

**CALENDAR ITEM
C24**

A 6
S 3

01/26/12
WP 7008.9
D. Simpkin

GENERAL LEASE – PUBLIC AGENCY USE

LESSEE:

Marin County Flood Control and Water Conservation District

AREA, LAND TYPE, AND LOCATION:

Sovereign land along the west bank of Novato Creek and adjacent to the Black Point Antenna Field, near the city of Novato, Marin County

AUTHORIZED USE:

Continued use and maintenance of an existing flood control levee and a storm water detention basin.

LEASE TERM:

25 years, beginning September 1, 2011.

CONSIDERATION:

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

OTHER PERTINENT INFORMATION:

1. Lessee owns the upland adjoining the lease premises.
2. On September 25, 1986, the Commission authorized the issuance of Lease No. PRC 7008.9,a General Permit – Public Agency Use, to the Marin County Flood Control and Water Conservation Control District, for a term of 25 years, effective September 1, 1986. The lease expired on August 31, 2011. The Lessee is now applying for a new General Lease – Public Agency Use for the existing flood control levee and the addition of a stormwater detention basin located at Black Point Antenna Field.
3. The Lessee is requesting to include the Black Point Antenna Field (Antenna Field) in the lease because the area has the same topography as the surrounding parcels, which are owned by the Lessee and are used

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during naturally occurring flood events or in the event of a levee breach. The Antenna Field would provide flood storage in the event of inundation.

4. The 135-acre Black Point Antenna Field is currently leased to the Bar CR Cattle Company for grazing purposes. The lease commenced on July 1, 2006 and expires on June 30, 2016. The lessee has no objection to the Applicant utilizing the Black Point Antenna Field as an overflow storm water detention basin.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Marin County Flood Control and Water Conservation District, for a term of 25 years, for the continued use and maintenance of an existing flood control levee and the use of a stormwater detention basin as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration is 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 best interest of the State.

EXHIBIT A

WP 7008.9

LAND DESCRIPTION

Two Parcels of State owned lands lying in the County of Marin, State of California, more particularly described as follows:

PARCEL 1

A strip of California State lands along Novato Creek, Marin County, California, said strip of land being 105 feet in width, the southwesterly line of which is described as follows:

BEGINNING at a point from which the northeast corner of Parcel 1 of the map filed for record in 16-PM-67, Marin County Official Records, bears N 77° 11' 07" W, 127.87 feet; thence from said point of beginning S 76° 54' 25" E, 840.48 feet to the beginning of a tangent curve concave to the southwest and having a radius of 1540 feet; thence through a central angle of 32° 10' 25" along said curve 864.76 feet; thence tangent to said curve S 44° 44' 00" E, 553.69 feet to the beginning of a tangent curve concave to the northeast and having a radius of 1060 feet; thence through a central angle of 33° 57' 04" along said curve 628.11 feet; thence tangent to said curve S 78° 41' 04" E, 1386.82 feet to the beginning of a tangent curve concave to the southwest and having a radius of 1540 feet; thence through a central angle of 31° 04' 55" along said curve 835.42 feet; thence tangent to said curve S 47° 36' 09" E, 1175.28 feet; thence S 43° 47' 38" E, 388.27 feet to the northwesterly right of way line of State Highway 37 and the end of the herein described line.

This description is based on the California Coordinate System, Zone 3.

PREPARED AUGUST 20, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

PARCEL 2

A parcel of California State proprietary land near Black Point, Marin County, California, described as follows:

Parcels 1 and 2 of that land described in the Quitclaim Deed from the United States of America to the State of California recorded January 17, 1985 in File No. 85002145, Official Records of Marin County.

TOGETHER WITH the perpetual easement along the existing private road connecting the site with the San Rafael-Napa Highway as said easement is described in the above mentioned recorded Quitclaim Deed.

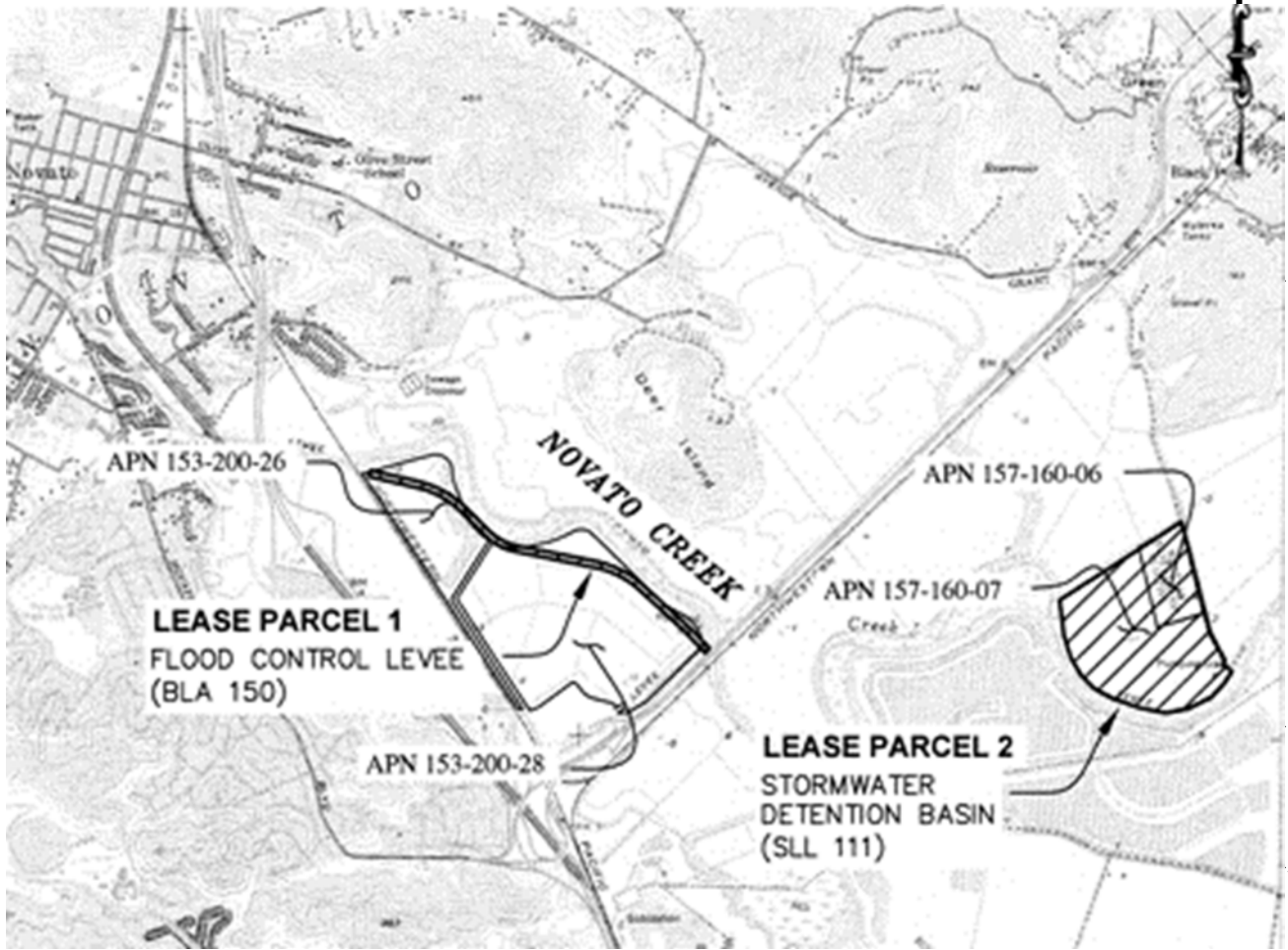
EXCEPTING THEREFROM that 0.680 acre portion thereof described in State Lands Commission Lease PRC 6877.1.

END OF DESCRIPTION

PREPARED MAY 28, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

NO SCALE

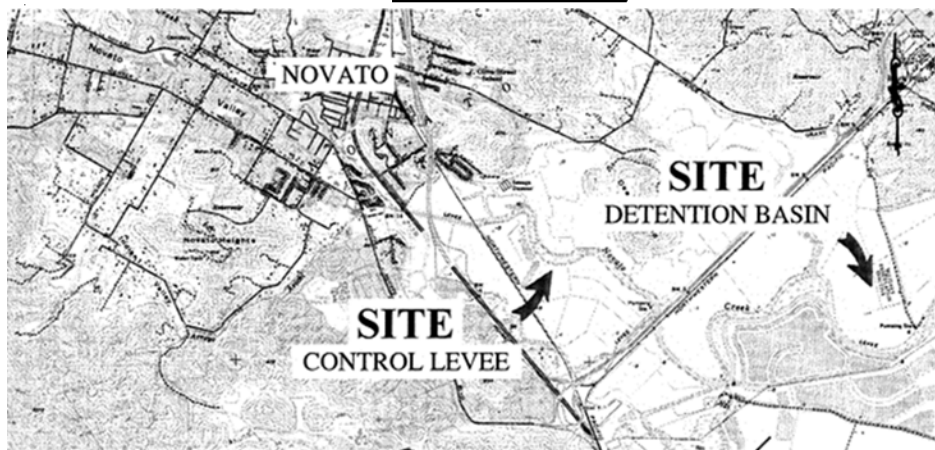
SITE



NOVATO CREEK, NEAR NOVATO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

WP 7008.9
 MARIN COUNTY FLOOD
 CONTROL & WATER
 CONSERVATION DISTRICT
 APN 157-160-06 & 07
 153-200-26 & 28
 GENERAL LEASE - PUBLIC
 AGENCY USE
 MARIN 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.