

Meeting # 28
Date 10/28/76
Meeting

CALENDAR ITEM

C 8

10/76
W 20467
ACS
PRC 5199

RIGHT OF WAY LEASE

APPLICANT: Leon Robertson, dba Robertson Sand
and Gravel Company
P. O. Box 527
Sacramento, California 95803

AREA, TYPE LAND AND LOCATION: An 0.33 acre parcel of land in the bed of
the American River, Sacramento, Sacramento
County.

LAND USE: Continued maintenance of existing 12" steel
pipeline and 3 guy wires.

TERMS OF PROPOSED LEASE:

Initial period: 15 years from November 1, 1972.

Renewal options: 3 successive periods of 10
years each.

Surety bond: \$2,000.

Public liability and property damage insurance:
\$300,000 combined single limit.

CONSIDERATION: \$112.50 per annum, with the State reserving
the right to fix a different rental on each
fifth anniversary of the lease.

BASIS FOR CONSIDERATION:

1 1/2 cents per diameter inch of pipeline or
conduit, per lineal foot.

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is lessee of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. An Environmental Impact Report is not re-
quired. This transaction is within the
purview of 2 Cal. Ad. Code 2907(a) which
exempts an existing structure of facility
that is in an acceptable state of repair

A 4, 5, 6

S 3, 4

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and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.

2. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class A, which authorizes restricted use. Staff has coordinated this project with those agencies and organizations making nominations. They have found this project to be compatible with their nomination.
3. This pipeline was constructed in 1969 and no indication of damage to the environment has been found.
4. The Lessee has submitted with the executed copies of the proposed lease, a notarized statement that the execution of this lease should not be considered as a waiver of lessee's claim to ownership of the leased property. Staff feels that the acceptance of this statement does not prejudice the rights of the State Lands Commission in this portion of the American River.

EXHIBITS:

A. Land Description.

B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRG 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NOT SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO LEON ROBERTSON, D: ROBERTSON SAND AND GRAVEL COMPANY OF A 15 YEAR RIGHT OF WAY LEASE FROM NOVEMBER 1, 1972; WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$112.50 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$2,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 COMBINED SINGLE LIMIT PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE; FOR THE CONTINUED MAINTENANCE

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OF AN EXISTING 12" PIPELINE AND 3 GUY WIRES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

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PARCEL 1

A strip of State owned land 10 feet in width extending entirely across the bed of the American River, in the City of Sacramento, Sacramento County, California, said strip of land lying 5 feet on each side of the following described centerline:

COMMENCING at the southeasterly corner of that tract of land designated as parcel No. 1, conveyed to Iron Robertson from Wells Fargo Bank by Deed dated March 25, 1974, recorded in Book 7404-09 at Page 375 and 376 of the records of said Sacramento County; thence N 18° 57' E, along the easterly line of said parcel No. 1, a distance of 765 feet, more or less, to a point on the South levee of the American River, said point lies N 71° 07' W, a distance of 2 feet from the northwesterly corner of a fence around the City of Sacramento Solid Waste Disposal Facility; thence S 95° 30' 55" E, a distance of 197.18 feet to a point hereinafter referred to as Point "A", and the TRUE POINT OF BEGINNING of the centerline herein described; thence N 02° 46' 35" W, a distance of 611.22 feet to the end of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

PARCEL 2

A strip of State owned land 10 feet wide in the bed of the American River, in the City of Sacramento, California, said strip of land lying 5 feet on each side of the following described centerline:

COMMENCING at the aforementioned Point "A"; thence N 02° 46' 35" W, 140 feet to the TRUE POINT OF BEGINNING; thence S 75° E, 230 feet to the end of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

PARCEL 3

A strip of State owned land 10 feet wide in the bed of the American River, in the City of Sacramento, California, said strip lying 5 feet on each side of the following described centerline:

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COMMENCING at the aforementioned Point "A"; thence
N 02° 46' 35" W, 230 feet to the TRUE POINT OF BEGINNING;
thence S 75° E, 380 feet to the end of the herein described
centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary
high water mark.

PARCEL 4

A strip of State owned land 10 feet wide in the bed of the American
River, in the City of Sacramento, California, said strip lying
5 feet on each side of the following described centerline:

COMMENCING at the aforementioned Point "A"; thence
N 02° 46' 35" W, 370 feet to the TRUE POINT OF BEGINNING;
thence N 63° E, 250 feet to the end of the herein described
centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary
high water mark.

END OF DESCRIPTION

Prepared *John K. Johnson* Checked *R. L. Blake*
Reviewed *A. J. Fernandez* Date *5/3/76*
J.B.