

**STAFF REPORT
C58**

A 36
S 16

04/05/19
PRC 2234.2
C. Hudson

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

County of Kern

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

3.80 acres, more or less, of State-owned school land within a portion of Section 36, Township 10 North, Range 13 West, SBM, near Rosamond, Kern County

AUTHORIZED USE:

Use and maintenance of an existing public road, known as Mojave-Tropico Road/County Road No. 221.

LEASE TERM:

25 years, beginning April 5, 2019.

CONSIDERATION:

\$125 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence, or equivalent staff-approved self-insurance program.
- Lessee will maintain the public road in a passable condition and will assume all costs and expenses associated with road maintenance.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6217.5, 6501.1, and 6503, California Code of Regulations, title 2 sections 2000 and 2003.

State's Best Interests Analysis:

The Applicant applied for a General Lease – Public Agency Use for an existing public road, known as Mojave-Tropico Road/County Road No. 221. The public road is an old stagecoach road and has been in use since

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the early 1900s. County Road No. 221 was created as a Bond Issue road, petitioned and filed October 1, 1900. The road was declared a public highway on March 5, 1901, pursuant to Minute Book 9, Page 435 by the Kern County Board of Supervisors. On December 11, 1958, the Commission authorized a 49-year right-of-way easement to the County of Kern for the existing public road ([Item 27, December 11, 1958](#)). The easement expired on September 3, 2007. A proposed lease has been in negotiations for years due to a dispute over lease terms. The dispute has been resolved, and the Applicant has agreed to a proposed lease with the incorporation of new lease terms and conditions consistent with current Commission policy and practice.

The road is maintained by the County at its sole expense for public use. The proposed lease does not alienate the State's fee simple interest and does not grant the lessee exclusive rights to the lease premises. The lease requires the lessee to insure and indemnify the State for any liability incurred as a result of the lessee's activities on the lease premises. The lease requires the Applicant to pay all expenses to maintain the public road. The lease also requires the payment of annual rent, generating revenue for the California State Teacher's Retirement System, consistent with Public Resources Code section 6217.5.

Climate Change:

The combination of more frequent and longer duration weather patterns contributing to high and unpredictable winds, low humidity, extreme heat, and thunderstorm and lightning events for California has contributed to an increasingly aggressive wildland fire season as a related product of climate change. This threat can be further elevated through prolonged drought conditions for rural areas. In addition, as stated in the *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, droughts, extreme heat, and storms. The rural setting of the subject State parcels and surrounding land is vulnerable to these weather events. The Applicant understands the potential weather impacts on the improvements and is responsible for ensuring that the lease premises are maintained in a safe condition and a manner that does not contribute to hazards.

Conclusion:

For the reasons stated above, staff believes issuance of this lease is in the best interests of the State.

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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, reservation, 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 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.

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).

STATE'S BEST INTERESTS:

Find that the proposed lease is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the County of Kern beginning April 5, 2019, for a term of 25 years, for the use and maintenance of an existing public road, as 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 \$125 per year, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence, or equivalent staff-approved self-insurance program.

EXHIBIT A

PRC 2234.2

LAND DESCRIPTION

All that portion of the east half of the Northwest quarter of Section 36, Township 10 North, Range 13 West, SBM, County of Kern, State of California, as shown on the Dependent Resurvey on file in the Office of said County Surveyor, accepted by the General Land Office on June 19, 1935, being a strip of land 60.00 feet in width, lying 30.00 feet on each side of the following described line:

Commencing at the West quarter corner of said Section 36;

- Thence 1) South $89^{\circ} 47' 31''$ East, along the northerly boundary of said north half, 1,610.13 feet to the true point of beginning.
- Thence 2) North $19^{\circ} 38' 12''$ East, 217.44 feet to the beginning of a curve, concave northwesterly, having a radius of 3,000.00 feet;
- Thence 3) Northeasterly along said curve, through a central angle of $02^{\circ} 29' 05''$, an arc length of 130.10 feet;
- Thence 4) North $17^{\circ} 09' 07''$ East, 372.29 feet to the beginning of a curve, concave northwesterly, having a radius of 2,200.00 feet;
- Thence 5) Northeasterly along said curve, through a central angle of $06^{\circ} 53' 45''$, an arc length of 264.78 feet;
- Thence 6) North $10^{\circ} 15' 22''$ East, 224.26 feet to the beginning of a curve, concave southeasterly, having a radius of 4,000.00 feet;
- Thence 7) Northeasterly along said curve, through a central angle of $05^{\circ} 30' 20''$, an arc length of 384.36 feet;
- Thence 8) North $15^{\circ} 45' 42''$ East, 170.04 feet to the beginning of a curve, concave westerly, having a radius of 700.00 feet;
- Thence 9) Northerly along said curve, through a central angle of $11^{\circ} 01' 00''$, an arc length of 134.59 feet;
- Thence 10) North $04^{\circ} 44' 42''$ East, 64.84 feet to the beginning of a curve, concave easterly, having a radius of 1,000.00 feet;
- Thence 11) Northerly along said curve, through a central angle of $08^{\circ} 11' 50''$, an arc length of 143.07 feet;
- Thence 12) North $12^{\circ} 56' 32''$ East, 74.60 feet to the beginning of a curve, concave northwesterly, having a radius of 2,500.00 feet;
- Thence 13) Northeasterly along said curve, through a central angle of $02^{\circ} 48' 50''$, an arc length of 122.78 feet;
- Thence 14) North $10^{\circ} 07' 42''$ East, 96.02 feet to the beginning of a curve, concave southeasterly, having a radius of 700.00 feet;
- Thence 15) Northeasterly along said curve, through a central angle of $24^{\circ} 02' 46''$, an arc length of 293.78 feet;
- Thence 16) North $34^{\circ} 10' 27''$ East, 64.18 feet to a point on the northerly boundary of said northwest quarter lying North $89^{\circ} 37' 08''$ West, 318.40 feet from the northeast corner of said northwest quarter, the terminus of this description.

The sidelines of said strip to begin on the southerly boundary and end on the northerly boundary of said northwest quarter.

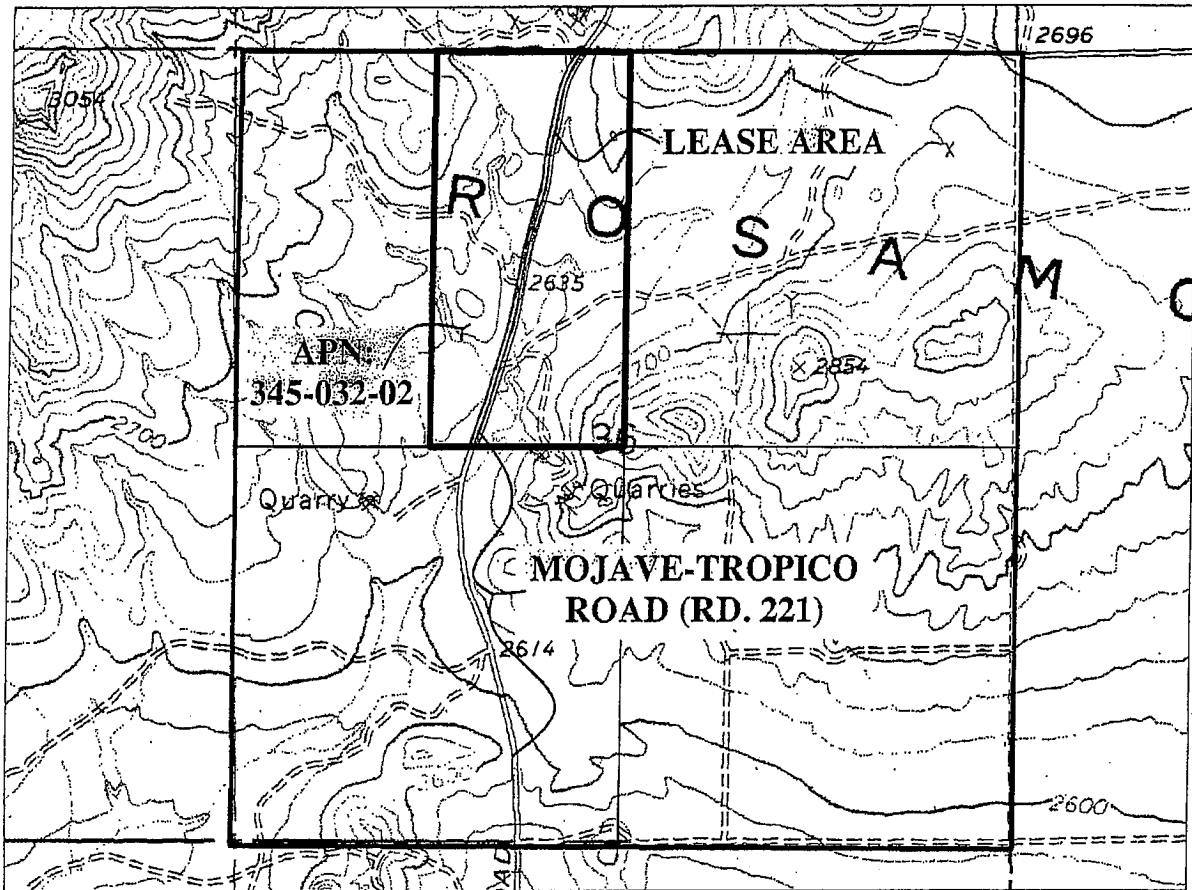
Consisting of 3.8 acres, more or less.

OFFICE OF COUNTY SURVEYOR		
Prepared By:	DEF	6/11/20 07
Compared By:	ASL	6/18 2007
Approved By:	Randall S. Smith	6/18 20 07



NO SCALE

SITE

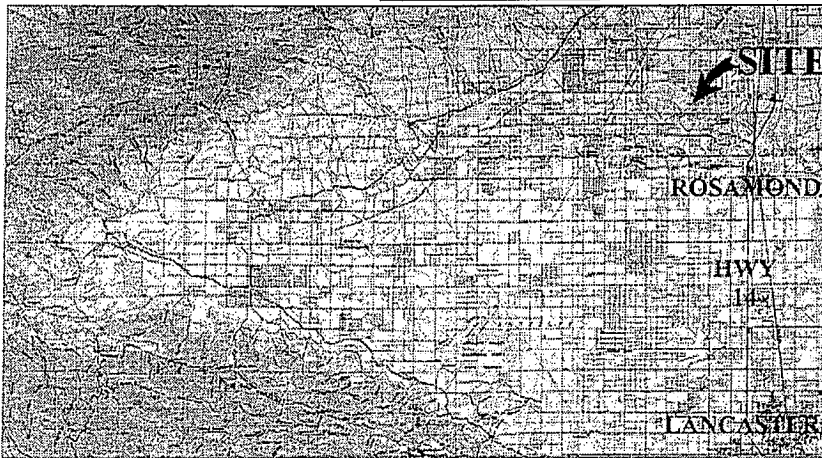


SCHOOL LANDS

Mojave - Tropico Road near Rosamond
E 1/2, NW 1/4, Sec 36, T10N, R13W, S.B.M.

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

EXHIBIT B

PRC 2234.2
COUNTY OF KERN
APN: 345-032-02
GENERAL LEASE
PUBLIC AGENCY USE
KERN COUNTY



MJF 8/21/07

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.