

**CALENDAR ITEM
C64**

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03/29/12
WP 2432.9
WP 2433.9
N. Lavoie

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GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

The city of Stockton
2500 Navy Drive
Stockton, CA 95206-1191

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Stockton Slough (Stockton Deep Water Channel) and Mormon Slough, in the city of Stockton, San Joaquin County.

AUTHORIZED USE:

The continued use, maintenance, and operation of a 24-inch diameter cast iron sewer force main pipeline.

LEASE TERM:

25 years, beginning July 30, 2008

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 interest.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On July 30, 1959, the Commission approved the issuance of two 49-year easements (PRC 2432.9 and PRC 2433.9) to the city of Stockton (City) for a force main sewer pipeline that crosses the beds of Stockton Slough (Stockton Deep Water Channel) and Mormon Slough both of which expired on July 29, 2008. The Applicant is now applying for a single new General Lease – Public Agency Use for the continued use, maintenance, and operation of the existing 24-inch diameter sewer force main. Staff is recommending the consolidation of these expired easements into Lease

CALENDAR ITEM NO. **C64** (CONT'D)

Number PRC 2432.9 because the two crossings are the same sewer pipeline and within close proximity to each other.

3. This 24-inch diameter cast iron pipeline is a pressure line (force main) which conveys approximately 13.7 million gallons per day of raw sewage at approximately 35 pounds per square inch from the Smith Canal Sewer Pump Station located at 2130 Fontana Avenue, Stockton, to the Regional Water Control Facility located at 2500 Navy Drive, Stockton. The Applicant reported that the force main is buried between five to 10 feet deep.
4. The City has a Sanitary Sewer Overflow Emergency Response Plan for the system which is designed to ensure that every report of sanitary sewer overflow is dispatched to the appropriate response personnel so the effects of an overflow can be minimized with respect to its adverse impacts on public health, the environment, and property. In the event of a shutdown, the flow can be transferred to a different discharge pipeline in the system.
5. To reduce the potential for damage to the buried force main pipeline, the City has placed signage on both sides of the waterways to inform and warn of the buried force main pipeline.
6. 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.

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. **C64** (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).

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 city of Stockton beginning July 30, 2008, for a term of 25 years, for the continued use, maintenance, and operation of a 24-inch diameter sewer force main pipeline as described on Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being 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 interest.

EXHIBIT A

PRC 2432.9

LAND DESCRIPTION

Two 16 foot strips of tide and submerged land situate in the beds of the Stockton Slough (Stockton Deep Water Channel) and Mormon slough, lying adjacent to Section 9, Township 1 North, Range 6 East, MDM, as shown on Official Township Plat approved December 5th, 1879, San Joaquin County, California, and lying 8 feet on either side of the following described centerlines:

Parcel 1 – Stockton Slough (Stockton Deep Water Channel)

BEGINNING at a point on the ordinary high water mark of the right bank of the Stockton Slough (Stockton Deep Water Channel) which bears S 7°30' E, 40 feet from the most southerly corner common to Lots 16 and 17 in Block 14 of Terminal Tract, as said lots and blocks are shown upon "Map of Terminal Tract, Stockton, San Joaquin Co., California", filed in the office of the County Recorder of San Joaquin County on September 13, 1895, in Book of Maps and Plats in Volume 2, page 64; thence from said POINT OF BEGINNING S 7°30' E, 437 feet, more or less, to the ordinary high water mark of the left bank of the Stockton Slough (Stockton Deep Water Channel).

Sidelines of said strip to be lengthened or shortened so as to terminate with said ordinary high water marks of the left and right banks of the Stockton Slough (Stockton Deep Water Channel).

Parcel 2 – Mormon Slough

BEGINNING at a point on the ordinary high water mark of the left bank of the Mormon Slough which bears N 51°36' E, 60 feet; N 65°27' E, 585.24 feet; and N 29°54' E, 110.00 feet from the point of intersection of the centerline of Los Angeles Avenue with the northerly line of Harbor Street in the City of Stockton; thence from said POINT OF BEGINNING N 51°36' E, 181 feet more or less to the ordinary high water mark of the right bank of Mormon Slough.

Sidelines of said strip to be lengthened or shortened so as to terminate with said ordinary high water marks of the left and right banks of the Mormon Slough.

END OF DESCRIPTION

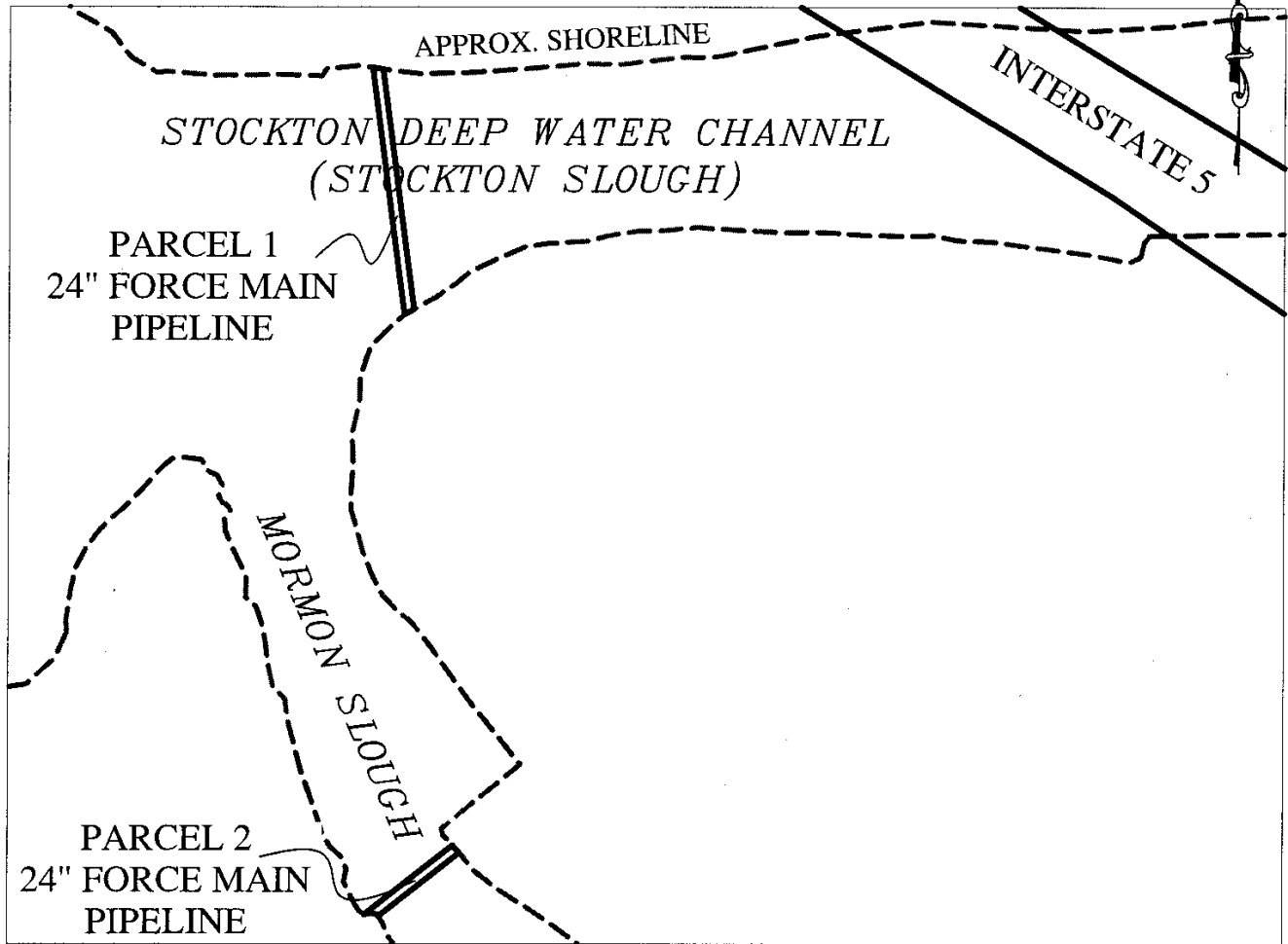
Revised 12/15/10 by the California State Lands Commission Boundary Unit

Revised description based on the descriptions found in lease files PRC 2432 and PRC 2433 executed July 15, 1959 as prepared by staff of the CSLC



NO SCALE

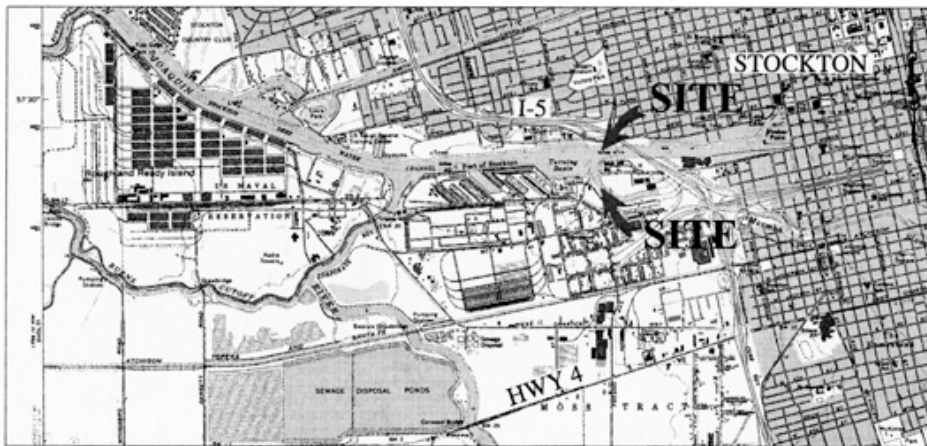
SITE



Stockton Deep Water Channel & Mormon Slough, Stockton

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 2432.9, PRC 2433.9
CITY OF STOCKTON
GENERAL LEASE-
PUBLIC AGENCY USE
SAN JOAQUIN COUNTY



MFJ 11/17/10

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.