

**STAFF REPORT
C71**

A 56
S 40

10/18/18
PRC 9106.2
J. Porter

GENERAL LEASE – INDUSTRIAL USE

APPLICANT:

Brosamer & Wall, Inc.

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

0.82 acre, more or less, of State-owned school land located within a portion of Section 36, Township 9 South, Range 13 East, SBM, north of Niland, Imperial County.

AUTHORIZED USE:

Use and maintenance of an unimproved parking area surrounded by a chain link fence.

LEASE TERM:

5 years, beginning December 2, 2018.

CONSIDERATION:

\$600 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

1. Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. Surety bond or other security: \$5,000.

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:

On December 2, 2013, the Commission authorized a 5-year General Lease – Industrial Use to Brosamer & Wall, Inc. for an unimproved parking area surrounded by a chain link fence ([Item C100, December 2, 2013](#)). The lease will expire on December 1, 2018. The Applicant has applied for a new lease. The proposed lease involves an existing parking area that has been under lease in the past, is limited to a 5-year term, does not

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alienate the State's fee simple interest, and does not grant the lessee exclusive rights to the lease premises. The lease requires that the lessee obtain a lease amendment before any further improvements are placed on the State's land. The lease requires the lessee to insure and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease requires a surety bond. The lease also requires 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, staff believes issuance of this lease is in the best interests of the State.

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 premises and surrounding land may be vulnerable to these weather events; however, these projected climate change effects are not expected to affect the uses of the lease premises (unimproved parking area and chain link fence).

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

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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 2, section 2905, subdivision (a)(2).

STATE'S BEST INTERESTS FINDING:

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

AUTHORIZATION:

Authorize issuance of a General Lease – Industrial Use to the Applicant beginning December 2, 2018, for a term of 5 years, for use and maintenance of an unimproved parking area surrounded by a chain link fence on 0.82 acre, more or less, of State-owned school land as shown on Exhibit A and described on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$600 with an annual Consumer Price Index adjustment; liability insurance in an amount no less than \$1,000,000 per occurrence; and a surety bond or other security in the amount of \$5,000.

EXHIBIT A

PRC 9106.2

LAND DESCRIPTION

A parcel of State School Lands, being a portion of Section 36 Township 9 South, Range 13 East, San Bernardino Meridian, as shown on the Dependent Resurvey and Subdivision of Sections and accepted on August 20, 2013, County of Imperial, State of California, more particularly described as follows:

BEGINNING at the point that bears North 31° 40' 28" West 4911.02 feet from the southeast corner of said Section 36 as shown on that survey plat; thence North 45° 23' 58" West 193.05 feet; thence North 36° 02' 34" East 155.74 feet; thence South 62° 46' 22" East 187.61 feet; thence South 30° 48' 31" West 122.87 feet; thence South 39° 37' 49" West 91.05 feet to the POINT OF BEGINNING.

The Basis of Bearings is CCS83, Zone 6. All Distances are grid and in U.S. survey feet.

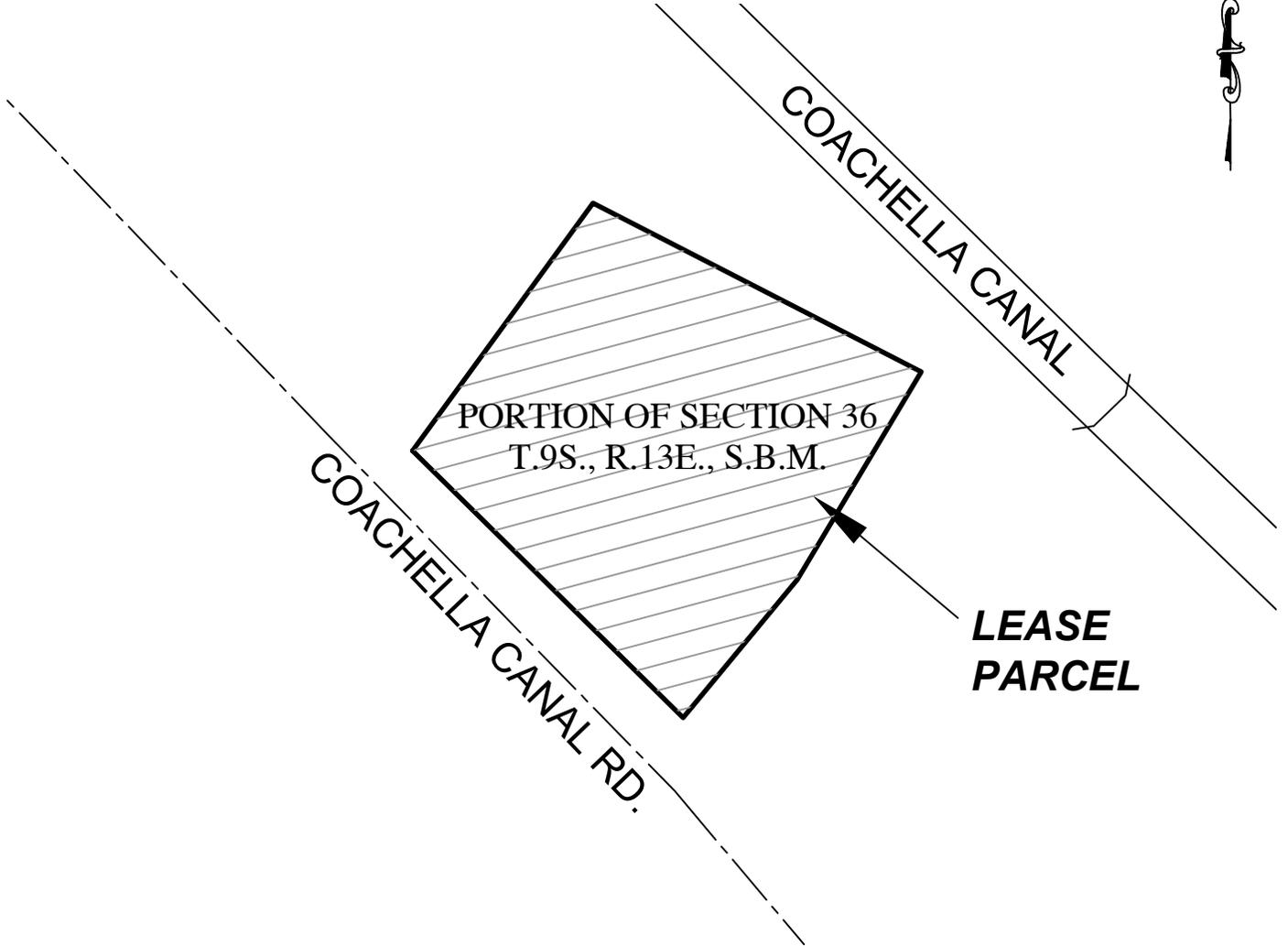
END OF DESCRIPTION

Prepared 07/30/2018 by the California State Lands Commission Boundary Unit.



NO SCALE

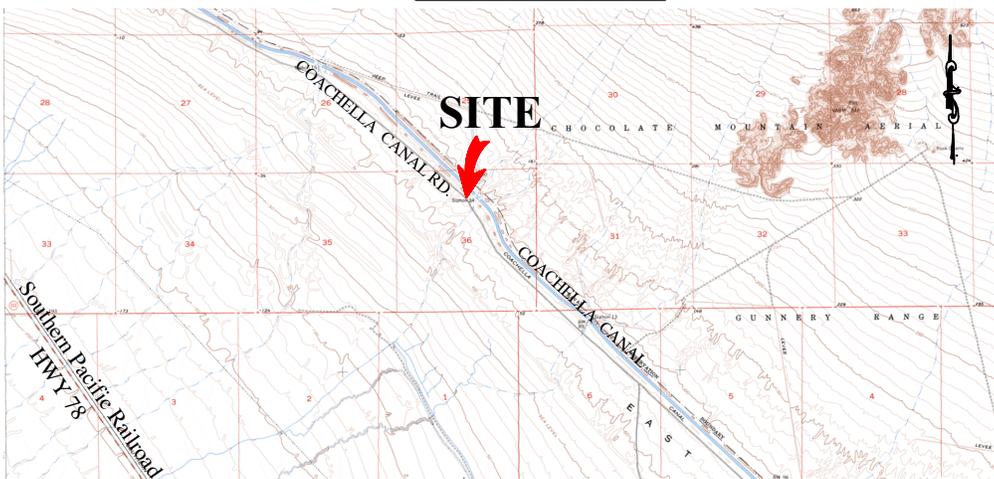
SITE



PORTION OF SECTION 36 T.9S., R.13E., S.B.M., IMPERIAL COUNTY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B
 PRC 9106.2
 BROSAMER & WALL, INC.
 APN 003-050-025
 GENERAL LEASE -
 INDUSTRIAL USE
 IMPERIAL COUNTY



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.