

**CALENDAR ITEM
C67**

A 33
S 16

08/19/15
PRC 7522.2
C. Hudson

GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

Verizon California, Inc.
201 Flynn Road – CAH38NE2
Camarillo, CA 93012

AREA, LAND TYPE, AND LOCATION:

30 acres, more or less, of State indemnity school land in a portion of Section 26, Township 9 North, Range 2 East, SBM, near the unincorporated community of Newberry Springs, San Bernardino County.

AUTHORIZED USE:

Continued use and maintenance of an existing underground communication line.

LEASE TERM:

25 years, beginning March 24, 2015.

CONSIDERATION:

\$945 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence. Applicant may satisfy all or part of the insurance requirements through maintenance of a staff-approved self-insurance program as outlined in the Lease.

BACKGROUND:

School lands were granted to the State of California by the federal government under the Act of March 3, 1853 (10 Stat. 244), and consisted of the 16th and 36th sections of land in each township (with the exceptions of lands reserved for public use, lands taken by private land claims, and lands known to be mineral in character). In cases of preemption due to the exceptions described above, the State was given the opportunity to select replacement lands from the United States in lieu of a Section 16 or a Section 36. These replacement lands are now known as State indemnity school lands or lieu lands.

CALENDAR ITEM NO. **C67** (CONT'D)

OTHER PERTINENT INFORMATION:

1. On February 6, 1989, the Commission authorized the exchange of State school lands under the jurisdiction of the Commission for public lands under the jurisdiction of the United States Department of the Interior, Bureau of Land Management (BLM) and the acceptance of a patent subject to Contel of California's right-of-way for an underground communication line. The federal grant for the right-of-way expired on March 23, 2010. The Applicant is now applying for a General Lease – Right-of-Way Use.
2. In 1993, Contel of California was part of an operating company merger and was placed under GTE Corporation (GTTC). On June 30, 2000, Bell Atlantic (BNTR) and GTTC merged into one company as Verizon Communications, which was subsequently renamed Verizon California, Inc.
3. Staff recommends the Commission accept \$4,725 for the unauthorized occupation of State indemnity school land from March 24, 2010, to March 23, 2015, pursuant to the Commission's fiduciary duty to generate revenue to benefit the California State Teachers Retirement System (CalSTRS).
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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.

5. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, Title 2, section 2954 is not applicable.

CALENDAR ITEM NO. **C67** (CONT'D)

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).

AUTHORIZATION:

1. Authorize acceptance of \$4,725 for the unauthorized occupation of State indemnity school land for the period of March 24, 2010, through March 23, 2015.
2. Authorize issuance of a General Lease – Right-of-Way Use to Verizon California, Inc. beginning March 24, 2015, for a term of 25 years, for the continued use and maintenance of an existing underground communication line, for the land as described on Exhibit A and as shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; rent in the amount of \$945 per year, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence or an equivalent staff-approved self-insurance program.

EXHIBIT A

PRC 7522.2

LAND DESCRIPTION

That certain parcel of State School Land in San Bernardino County, State of California, more particularly described as follows:

N1/2 of SW1/4 of SE1/4, S1/2 of NE1/4 of SE1/4 of SE1/4 and S1/2 of NW1/4 of SE1/4 of SE1/4 of Section 26, Township 9 North, Range 2 East, San Bernardino Meridian, as shown on the Official U.S. Government Township Plat approved June 4, 1856.

EXCEPTING THEREFROM any portion lying within Right-of-Way of El Paso Natural Gas Company (PRC 7527.2).

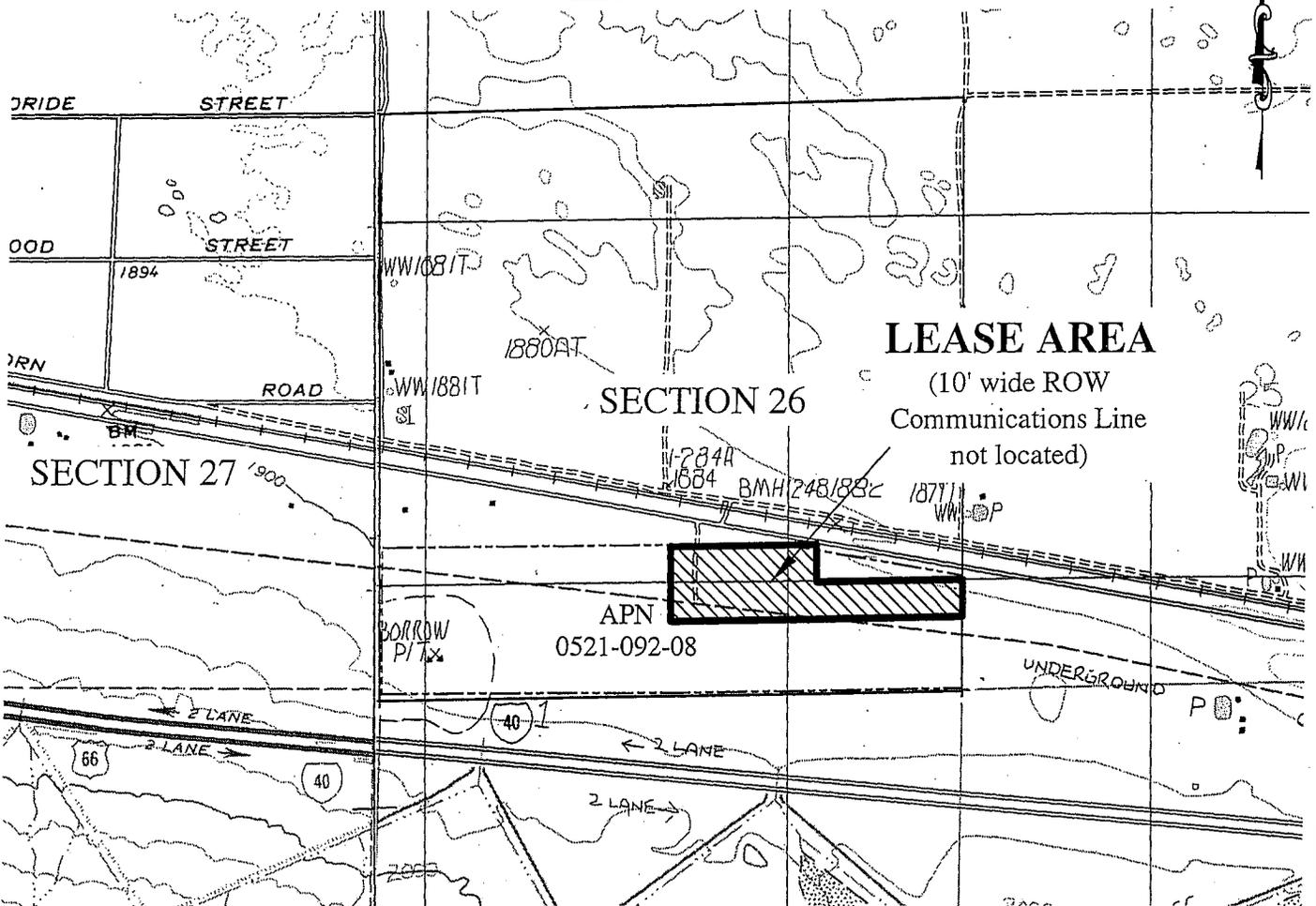
END OF DESCRIPTION

Prepared 05/05/2015 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



LEASE AREA

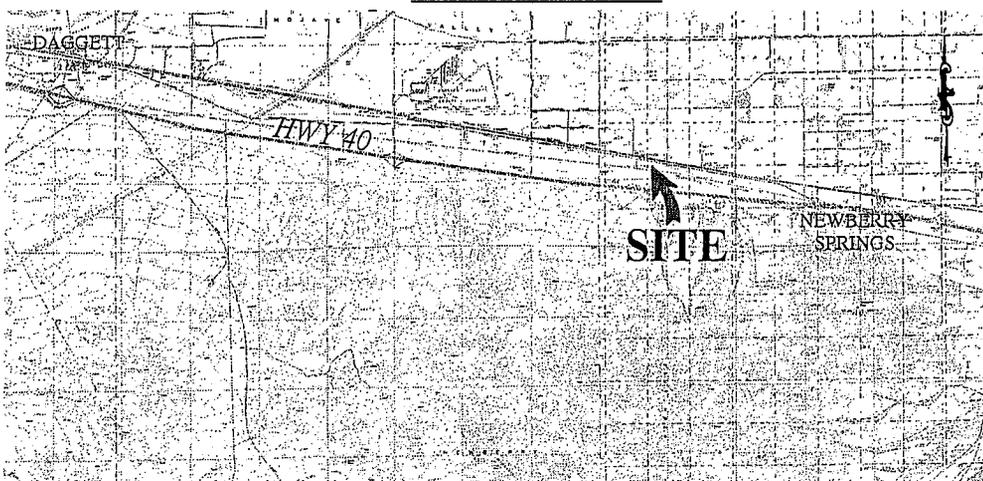
(10' wide ROW
Communications Line
not located)

APN
0521-092-08

PORTION OF SECTION 26, T9N, R2E, SBM
NEAR NEWBERRY SPRINGS, SAN BERNARDINO COUNTY

NO SCALE

LOCATION



SITE

MAP SOURCE: USGS QUAD

Exhibit B

PRC 7522.2
VERIZON CALIFORNIA INC.
APN 0521-092-08
GENERAL LEASE -
RIGHT-OF-WAY USE
SAN BERNARDINO COUNTY



SITE

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.