

CALENDAR ITEM
C28

A) 34
S) 17

08/19/03
PRC 8047.2
N. Lee

CONTINUATION OF RENT

LESSEE:

IXC Communications Services, Inc.
1122 Capital of Texas Highway South
Austin, TX 78746

AREA, LAND TYPE, AND LOCATION:

3.15 acres, more or less, of school lands in Sections 29 and 32, T12N, R20E, SBM; Section 36, T10N, R19E, SBM; and Section 16, T8N, R17E, SBM, near the towns of Homer, Goffs, and Essex, San Bernardino County.

AUTHORIZED USE:

Operation and maintenance of a one-inch diameter fiber optic cable encased in a high density polyethylene (HDPE) conduit.

LEASE TERM:

25 years, beginning August 1, 1998.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be continued at \$651 per year, effective August 1, 2003.

OTHER PERTINENT INFORMATION:

On December 16, 1998, the Commission authorized a General Lease – Right Of Way Easement to IXC Communications Services, Inc. for a term of 25 years. The easement is for a one-inch diameter fiber optic cable encased in a high density polyethylene (HDPE) conduit across 3.15 acres of State school land. Such use of State school lands does not qualify for a rent-free lease. This lease will expire on July 31, 2023.

CALENDAR ITEM NO. C28 (CONT'D)

EXHIBITS:

- A. Location Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

APPROVE THE CONTINUATION OF RENT FOR LEASE NO. PRC 8047.2 AT \$651 PER YEAR, EFFECTIVE AUGUST 1, 2003.

This Exhibit is solely for purposes of generally defining the lease premises 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.

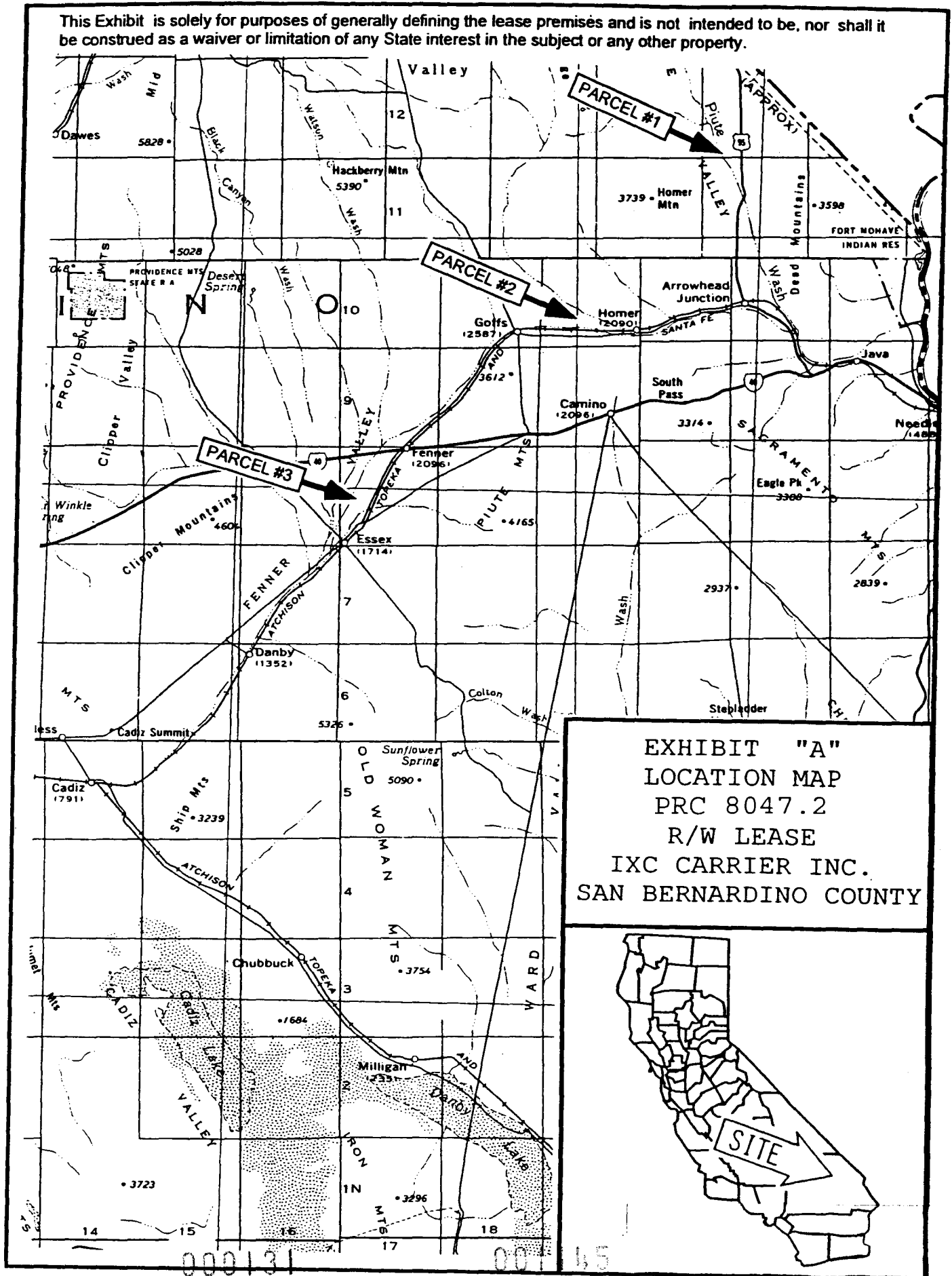


EXHIBIT "A"
LOCATION MAP
PRC 8047.2
R/W LEASE
IXC CARRIER INC.
SAN BERNARDINO COUNTY



EXHIBIT "B"
LAND DESCRIPTION
RIGHT OF WAY LEASE

PRC 8047.2

Those state-owned school lands for use as an easement for underground utility lines, situated in San Bernardino County, State of California and more particularly described as follows:

PARCEL #1

A strip of land, 10 feet wide, across school land in Tract 39 of Sections 29 and 32, T12N, R20E, SBM, as shown on the Official Plat thereof, dated September 29, 1924 and lying 5 feet on each side of the following described centerline:

COMMENCING at the northeast corner of said Tract 39; thence along the north line of said Tract 39, N 89° 53' 37" W, 1440.90 feet to a point 5 feet westerly of the present west edge of pavement of State Highway 95, said point also being the POINT OF BEGINNING of the herein described strip; thence parallel with and adjacent to said present west edge of pavement of State Highway 95, S 00°58' 19" W, 5280.09 feet to the intersection with the south line of Tract 39 and the end of the herein described centerline. The southeast corner of said Tract 39 bears S 89° 51' 27" E, 1340.59 feet.

The sidelines of said strip are to be prolonged or shortened so as to terminate on the north and south lines of Tract 39.

PARCEL #2

A strip of land, 10 feet wide, across school land in Section 36, T10N, R19E, SBM, as shown on the Official Plat thereof, dated March 17, 1913 and lying 5 feet on each side of the following described centerline:

COMMENCING at the northeast corner of said Section 36; thence along the north line of said section 36, N 89° 59' 29" W, 1319.93 feet to the east line of the west one-half of the east one-half of section 36; thence along said east line, S 00°00'03" W, 357.13 feet to a point 5 feet northerly of the present north edge of pavement of Goffs Road, said point also being the POINT OF BEGINNING of the herein described centerline; thence parallel with and adjacent to said present north edge of pavement of Goffs Road, S 87°14' 22" W, 1895.48 feet to an angle point; thence S 87°16' 49" W, 747.75 feet to a point on the west line of the east one-half of the west one-half of section 36 and the end of the herein described centerline. The northwest corner of said east one-half of the west one half of section 36 bears N 00° 00' 05" E, 484.30 feet.

The sidelines of said strip are to be prolonged or shortened so as to terminate on the east line of the west one-half of the east one-half of section 36 and to terminate on the west line of the east one-half of the west one-half of section 36.

000132

CALENDAR PAGE

001146

MINUTE PAGE

PARCEL #3

A strip of land, 10 feet wide, across school land in Section 16, T8N, R17E, SBM, as shown on the Official Plat thereof, dated October 6, 1856 and lying 5 feet on each side of the following described centerline:

COMMENCING at the intersection of the centerline of Goffs Road and the centerline of U. S. Interstate 40; thence southerly along the approximate centerline of Goffs Road S 09° 50' 28" W, 2704.49 feet; thence leaving said approximate centerline S 36° 04' 32" W, 1536.78 feet to a point 5 feet westerly of the present west edge of pavement of Goffs Road; thence parallel with and adjacent to said present west edge of pavement of Goffs Road S 28° 51' 24" W, 1499.87 feet; thence continuing parallel with and adjacent to said present west edge of pavement of Goffs Road S 25° 29' 00" W, 3680.84 feet, plus or minus, to a point on the north line of Section 16 and the POINT OF BEGINNING of the herein described centerline, the north one-quarter corner of said Section 16 bears S 90° W, 940.2 feet, plus or minus; thence from said point of beginning and parallel with and adjacent to said present west edge of pavement of Goffs Road, S 25° 27' 36" W, 1571.38 feet; thence S 25° 51' 10" W, 1140.17 feet; thence S 25° 49' 18" W, 2630.85 feet to the point of curvature of a circular curve, concave to the southeast, having a central angle of 03° 40' 47" and a radius of 7344.10 feet; thence southwesterly thru said arc, 471.68 feet to a tangent line; thence along said tangent line S 22° 08' 31" W, 38.99 feet to the south line of Section 16 and the end of the herein described centerline. The southwest corner of said Section 16 bears S 90° W, 1035.42 feet, plus or minus.

The sidelines of said strip are to be prolonged or shortened so as to terminate on the north and south lines of Section 16.

END DESCRIPTION