

**CALENDAR ITEM
C18**

A 25, 26
S 12, 14

12/10/10
WP 2178.9
M. Clark

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

City of Modesto
1010 Tenth Street, Suite 4600
Modesto, CA 95353

AREA, LAND TYPE, AND LOCATION:

Sovereign land crossing the Tuolumne River, adjacent to Assessor's Parcel Numbers 017-026-023, 017-021-001, 037-037-001, and 056-026-032, city of Modesto, Stanislaus County.

AUTHORIZED USE:

Continued use and maintenance of an existing bridge crossing known as Carpenter Road Bridge; the proposed seismic retrofit of the bridge; the abandonment in place of a 16-inch diameter water main and installation of a new 20-inch diameter water main; and the use of a temporary construction area as shown on Exhibit A.

LEASE TERM:

25 years, beginning December 10, 2010.

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.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On September 2, 1958, the Commission authorized a 49-year right of way permit to Stanislaus County (County) for the construction of a bridge crossing the Tuolumne River and serving Carpenter Road. That lease expired June 17, 2007. The City of Modesto (City), with the County's consent, has applied for a General Lease – Public Agency Use. A portion

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of the existing bridge is within the city limits of Modesto and it is anticipated that the City will annex the remaining area occupied by the bridge in the future.

3. The Carpenter Road Bridge, crossing the Tuolumne River (River), was constructed in 1960 with an approximate length of 632 feet, of which 278 feet crosses the historic bed of the River. On August 18, 2009, an inspection of the bridge was conducted by the California Department of Transportation (Caltrans). Although no substantive issues were found, Caltrans determined the bridge to be a candidate for its seismic retrofit program. The retrofit is intended to strengthen the bridge and widen it to accommodate ADA (Americans with Disabilities Act) pedestrian access.
4. The proposed seismic retrofit will include adding longitudinal link beams to either side of the existing bridge deck, increasing the width of the current bridge from 33.5 feet to 69.75 feet. An additional 12 pilings will be placed in the bed of the River to support the new link beams, and sheet pile cofferdams will be installed in the River to dewater the project site during construction. The City proposes to use temporary trestles to serve as work platforms during construction, which will be supported by temporary steel pilings. The temporary construction work area will be located along the easterly side of the bridge alignment. During construction activities, the City is required to install warning signs and buoys, both upstream and downstream of the construction site, to provide notice to the public that construction activities are taking place in the River and to exercise caution.
5. An existing 16-inch diameter water main, owned by the City, is attached to the bridge. As part of the project, the water main will be cut, capped, and abandoned in place on the existing bridge. A new 20-inch diameter water main will be installed within the roadbed of the bridge. In addition, a Pacific Gas and Electric Company 12-inch natural gas pipeline is attached to the bridge. The natural gas pipeline is authorized under Master Lease PRC 5438.1. The City is not proposing to place any additional utilities within the lease area.
6. A Mitigated Negative Declaration SCH# 2009122028 was prepared by the City and adopted on March 9, 2010 for this project. The California State Lands Commission's staff reviewed such document. A Mitigated Monitoring Program was adopted by the City.
7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370,

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et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, NOAA Fisheries, California Department of Fish and Game, and California Regional Water Quality Control Board

EXHIBITS:

- A. Site and Location Map
- B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

January 28, 2011

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH #2009122028 and a Mitigation Monitoring Program were prepared by the City of Modesto and adopted on March 9, 2010 for this project and that the Commission reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained on file in the Sacramento office of the Commission.

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:

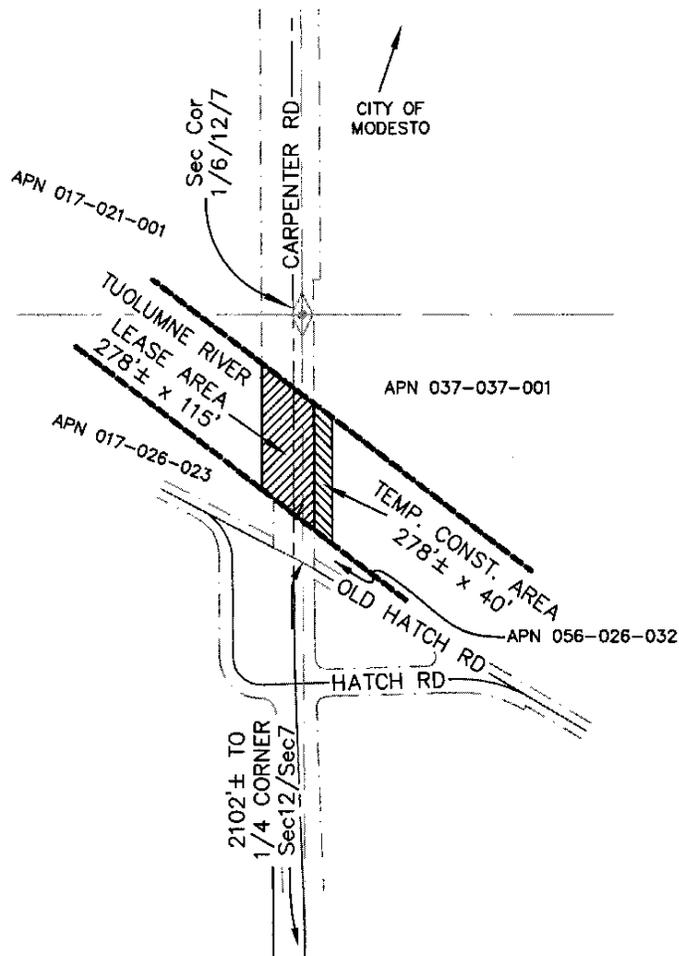
Authorize issuance of a General Lease – Public Agency Use, to the City of Modesto beginning December 10, 2010, for a term of 25 years, for the continued use and maintenance of an existing bridge crossing known as the Carpenter Road Bridge; the proposed seismic retrofit of the bridge; the abandonment in place of a 16-inch diameter water main and installation of a new 20-inch diameter water main attached to the bridge; and the use of temporary construction area as shown on Exhibit A attached (for reference purposes only) and as described on Exhibit B attached and by this reference made a part hereof; consideration to be the public use and

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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.

NO SCALE

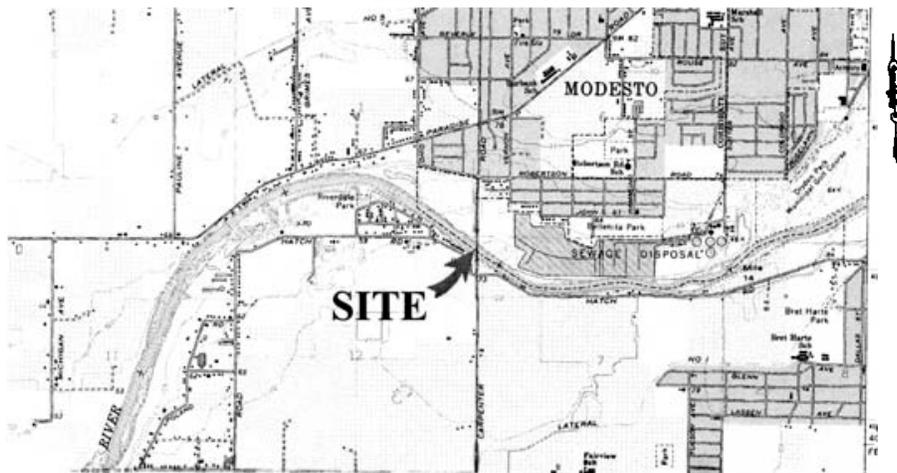
SITE



CARPENTER ROAD BRIDGE, TUOLUMNE RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 2178.9
 CITY OF MODESTO
 GENERAL LEASE
 PUBLIC AGENCY USE
 STANISLAUS COUNTY



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.

EXHIBIT B

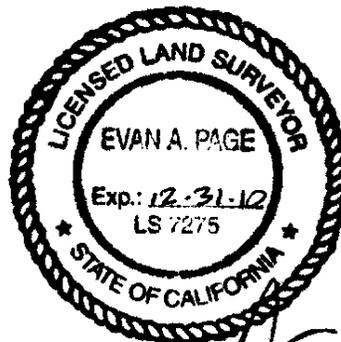
LAND DESCRIPTION

A strip of submerged land, 115 feet wide, in the bed of the Tuolumne River, in Sections 1 and 12, T 4 S, R 8 E, and Sections 6 and 7, T 4 S, R 9 E, all of the MDM, Stanislaus County, California, lying 45 feet easterly and 70 feet westerly of the following described line:

A line parallel with and lying 20' perpendicular distance westerly of the Section Line common to said Sections 7 and 12, and the Section Line common to said Sections 1 and 6, being the centerline of Carpenter Road according to the drawing by the Stanislaus County Road Commissioner's Office titled Road Department Survey Carpenter Road, File No. B-6A, dated 4/19/1961, BEGINNING at the intersection of said centerline with the centerline of Old Hatch Road, being N 00°17'30" W along said Section Line from the ¼ Corner of said Sections 7 and 12, 2101.65 feet, and N 62°46' 40" W along the centerline of Old Hatch Road, 22.60' according to said map; thence N 00°17'30" W parallel with said Section Line common to said Sections 7 and 12, and continuing N 00°17'30" W parallel with said Section Line common to said sections 1 and 6, 1333.12 feet to a point of curvature of said centerline according said drawing of the Road Department Survey Carpenter Road, being the POINT OF TERMINATION of this description.

EXCEPTING THEREFROM any portions lying landward of low water marks of said Tuolumne River.

END DESCRIPTION



EVA
Aug 16 / 2010

EXHIBIT B
LAND DESCRIPTION
for
TEMPORARY CONSTRUCTION AREA

A strip of submerged land, 40 feet wide, in the bed of the Tuolumne River, in Sections 6 and 7, T 4 S, R 9 E, all of the MDM, Stanislaus County, California, lying 40 feet easterly of the following described line:

A line parallel with and lying 25' perpendicular distance easterly of the Section Line common to said Sections 7, T 4 S, R 9 E, and 12, T 4 S, R 10 E, and the Section Line common to said Sections 1, T 4 S, R 9 E, and 6, T 4 S, R 10 E,, being the easterly right-of-way line of Carpenter Road lying 45' easterly of the centerline of said Carpenter Road according to the drawing by the Stanislaus County Road Commissioner's Office titled Road Department Survey Carpenter Road, File No. B-6A, dated 4/19/1961, BEGINNING at the intersection of said right of way line with the centerline of Old Hatch Road, being N 00°17'30" W along said Section Line from the ¼ Corner of said Sections 7 and 12, 2101.65 feet, and S 59°13'20" W along the centerline of Old Hatch Road, 29.14' according to said map; thence N 00°17'30" W parallel with said Section Line common to said Sections 7 and 12, and continuing N 00°17'30" W parallel with said Section Line common to said sections 1 and 6, 1358.6 feet more or less to a point adjacent to a point of curvature of said centerline according said drawing of the Road Department Survey Carpenter Road, being the POINT OF TERMINATION of this description.

EXCEPTING THEREFROM any portions lying landward of low water marks of said Tuolumne River.

END DESCRIPTION

The image shows a circular professional seal for Evan A. Page, a Licensed Land Surveyor in the State of California. The seal contains the text: "LICENSED LAND SURVEYOR", "EVAN A. PAGE", "Exp.: 12-31-10", and "LS 7275". Below the seal, there is a handwritten signature and the date "Nov 15, 2010".