

CALENDAR ITEM

C59

A 7

02/09/16

S 6

PRC 3673.9

A. Franzoia

GENERAL LEASE – RIGHT-OF-WAY-USE

APPLICANT:

Sacramento Municipal Utility District

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the American River, adjacent to California State University (CSU) Sacramento, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of two 5-inch diameter 12 kilovolt (kV) power-line conduits on Campus Commons' Pedestrian Bridge commonly known as the Guy West Bridge.

LEASE TERM:

23 years, 3 months, and 4 days, beginning November 17, 2015, and expiring February 20, 2039.

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 interests.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$5,000,000 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.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises.
2. On February 21, 2014, the Commission authorized a General Lease – Public Agency Use, Lease No. PRC 3402.9, to the City of Sacramento (City), for a term of 25 years, for the continued use and maintenance of

CALENDAR ITEM NO. **C59** (CONT'D)

an existing bicycle trail bridge commonly known as the Guy West Bridge over the American River between CSU Sacramento and the Campus Commons community. The bridge was constructed in 1966.

3. By resolution, adopted by the Sacramento City Council dated July 28, 1966, the Sacramento Municipal Utility District (SMUD) was granted a permit to install two 5-inch diameter electrical conduits across the Guy West Bridge.
4. On November 17, 1966, the Commission authorized Lease No. PRC 3673.9, a General Lease – Right-of-Way Use, to SMUD for the attachment of power-line conduits to the Guy West Bridge subordinate to rights, terms, and conditions of Lease No. PRC 3402.9. Lease No. PRC 3673.9 expired on November 16, 2015, and the Applicant has applied for a new lease. The term of the proposed Lease No. PRC 3673.9 is being set to coincide with the term of the Guy West Bridge to which the improvements are fixed.
5. This proposed action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
6. 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.

7. 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.

CALENDAR ITEM NO. **C59** (CONT'D)

STAFF ANALYSIS AND RECOMMENDATION:

Authorization:

Public Resources Code sections 6005, 6216, and 6301; California Code of Regulations, Title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

The California Legislature has identified, through Public Resources Code section 6221, that public use made of sovereign land by any instrumentality, district, agency or political subdivision of the state shall be permitted consistent with other laws. In the present case, SMUD is a publicly owned utility district and the two 5-inch diameter 12 kilovolt (kV) power-line conduits cross sovereign land overlying the American River providing public electric utility service to the surrounding region. As such, Commission staff believes this use of public land, by a public agency, for a public benefit is consistent with the common law public trust doctrine (Public Resources Code 6221).

Alternatively, Commission staff believes that the use does not substantially interfere with public trust uses because the lines, currently in existence, are attached to an existing Commission approved bridge and right-of-way granted to the City of Sacramento. Furthermore, the lease is for a limited term, it requires the lessee to insure the lease premises and indemnify the state for any liability incurred as a result of the lessee's activities thereon, and upon termination of the lease, the Lessee may be required to remove any improvements and restore the lease premises to its original condition.

For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law public trust doctrine and in the best interests of the State.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially interfere with the public trust needs and values at this location, is consistent with the common law public trust doctrine, and is in the best interests of the State.

CALENDAR ITEM NO. **C59** (CONT'D)

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).

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 - Right-of-Way Use to the Sacramento Municipal Utility District beginning November 17, 2015, for a term of 23 years, 3 months and 4 days, expiring February 20, 2039, for the continued use and maintenance of two 5-inch diameter 12 kV electrical power-line conduits as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; subordinate to the rights, terms, and conditions of Lease No. PRC 3402.9; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests; liability insurance in an amount no less than \$5,000,000. Applicant may satisfy all or part of the insurance requirements through maintenance of a staff-approved self-insurance program as outlined in the lease.

EXHIBIT A

PRC 3673.9

LAND DESCRIPTION

A ten (10) foot wide strip of submerged land, situate in the bed of the American River, lying adjacent on the left bank to those lands designated as Rancho New Helvetia, and patented June 20, 1866, County of Sacramento, State of California, and lying five (5) feet on each side of the following described centerline:

BEGINNING at a point on the east line of that tract of land designated "Hattie Belle Jackson, Bertha Glenn White Poe Et Al 294.19 Acres", on that certain Record of Survey entitled "Property of Hattie Belle Jackson, Bertha Glenn White Poe and Others" recorded in the office of the Recorder of Sacramento County in Book 4 of Surveys, Map No. 26 from which the most easterly corner thereof bears the following four (4) courses:

- 1) South 36°35'49" East 396.36 feet;
- 2) South 44°48'09" East 533.19 feet;
- 3) South 51°12'09" East 182.80 feet;
- 4) South 13°04'24" East 1977.58 feet;

Thence from said POINT OF BEGINNING, also being a point on the centerline of an existing 5 inch fiberglass conduit, along said centerline North 54°47'22" East 400 feet more or less to the intersection with the west line of that tract of land designated "Brewer Ranch", on that certain Amended Record of Survey entitled "Portion of Section 67, 64 & Section A of Rancho Del Paso" recorded in the office of said Recorder in Book 21 of Survey, Page 4 also being the POINT OF TERMINATION.

Sidelines of said strip shall be lengthened or shortened so as to terminate on the low water mark of the left and right banks of said river.

BASIS OF BEARINGS is that certain Record of Survey entitled "A portion of Sections 10 & 15 T8N, R5E, MDB&M" recorded in the office of the Recorder of Sacramento County in Book 26 of Surveys, Map No. 17.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 01/20/2016 by the California
State Lands Commission Boundary Unit.



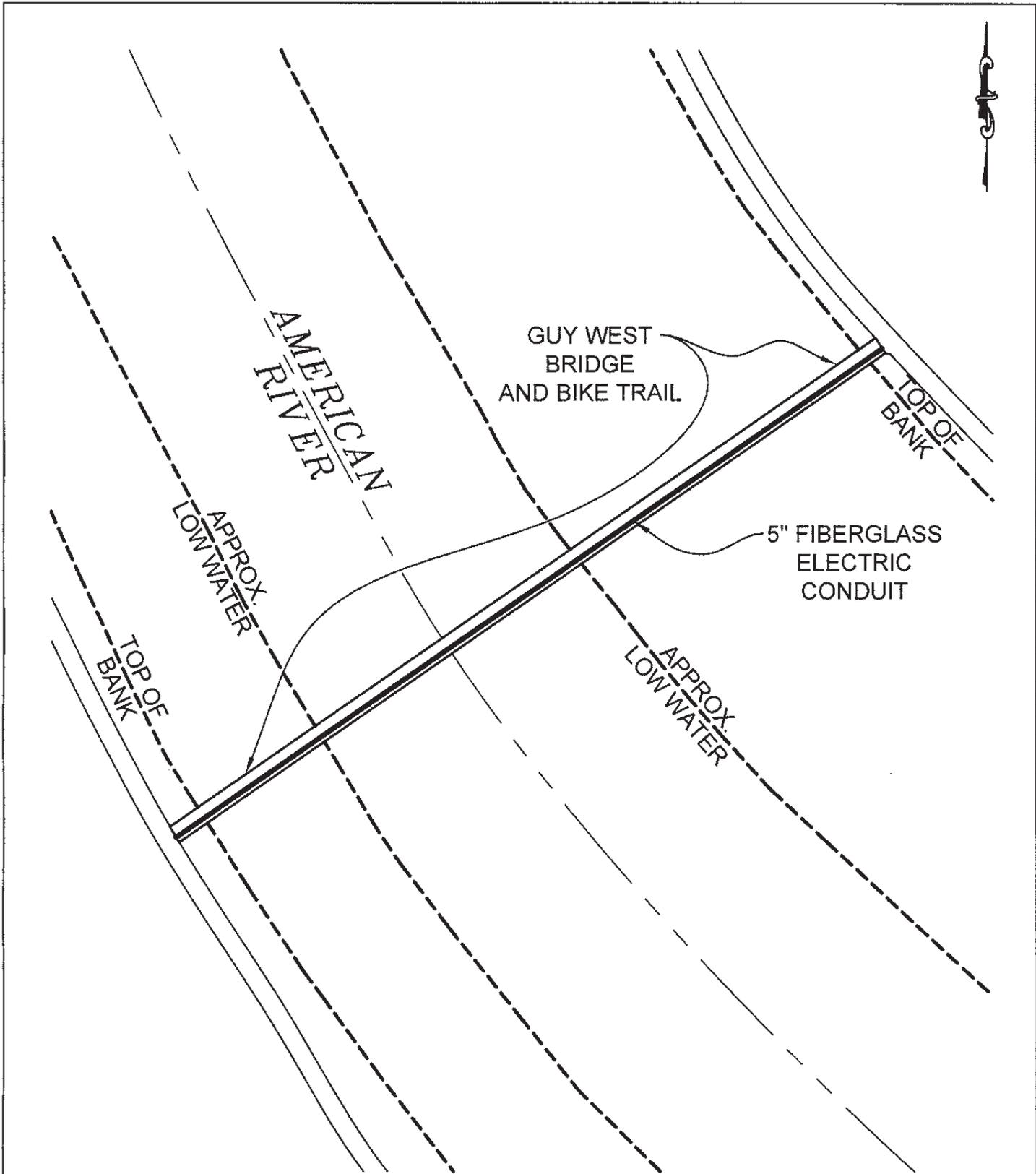
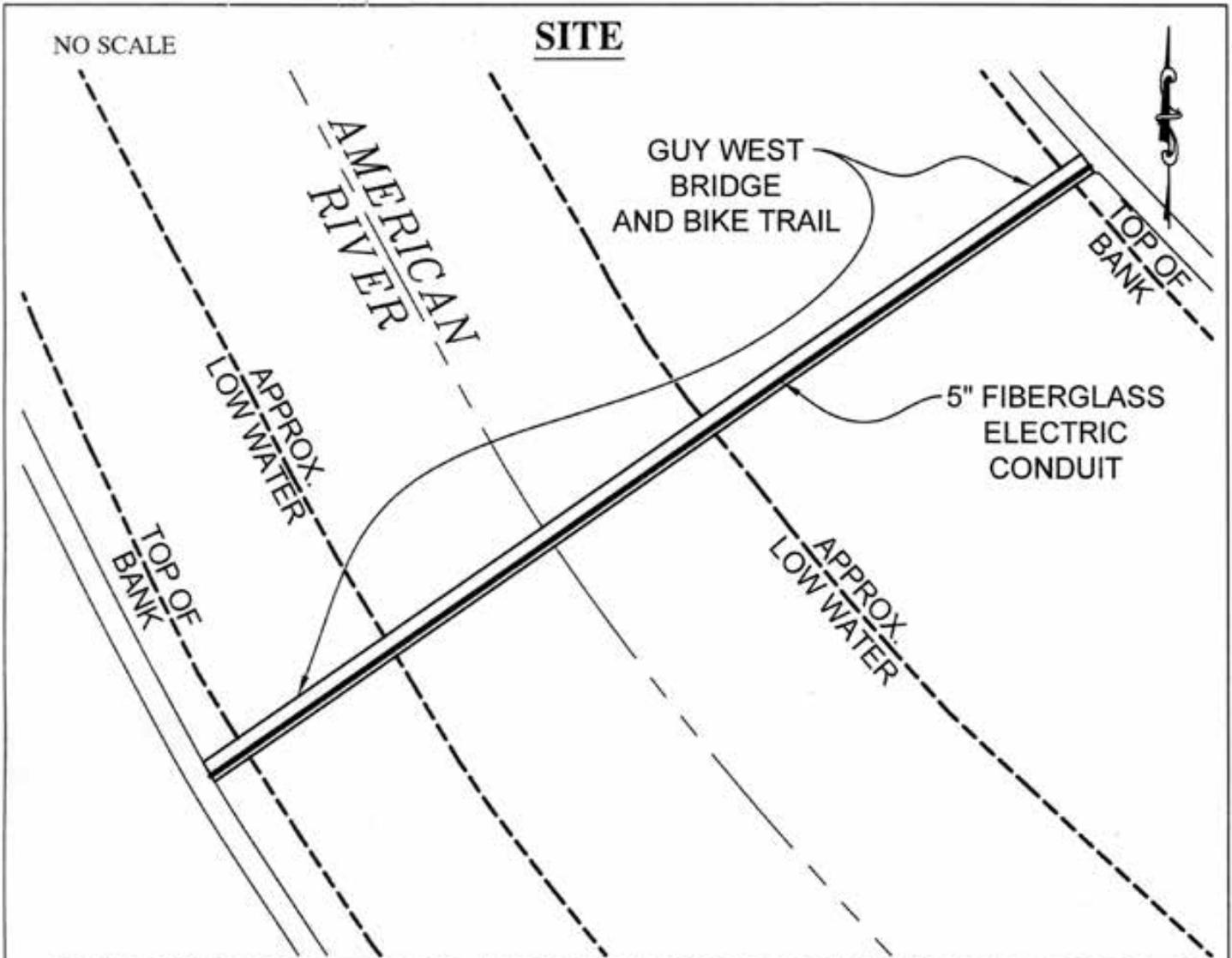


EXHIBIT A

LAND DESCRIPTION PLAT
 PRC 3673.9, SACRAMENTO
 MUNICIPAL UTILITY DISTRICT
 SACRAMENTO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION





GUY WEST BRIDGE OVER AMERICAN RIVER NEAR CSU SACRAMENTO



MAP SOURCE: USGS QUAD

Exhibit B
 PRC 3673.9
 SACRAMENTO MUNICIPAL
 UTILITY DISTRICT
 GENERAL LEASE -
 PUBLIC AGENCY USE
 SACRAMENTO 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.