

STAFF REPORT

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S 28

06/28/19
PRC 4465.2
C. Hudson

AMENDMENT OF LEASE AND REVISION OF RENT

LESSEE:

Southern California Edison Company

AREA, LAND TYPE, AND LOCATION:

0.97-acre parcel, more or less, of State-owned school land within a portion of Section 36, Township 6 South, Range 5 West, SBM, near Elsinore Peak, Riverside County.

AUTHORIZED USE:

Use and maintenance of an existing 12-kilovolt (kV) distribution line.

LEASE TERM:

49 years, beginning December 1, 1973.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that the rent be revised from \$392 per year to \$450 per year, effective December 1, 2019.

PROPOSED AMENDMENT:

The following section of the lease is proposed to be amended:

Section 1, Land Use or Purpose and Authorized Improvements would be amended to authorize the following:

- 1) Replace the existing 12-kV power line with new 12-kV distribution lines and install 12 new wood poles within the existing right-of-way.
- 2) Reduce the Lease Premises from a 0.92-acre parcel to a 0.474-acre parcel.
- 3) Replace the existing Section 3, Land Description and existing Exhibits, with the attached Exhibit A, Legal Description, Exhibit B, Location Map, and Exhibit C, Site and Location Map.

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All other terms and conditions of the lease shall remain in effect without amendment.

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, 2003.

State's Best Interests Analysis:

On February 6, 1974, the Commission authorized a General Lease – Right-of-Way Use to Southern California Edison Company for the construction and maintenance of an existing overhead 12kV power line and the construction of an additional 1,719 feet of underground line to serve a microwave facility ([Minute Item 5, February 6, 1974](#)). The lease will expire on November 30, 2022.

The Applicant applied to amend the existing Lease No. PRC 4465.2 to replace the existing overhead 12kV power line with new overhead 12kV distribution lines and install 12 new wood poles within the existing right-of-way. While processing the application, staff discovered a discrepancy in the acreage for the Lease Premises. The Lease Premises will be reduced from a 0.92-acre parcel to a 0.474-acre parcel. Staff recommends to the Commission to revise the annual rent and replace the existing Section 3, Land Description, with Exhibit A, Legal Description; Exhibit B, Location Map, prepared by the Lessee, and Exhibit C, Site and Location Map prepared by staff.

The current lease and the proposed amendment do not alienate the State's fee simple interest and do not grant the lessee exclusive rights to the lease premises. The current lease requires the payment of annual rent, which generates revenue for the California State Teachers' Retirement System, consistent with Public Resources Code section 6217.5.

SCE manages an Overhead Detailed Inspections (ODI) program which consists of performing a close proximity, in-depth evaluation of its overhead electrical facilities such as poles, capacitors, switches, transformers, conductors, guy wires, and risers to identify hazardous conditions. Annual patrols and overhead detailed inspections are performed across SCE's distribution system using a geographical grid-based approach. Inspection and maintenance activities associated with the distribution grid, include planned and unplanned work. Most of the planned work is performed to satisfy various requirements placed upon

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SCE by the California Public Utilities Commission, and various city and county agencies. SCE's last inspection was performed in 2018 which showed the lines in disrepair. The next annual inspection is expected to be performed once the lines are replaced and new poles have been installed.

Staff conducted the rent review called for in the Lease and recommends the rent be revised from \$392 per year to \$450 per year, effective December 1, 2019. The recommended action to amend the lease will result in safer infrastructure for the community in which the transmission line is located. For the reasons stated above, staff believes amending the existing lease and revising the annual rent is in the State's best interests.

Climate Change:

As stated in *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, drought, extreme heat, and storms. The lease area is primarily open land with moderate to low vegetation fuels and are vulnerable to the above events, including drought and the threat of wildland fires.

SCE manages a Vegetation Management Program which includes tree trimming and tree removal in proximity to transmission and distribution high-voltage lines and weed abatement around overhead structures in high fire risk designated areas. SCE inspects approximately 900,000 trees annually and prunes nearly 690,000 per year. SCE uses an advanced laser surveying method called Light Detection and Ranging (LiDAR) to enhance vegetation management in areas of our service territory. Regular maintenance of vegetation within the lease premises as prescribed in the Vegetation Management Program will help minimize the threat of fire hazards to the lease premises.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the rent review and amendment is a discretionary action by the Commission. Each time the Commission approves or rejects a use of school land, it exercises legislatively delegated authority and responsibility as trustee of the State's school lands as authorized by law. If the Commission denies the application for an amendment, the Lessee will not be authorized to install the new distribution lines and poles. Upon expiration or prior termination of the lease, the lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with Strategy 1.1. the Commission's Strategic Plan to deliver the highest levels of public health and safety in the

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protection, reservation and responsible economic use of the lands and resources under the Commission's jurisdiction; Strategy 2.1 to optimize returns for the responsible development and use of State lands and resources, both onshore and offshore; and Strategy 2.2 to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.

3. 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 3, New Construction or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

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

EXHIBITS:

- A. Legal Description
- B. Location Map
- C. 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 3, New Construction or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

STATE'S BEST INTERESTS:

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

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 4465.2, a General Lease – Right-of-Way Use, effective June 28, 2019, to replace the existing 12kV power line with new 12kV overhead distribution lines and add 12 new wood poles within the existing right-of-way; reduce the Lease Premises from a 0.92-acre parcel to a 0.474-acre parcel; and replace the existing Section 3 (Land Description) and existing Exhibits, with the attached Exhibit A, Legal Description, Exhibit B, Location Map, and Exhibit C, Site and Location Map (for reference

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purposes only), effective June 28, 2019. All other terms and condition of the lease will remain in effect without amendment.

2. Approve the revision of rent for Lease No. PRC 4465.2 from \$392 per year to \$450 per year, effective December 1, 2019.

EXHIBIT "A" LEGAL DESCRIPTION

STRIP B

A STRIP OF LAND, 4 FEET IN WIDTH, THE CENTERLINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT POINT B;

THENCE NORTH 13°05'18" WEST, A DISTANCE OF 24.49 FEET.

STRIP C

A STRIP OF LAND, 4 FEET IN WIDTH, THE CENTERLINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT POINT C;

THENCE SOUTH 33°05'42" EAST, A DISTANCE OF 20.19 FEET.

STRIP D

A STRIP OF LAND, 4 FEET IN WIDTH, THE CENTERLINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT POINT D;

THENCE SOUTH 27°09'50" WEST, A DISTANCE OF 19.91 FEET.

STRIP E

A STRIP OF LAND, 4 FEET IN WIDTH, THE CENTERLINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT POINT E;

THENCE NORTH 05°51'08" EAST, A DISTANCE OF 45.93 FEET.

STRIP F

A STRIP OF LAND, 4 FEET IN WIDTH, THE CENTERLINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT POINT F;

THENCE NORTH 10°25'43" WEST, A DISTANCE OF 46.44 FEET.



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EXHIBIT "A" LEGAL DESCRIPTION

STRIP G1

A STRIP OF LAND, 4 FEET IN WIDTH, THE CENTERLINE BEGIN DESCRIBED AS FOLLOWS:

BEGINNING AT POINT G;

THENCE SOUTH 19°12'09" EAST, A DISTANCE OF 24.99 FEET.

STRIP G2

A STRIP OF LAND, 4 FEET IN WIDTH, THE CENTERLINE BEGIN DESCRIBED AS FOLLOWS:

BEGINNING AT POINT G;

THENCE SOUTH 71°01'36" EAST, A DISTANCE OF 24.87 FEET.

STRIP H

A STRIP OF LAND, 4 FEET IN WIDTH, THE CENTERLINE BEGIN DESCRIBED AS FOLLOWS:

BEGINNING AT POINT H;

THENCE NORTH 44°02'28" EAST, A DISTANCE OF 45.48 FEET.

STRIP J1

A STRIP OF LAND, 4 FEET IN WIDTH, THE CENTERLINE BEGIN DESCRIBED AS FOLLOWS:

BEGINNING AT POINT J;

THENCE SOUTH 70°17'42" EAST, A DISTANCE OF 30.59 FEET.

STRIP J2

A STRIP OF LAND, 4 FEET IN WIDTH, THE CENTERLINE BEGIN DESCRIBED AS FOLLOWS:

BEGINNING AT POINT J;

THENCE NORTH 37°45'50" EAST, A DISTANCE OF 27.10 FEET.



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EXHIBIT "A" LEGAL DESCRIPTION

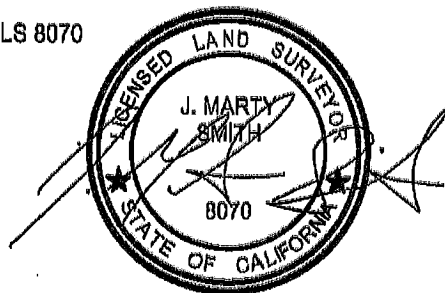
THE ABOVE DESCRIBED PARCEL CONTAINS 20,659 SQUARE FEET OR 0.474 ACRES, MORE OR LESS.

BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE ON THE CALIFORNIA COORDINATE SYSTEM, ZONE 6 (NAD83), 2017.50 EPOCH. DIVIDE GRID DISTANCES SHOWN BY 0.999824799 TO OBTAIN GROUND LEVEL DISTANCES.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS' ACT.

J. MARTY SMITH, PLS 8070



10/29/2018

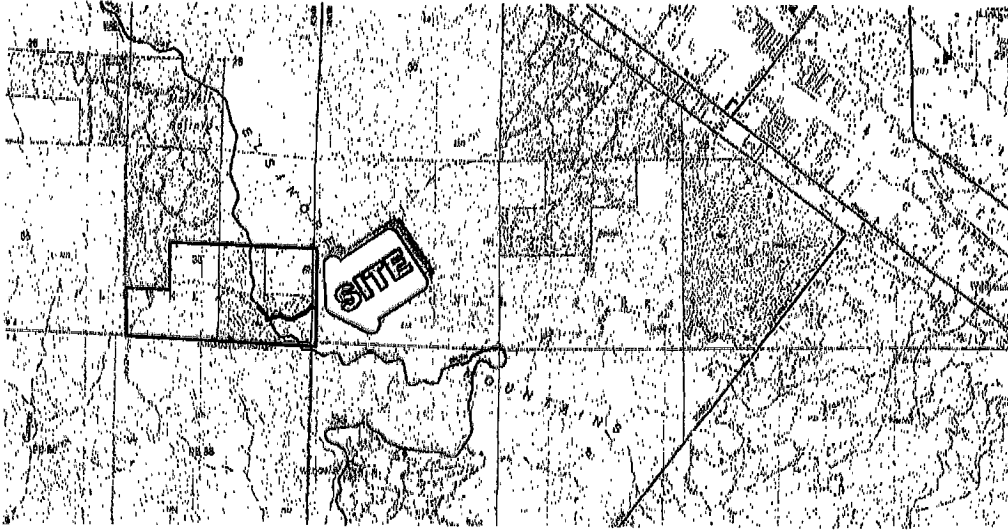


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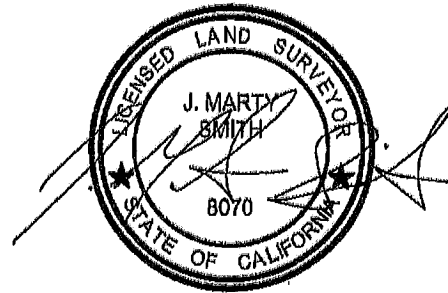
EXHIBIT "B"

PRC 4465.2

LOCATION MAP



MAP SOURCE: US FOREST SERVICE MAP



10/29/2018



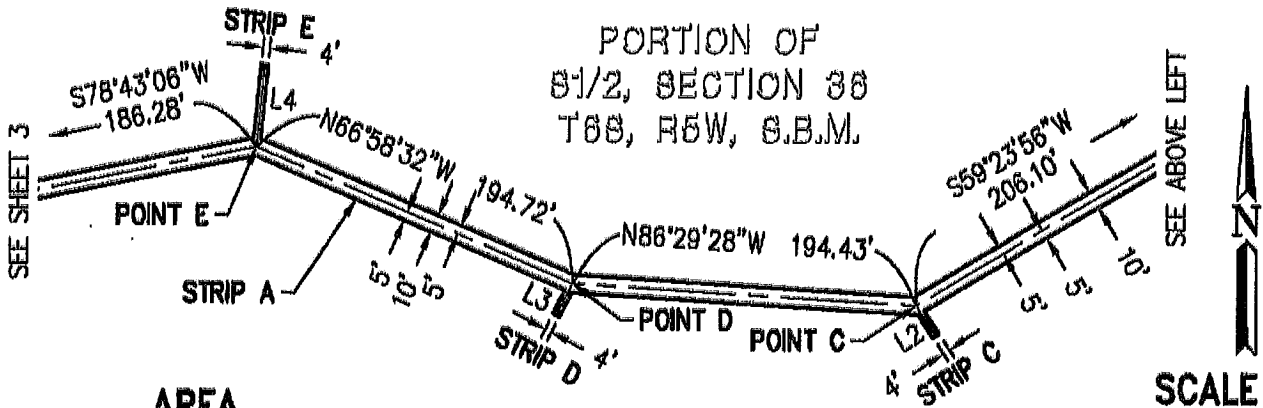
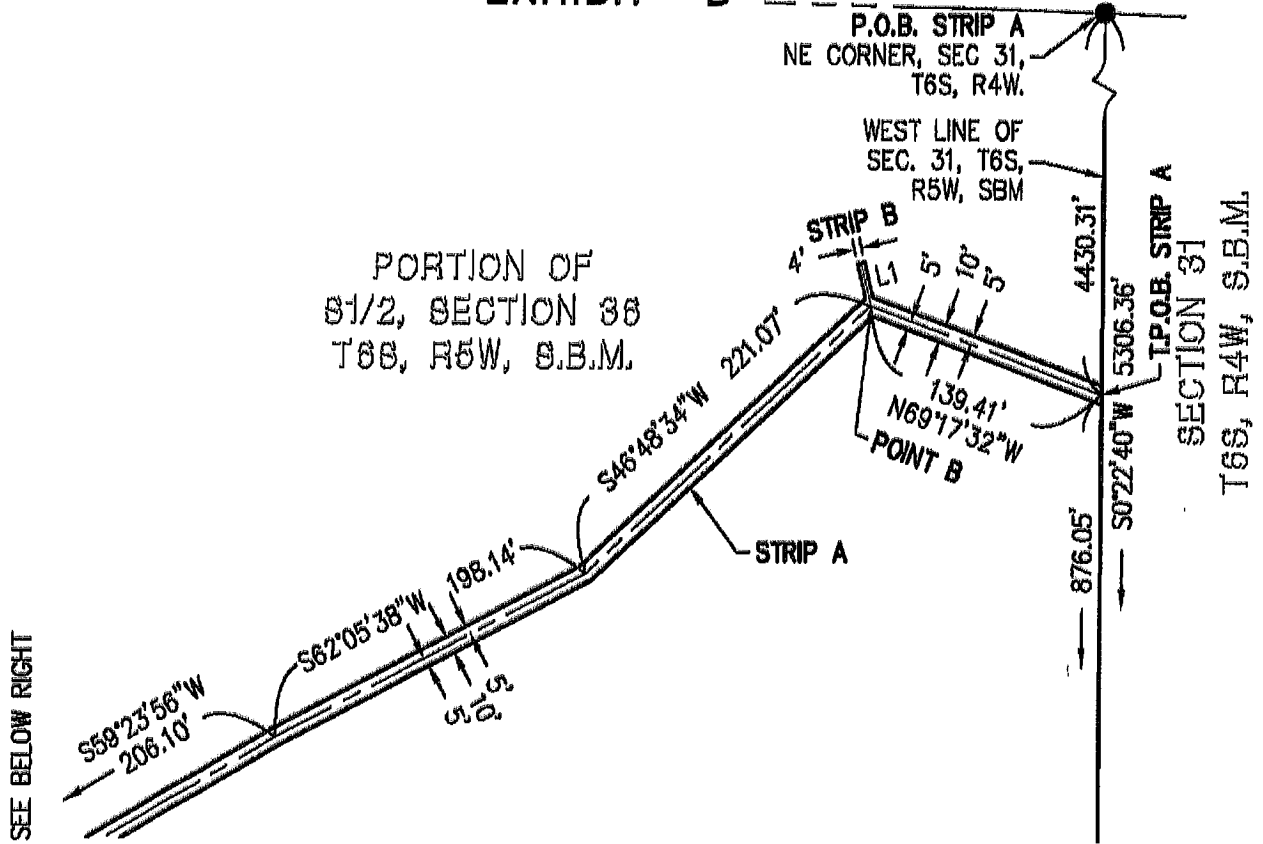
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EXHIBIT "B"



LEGEND

- DESCRIPTION AREA
- AFFECTED PROPERTY
- CENTERLINE
- SECTION LINES

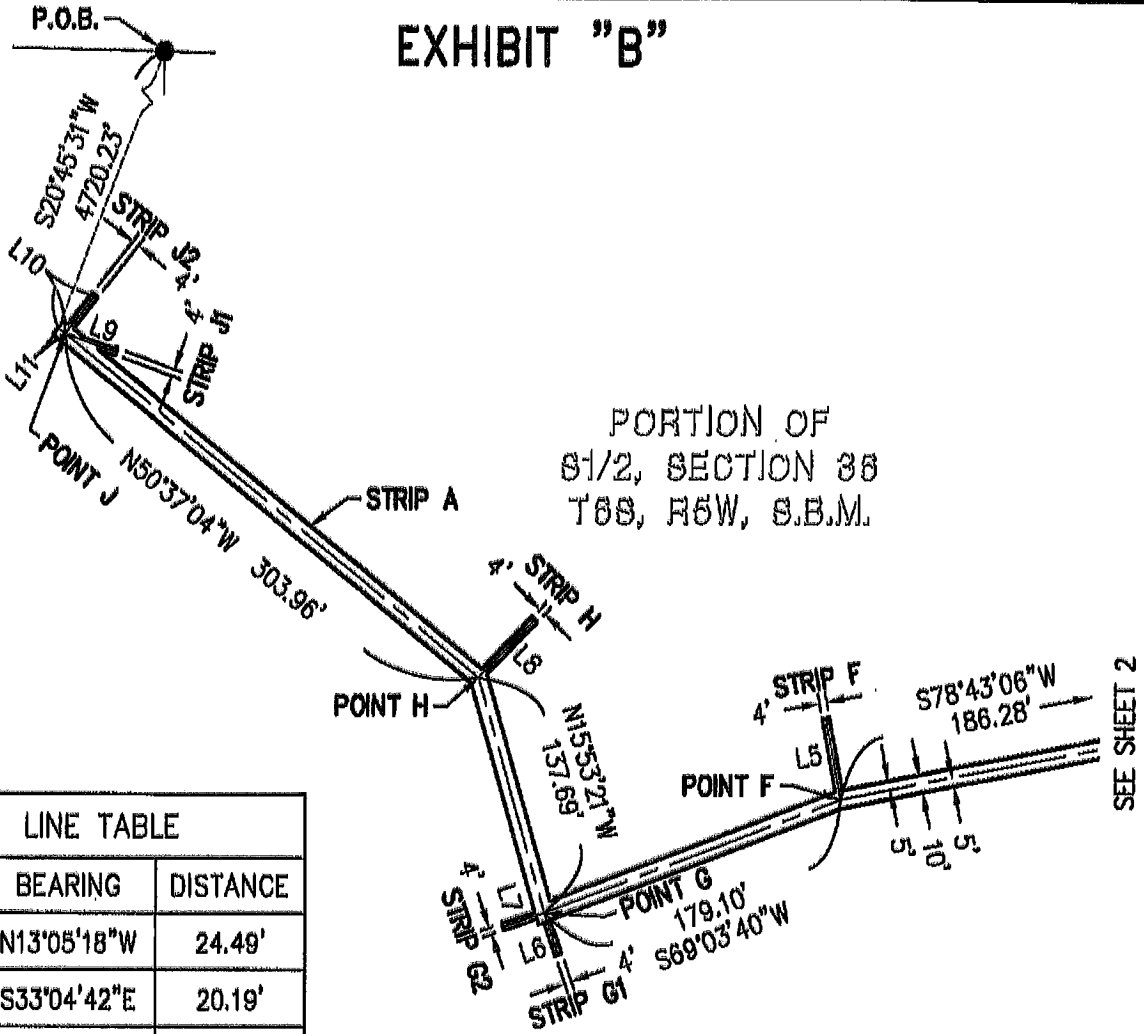
** SEE SHEET 3 FOR LINE TABLE **



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EXHIBIT "B"

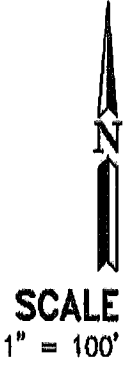


PORTION OF
S1/2, SECTION 38
T6S, R5W, S.B.M.

SEE SHEET 2

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N13°05'18"W	24.49'
L2	S33°04'42"E	20.19'
L3	S27°09'50"W	19.91'
L4	N05°51'08"E	45.93'
L5	N10°25'43"W	46.44'
L6	S19°12'09"E	24.99'
L7	S71°01'36"W	24.87'
L8	N44°02'28"E	45.46'
L9	S70°17'42"E	30.59'
L10	N37°45'50"E	27.10'
L11	N50°37'04"W	5.00'

- LEGEND**
- DESCRIPTION AREA
 - AFFECTED PROPERTY
 - CENTERLINE
 - SECTION LINES



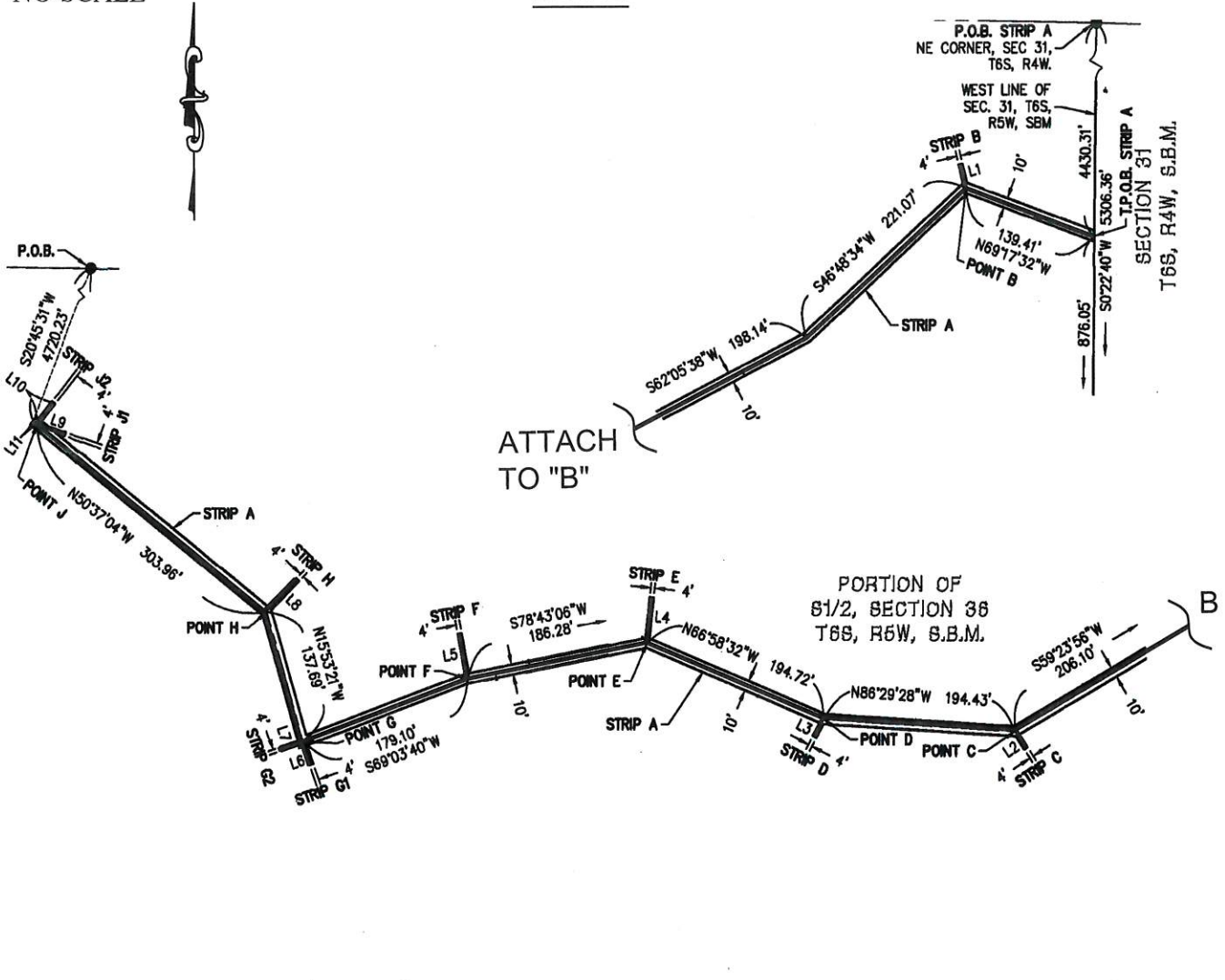
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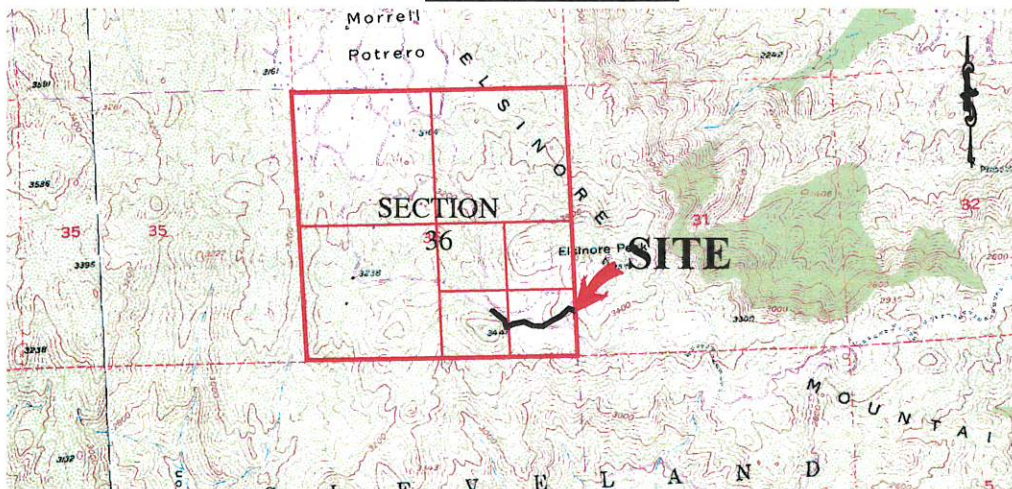
SITE



S 1/2, SE 1/4 OF SECTION 36, T6S, R5W, SBM

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 C

PRC 4465.2
 SOUTHERN CALIFORNIA
 EDISON COMPANY
 APN 385-150-009
 GENERAL LEASE-
 RIGHT OF WAY USE
 RIVERSIDE COUNTY



MJJ 4/05/19