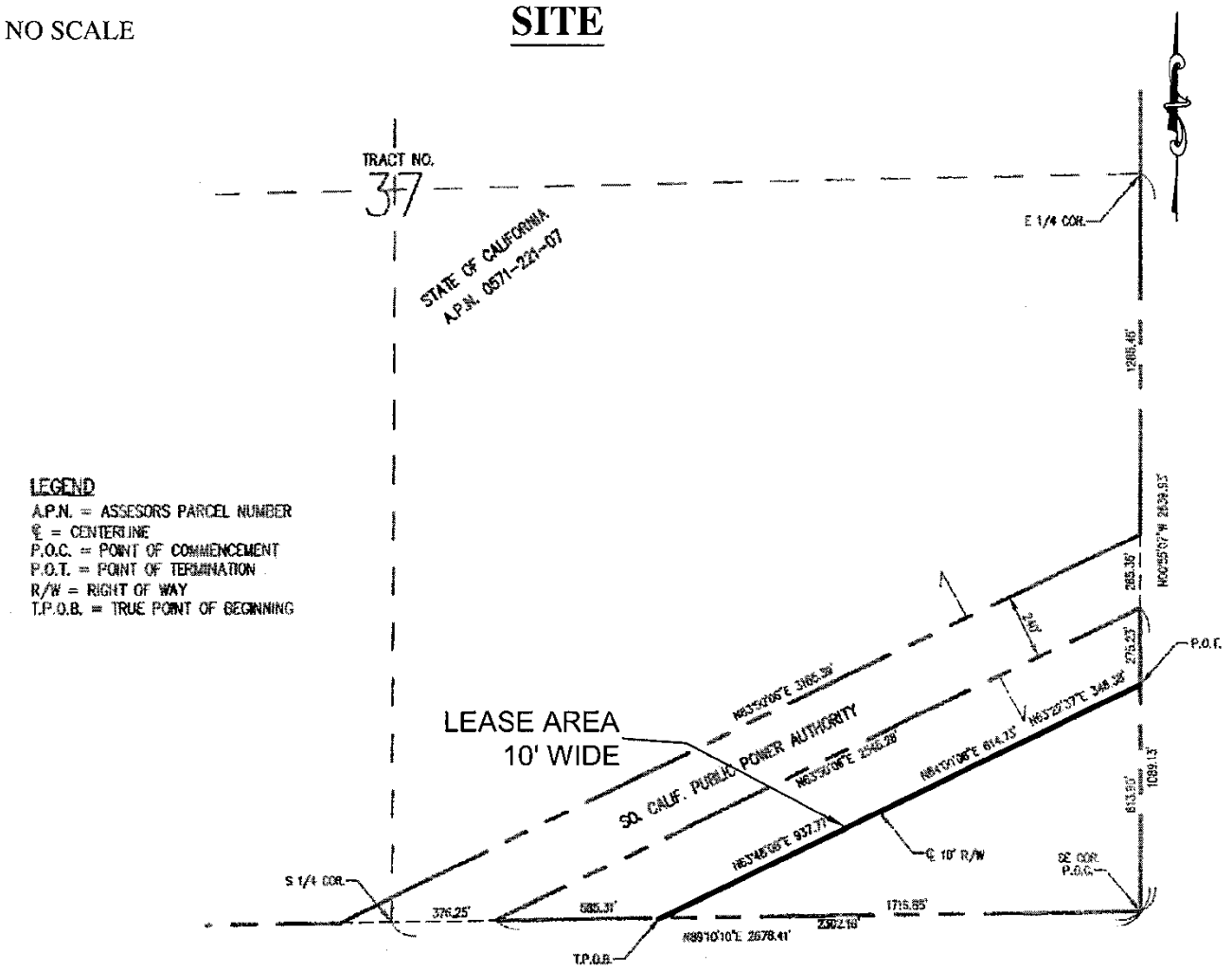
Exhibit B-3

PRC 7201.2
SPRINT
APN 0544-381-22
GENERAL LEASE
RIGHT-OF-WAY USE
SAN BERNARDINO CO.

JAK 06/09

NO SCALE

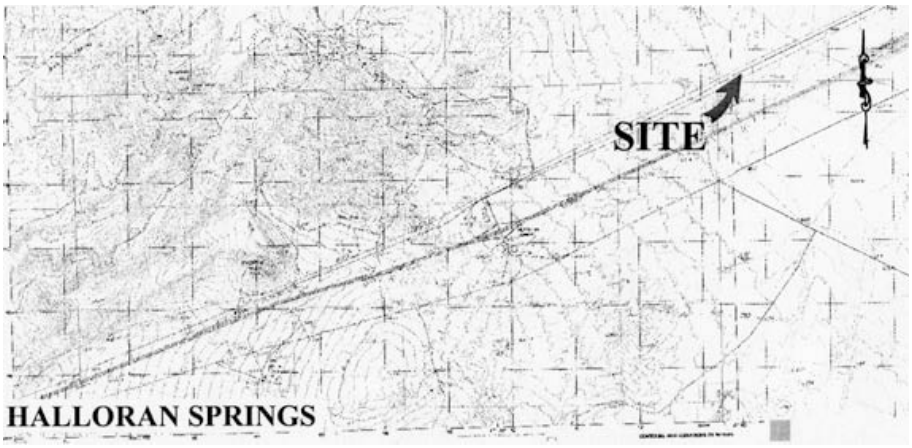
SITE



PORTION OF TRACT 37 T16N, R11E, SBM

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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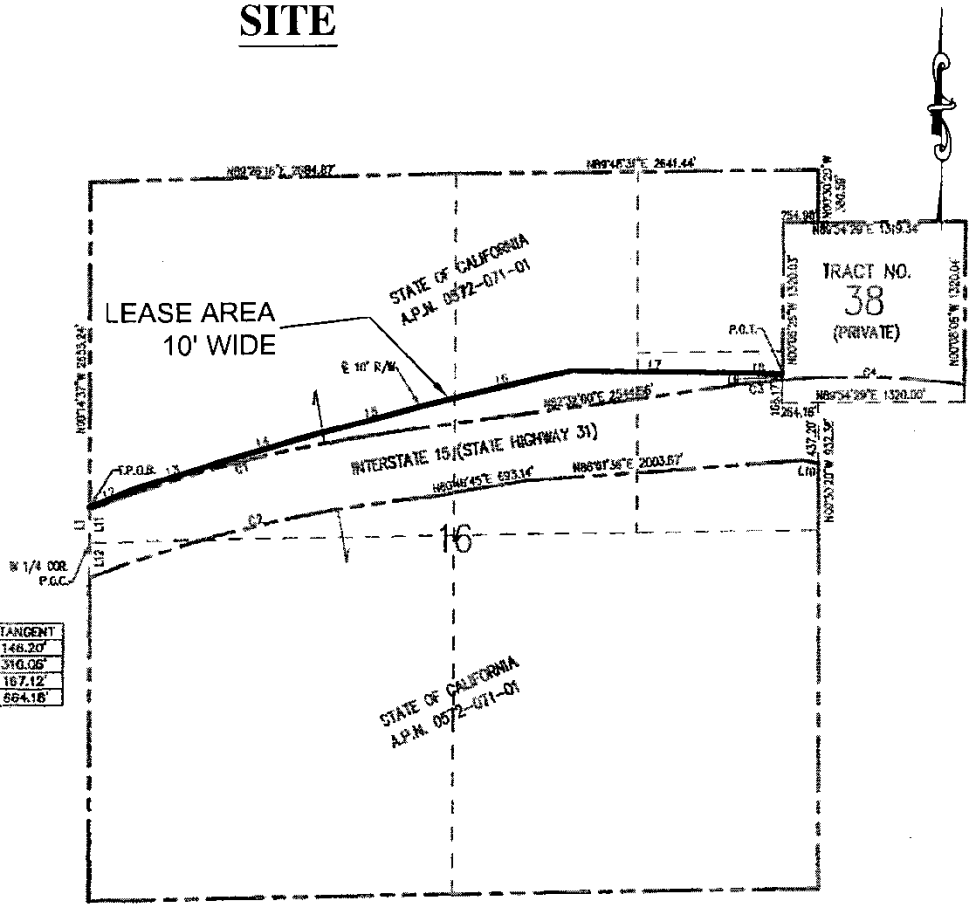
Exhibit B-4

PRC 7201.2
SPRINT
APN 0571-221-07
GENERAL LEASE
RIGHT-OF-WAY USE
SAN BERNARDINO CO.

JAK 06/09

NO SCALE

SITE



LINE	BEARING	DISTANCE
L1	N00°14'37"W	282.75'
L2	N68°13'57"E	314.71'
L3	N73°05'26"E	647.05'
L4	N73°48'58"E	742.81'
L5	N75°33'31"E	901.33'
L6	N76°56'13"E	1063.68'
L7	S88°44'17"E	1146.12'
L8	S89°09'51"E	386.91'
L9	N00°06'26"W	51.47'
L10	S81°16'18"E	119.06'
L11	N00°14'37"W	244.89'
L12	N00°14'37"W	256.93'

CURVE	RADIUS	DELTA	LENGTH	TANGENT
C1	10150.00'	12°53'09"	2282.74'	1148.20'
C2	9800.00'	15°13'42"	2604.67'	1310.06'
C3	6150.00'	3°08'47"	334.15'	167.12'
C4	6150.00'	12°19'40"	1323.23'	664.18'

LEGEND
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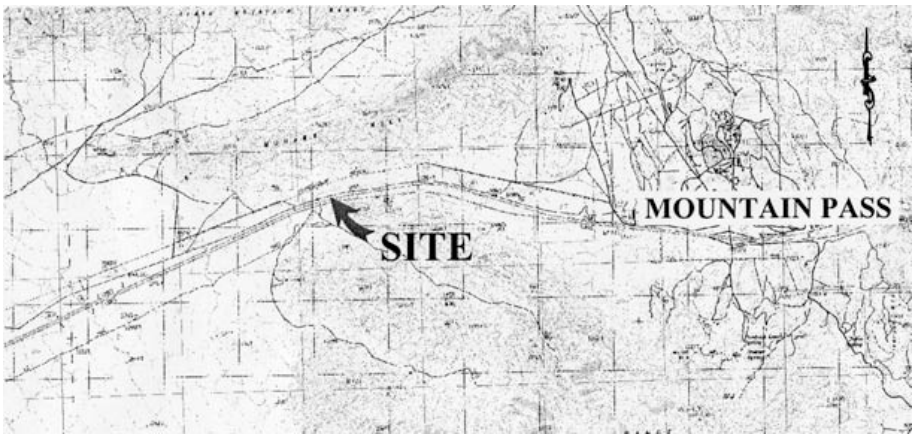
P.O.C. = POINT OF COMMENCEMENT
P.O.T. = POINT OF TERMINATION
R/W = RIGHT OF WAY
T.P.O.B. = TRUE POINT OF BEGINNING

PORTION OF SECTION 16 T16N, R13E, SBM

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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Exhibit B-5

PRC 7201.2
SPRINT
APN 0572-071-01
GENERAL LEASE
RIGHT-OF-WAY USE
SAN BERNARDINO CO.

JAK 06/09