

**CALENDAR ITEM
C66**

A 33
S 16

06/22/17
PRC 2158.2
J. Porter

GENERAL LEASE – RIGHT OF WAY USE

APPLICANT:

Pacific Gas and Electric Company

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

0.21 acre, more or less, of State-owned school land located in the southwest quarter of the southwest quarter of the southwest quarter of Section 36, Township 7 North, Range 3 East, SBM, south of Newberry Springs, San Bernardino County.

AUTHORIZED USE:

Use and maintenance of an existing unpaved access road.

LEASE TERM:

20 years, beginning May 1, 2017.

CONSIDERATION:

\$450 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

1. Insurance: Liability insurance in the amount of no less than \$2,000,000 per occurrence, or equivalent staff-approved self-insurance program.
2. Lessee to maintain the road at no cost to the State.

STATE'S BEST INTERESTS ANALYSIS:

On March 25, 2008, the Commission authorized a 10-year General Lease – Right of Way Use to Pacific Gas and Electric Company for the use and maintenance of an unpaved access road ([Calendar Item C33, March 25, 2008](#)). The lease expired on April 30, 2017. The Applicant has submitted an application requesting a new General Lease - Right of Way Use for the continued use and maintenance of the existing road. The proposed lease involves an existing road that has been under lease in the past, is limited to a 20-year term, does not alienate the State's fee simple interest, and does not grant the lessee exclusive rights to the lease premises. The lease will require the lessee to maintain the

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road at no expense to the State, and will require the lessee to insure and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease will also require the payment of annual rent, which generates revenue for the California State Teachers' Retirement System, consistent with the School Land Bank Act. For the reasons stated above, Commission staff believes issuance of this lease is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This 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 and Strategy 2.1 to optimize returns for the responsible development and use of State lands and resources, both onshore and offshore.

2. 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 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

3. 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.

EXHIBITS:

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

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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 14, section 15301.

STATE'S BEST INTERESTS FINDING:

Find that the lease is in the best interests of the State for the reasons described herein.

AUTHORIZATION:

Authorize issuance of a General Lease – Right of Way Use to Pacific Gas and Electric Company beginning May 1, 2017, for a term of 20 years, for use and maintenance of an unpaved access road on 0.21 acre, more or less, of State-owned school land described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; rent in the amount of \$450 per year, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$2,000,000 per occurrence, or equivalent staff-approved self-insurance program.

EXHIBIT A

PRC 2158.2

LAND DESCRIPTION

A 15 foot wide Parcel of State owned School Lands situate in Section 36, Township 7 North, Range 3 East, SBM, as shown on Official Government Township Plat approved June 2, 1921, County of San Bernardino, State of California, lying 7.5 feet on each side of the following described centerline:

BEGINNING at a point on the south line of said Section 36 which bears East, 197.19 feet from the Southwest corner thereof as shown on Record of Survey filed in Book 113, Pages 24 and 25, Official Records of San Bernardino County; thence along the centerline of an existing access road the following twelve (12) courses:

- 1) N 00°20'57" W 22.45 feet;
- 2) N 06°00'00" W 31.05 feet;
- 3) N 14°06'11" W 53.80 feet;
- 4) N 08°18'56" W 76.45 feet;
- 5) N 02°42'17" W 52.72 feet;
- 6) N 01°18'31" W 64.97 feet;
- 7) N 08°27'50" W 62.21 feet;
- 8) N 19°46'30" W 43.02 feet;
- 9) N 32°52'25" W 44.23 feet;
- 10) N 44°40'24" W 65.53 feet;
- 11) N 51°26'10" W 49.75 feet;
- 12) N 68°16'12" W 35.06 feet to a point on the West line of said Section 36, and the terminus of this strip.

The sidelines of said strip shall be prolonged or shortened so as to commence on the southerly boundary of said Section 36, terminate on the westerly boundary of said Section 36, and at angle point intersections.

END OF DESCRIPTION

Revised 05/16/2017 by the California State Lands Commission Boundary Unit. Based upon description prepared 11/01/2011 as found in PRC 8969.2.



NO SCALE

SITE



SECTION 36
APN 0527-041-18

15' WIDE LEASE AREA

CENTERLINE EXISTING
ACCESS ROAD

35 36
2 1

SCHOOL LANDS

SECTION 36, TOWNSHIP 7 NORTH, RANGE 3 EAST, S.B.B.&M., NEAR BARSTOW

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 2158.2
PACIFIC GAS AND
ELECTRIC COMPANY
APN 0527-041-18
GENERAL LEASE -
RIGHT-OF-WAY USE
SAN BERNARDINO COUNTY



JWP 05/16/17