

MINUTE ITEM

12. POSTPONEMENT OF ACTION ON APPLICATION FOR EASEMENT LEASE FOR TWIN TOWER LINE CROSSING OF SAN FRANCISCO BAY PARALLEL TO DUMBARTON BRIDGE, SAN MATEO COUNTY; PACIFIC GAS AND ELECTRIC COMPANY - W.O. 3994.

The Executive Officer reported that a request had been received for deferment of action on this item, and he so recommended. The Lieutenant Governor's office advised that the delay was requested to review the alternate possibilities for preservation of the environmental beauty of the area. After discussion of Calendar Item 20 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

CALENDAR ITEM 20 IS TAKEN UNDER CONSIDERATION.

Attachment

Calendar Item 20 (2 pages)

CALENDAR ITEM

20.

APPLICATION FOR EASEMENT LEASE FOR TWIN TOWER LINE CROSSING OF SAN FRANCISCO BAY PARALLEL TO DUMBARTON BRIDGE, SAN MATEO COUNTY; PACIFIC GAS AND ELECTRIC COMPANY - W.O. 3994.

An application has been received from Pacific Gas and Electric Company for an easement lease for the construction and maintenance of parallel tower lines crossing over submerged lands of the southerly arm of San Francisco Bay adjacent and parallel to Dumbarton Bridge, in San Mateo County, for the transmission and distribution of electric power (see Exhibit "A").

The exact boundaries of State-owned submerged lands in the area are not known at this time. Therefore, negotiations with Pacific Gas and Electric Company have resulted in an agreement whereby the following condition is to be included in the requested easement lease in order that the public interest may be served prior to the settlement of boundary lines:

It is understood that certain lands immediately adjacent to those described on Page 1 and which are to be occupied by the Pacific Gas and Electric Company power line are subject to a question of ownership between the State and Ideal Cement Company and the State and Leslie Salt Co.; that the State will negotiate with Ideal Cement Company and Leslie Salt Co. for the purpose of determining the true and correct boundary between the State-owned lands and the privately owned lands; that if it is finally determined, either by agreement, arbitration or legal action, that State ownership in the area in which the power line is located is greater than the area described on Page 1 hereof, the Pacific Gas and Electric Company agrees to pay, within 60 days after notice by the State, additional rent based on the enlarged area; that additional rent shall be computed on the valuation of the additional area as of the effective date of this agreement; that the lease shall be amended to describe the additional area; that this agreement is entered into without prejudice to any rights of ownership by the State, and no terms of this agreement shall constitute any admission by the State respecting the true and correct location of the boundary between the State and Ideal Cement Company and Leslie Salt Co. in the particular area.

The statutory filing fee and expense deposit have been paid.

The easement area is 325 feet wide and 1,792 feet long, containing 13.78 acres. The estimated value of the land is \$500 per acre. The computed annual rent for the initial 15-year period is \$456.12. Provision for renewal for three 10-year periods is to be upon such reasonable terms and conditions as the Commission may then determine.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE AN EASEMENT LEASE TO PACIFIC GAS AND ELECTRIC COMPANY, FOR THE CONSTRUCTION AND MAINTENANCE OF PARALLEL TOWER LINES CROSSING SUBMERGED LANDS OF THE

CALENDAR ITEM 20. (CONTD.)

SOUTHERLY ARM OF SAN FRANCISCO BAY, UPON THE FOLLOWING TERMS AND CONDITIONS:

1. LAND RENTAL OF \$456.12 ANNUALLY, THE FIRST AND LAST YEARS' RENTAL PAYABLE IN ADVANCE.
2. THREE RENEWAL PERIODS OF TEN YEARS EACH UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE COMMISSION MAY THEN IMPOSE.
3. INCLUSION OF THE FOLLOWING PARAGRAPH IN THE LEASE:

"IT IS UNDERSTOOD THAT CERTAIN LANDS IMMEDIATELY ADJACENT TO THOSE DESCRIBED ON PAGE 1 AND WHICH ARE TO BE OCCUPIED BY THE PACIFIC GAS AND ELECTRIC COMPANY POWER LINE ARE SUBJECT TO A QUESTION OF OWNERSHIP BETWEEN THE STATE AND IDEAL CEMENT COMPANY AND THE STATE AND LESLIE SALT CO.; THAT THE STATE WILL NEGOTIATE WITH IDEAL CEMENT COMPANY AND LESLIE SALT CO. FOR THE PURPOSE OF DETERMINING THE TRUE AND CORRECT BOUNDARY BETWEEN THE STATE-OWNED LANDS AND THE PRIVATELY OWNED LANDS; THAT IF IT IS FINALLY DETERMINED, EITHER BY AGREEMENT, ARBITRATION OR LEGAL ACTION, THAT STATE OWNERSHIP IN THE AREA IN WHICH THE POWER LINE IS LOCATED IS GREATER THAN THE AREA DESCRIBED ON PAGE 1 HEREOF, THE PACIFIC GAS AND ELECTRIC COMPANY AGREES TO PAY, WITHIN 60 DAYS AFTER NOTICE BY THE STATE, ADDITIONAL RENT BASED ON THE ENLARGED AREA; THAT ADDITIONAL RENT SHALL BE COMPUTED ON THE VALUATION OF THE ADDITIONAL AREA AS OF THE EFFECTIVE DATE OF THIS AGREEMENT; THAT THE LEASE SHALL BE AMENDED TO DESCRIBE THE ADDITIONAL AREA; THAT THIS AGREEMENT IS ENTERED INTO WITHOUT PREJUDICE TO ANY RIGHTS OF OWNERSHIP BY THE STATE, AND NO TERMS OF THIS AGREEMENT SHALL CONSTITUTE ANY ADMISSION BY THE STATE RESPECTING THE TRUE AND CORRECT LOCATION OF THE BOUNDARY BETWEEN THE STATE AND IDEAL CEMENT COMPANY AND LESLIE SALT CO. IN THE PARTICULAR AREA."

THE PARCEL OF LAND IS DESCRIBED AS FOLLOWS:

A PARCEL OF SUBMERGED LAND 335 FEET WIDE, IN SAN FRANCISCO BAY, SAN MATEO COUNTY, NORTHERLY OF AND PARALLEL TO THE DUMBARTON BRIDGE, LYING 110 FEET SOUTHEASTERLY AND 225 FEET NORTHWESTERLY OF THE FOLLOWING-DESCRIBED LINE:

BEGINNING AT A POINT ON THE NORTHEASTERLY BOUNDARY OF TIDELAND LOCATION NO. 155 WHICH BEARS N. 29° 58' E., 749.23 FEET AND N. 49° 54' 30" E., 2000 FEET, MORE OR LESS FROM U.S.C. & G.S. STATION "DUM" (ZONE III CALIFORNIA COORDINATES X = 1,527,528.41, Y = 367,473.74) THENCE N. 49° 54' 30" E., 1,792 FEET, MORE OR LESS TO A POINT ON THE SOUTHWESTERLY BOUNDARY OF TIDELAND SURVEY NO. 109, CONTAINING 13.76 ACRES MORE OR LESS.