

MINUTE ITEM

24. APPLICATION FOR EASEMENT LEASE FOR A TOWER LINE CROSSING OF SAN FRANCISCO BAY, PARALLEL TO DUMBARTON BRIDGE, SAN MATEO COUNTY; PACIFIC GAS AND ELECTRIC COMPANY - W.O. 3994, P.R.C. 2909.1.

After consideration of Calendar Item 24 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION CONFIRMS THE ACTION OF THE EXECUTIVE OFFICER IN ISSUING AN EASEMENT LEASE TO PACIFIC GAS AND ELECTRIC COMPANY ON JULY 20, 1962, FOR THE CONSTRUCTION AND MAINTENANCE OF A SINGLE TOWER LINE CROSSING SUBMERGED LANDS OF THE SOUTHERLY ARM OF SAN FRANCISCO BAY.

Attachment

Calendar Item 24 (2 pages)

SUPPLEMENTAL CALENDAR ITEM

24.

APPLICATION FOR EASEMENT LEASE FOR A TOWER LINE CROSSING OF SAN FRANCISCO BAY, PARALLEL TO DUMBARTON BRIDGE, SAN MATEO COUNTY; PACIFIC GAS AND ELECTRIC COMPANY - W.O. 3994, P.R.C. 2909.1.

An application has been received from Pacific Gas and Electric Company for an easement lease for the construction and maintenance of a twin tower line crossing over submerged lands of the southerly arm of San Francisco Bay adjacent, parallel and north of the Dumbarton Bridge, in San Mateo County, for the transmission and distribution of electric power.

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 of this lease 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 applied for is 335 feet wide but the easement to be issued at this time is 220 feet wide and 1,792 feet long, containing 9.05 acres. The estimated value of the land is \$500 per acre. The computed annual rent for the initial 15-year period is \$299.56. 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

SUPPLEMENTAL CALENDAR ITEM 24. (CONTD.)

AND MAINTENANCE OF A SINGLE TOWER LINE CROSSING SUBMERGED LANDS OF THE SOUTHERLY ARM OF SAN FRANCISCO BAY, UPON THE FOLLOWING TERMS AND CONDITIONS:

1. LAND RENTAL OF \$299.56 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 OF THIS LEASE 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 LAND IS DESCRIBED AS FOLLOWS:

A PARCEL OF SUBMERGED LAND 220 FEET WIDE, IN SAN FRANCISCO BAY, SAN MATEO COUNTY, THE SOUTHERLY BOUNDARY LINE OF WHICH IS PARALLEL TO AND 245 FEET NORTHERLY OF THE CENTERLINE OF THE DUMBARTON BRIDGE, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY BOUNDARY OF TIDELAND LOCATION NO. 155 WHICH BEARS N. 29° 36' 29" E., 750.96 FEET AND N. 49° 54' 30" E., 2,000 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 9.05 ACRES MORE OR LESS.

The easement was issued in accordance with the foregoing by the Executive Officer under executive authority on July 20, 1952.

IT IS RECOMMENDED THAT THE COMMISSION CONFIRM THE FOREGOING ACTION OF THE EXECUTIVE OFFICER.