

MINUTE ITEM

This Calendar Item No. 23
was approved as Minute Item
No. 213 by the State Lands
Commission by a vote of 2
to 0 at its 8/26/76
meeting.

CALENDAR ITEM

23.

8/76
W 21041
DR

RIGHT OF WAY

APPLICANT: Southern Pacific Land Company
One Market Street
San Francisco, California 96001

AREA, TYPE LAND AND LOCATION:
A 1.878-acre parcel of State school land
near Dunsmuir, Shasta County.

LAND USE: Road right-of-way.

TERMS OF PROPOSED LEASE:

Initial period: 15 years from September 1,
1976.

Renewal options: Three successive periods of
10 years each.

Special: The sum of \$1,146.90 to be
paid to the State Lands
Commission for revenue
realized by the sale of
merchantable timber on the
State school land parcel
within the right of way.

CONSIDERATION: \$100 per annum with the State receiving the
right to fix a different rental on each fifth
anniversary of the lease.

BASIS FOR CONSIDERATION:

\$100 minimum rental for this type of lease.

PREREQUISITE TERMS, FEES AND EXPENSES:

Filing fee and environmental costs have been
received.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 & 2.

B. Administrative Code: Title 2, Div. 3,
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

I. This project is not situated on State land
identified as environmentally significant,
pursuant to Public Resources Code 6370.1,
and is not classified in a significant
use category.

A 1

S 1

1106

CALENDAR ITEM NO. 23. (CONTD)

2. A negative declaration was prepared by the Division, pursuant to CEQA and implementing regulations.
3. Staff considered levying a charge for this right-of-way on a volume of commodity basis. For the following reasons, staff recommends that this approach not be used in this case:

A. The State Lands Division should balance right-of-way charges against mutual or reciprocal benefits and actual damages.

1. The most obvious benefit in this case would be reciprocal use of the road to provide access to the State's property. Road construction cost to provide access to the State's parcel is estimated at \$96,000, a considerable benefit.

2. Damages will amount to the value of the right-of-way timber to be removed. This is appraised at \$1,146.90, which is being paid by the applicant.

EXHIBITS: A. Land Description. B. Location Map.

C. Negative Declaration.
IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE DIVISION.
2. CERTIFY THAT THE NEGATIVE DECLARATION #199 HAS BEEN COMPLETELY IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE ISSUANCE TO SOUTHERN PACIFIC LAND COMPANY OF A 15-YEAR RIGHT-OF-WAY LEASE FROM SEPTEMBER 1, 1976, WITH LESSEE'S OPTION TO RENEW FOR 3 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$100; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; A CHARGE OF \$1,146.90 FOR MERCHANTABLE TIMBER TO BE CUT

CALENDAR ITEM NO. 23. (CONTD)

DURING THE CONSTRUCTION OF THE RIGHT-OF-WAY; FOR A ROAD
RIGHT-OF-WAY ON THE LAND DESCRIBED ON EXHIBIT "A"
ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 21041

A strip of State owned School Land 30 feet in width situated in the SE1/4 of Section 36, T 37 N, R 5 W, M.D.M., County of Shasta, State of California, being 15 feet on each side of the following centerline:

BEGINNING at a point from which the south 1/4 corner of Section 36 bears N 87° 57' W, 296.5 feet; thence N 28° 40' E, 148.0 feet; thence northeasterly along a curve to the right having a radius of 954.93 feet through a central angle of 33° 59' an arc distance of 566.3 feet; thence N 62° 39' E, 477.8 feet; thence easterly along a curve to the right having a radius of 572.96 feet through a central angle of 27° 04' an arc distance of 270.6 feet; thence N 89° 42' E 82.0 feet; thence easterly along a curve to the left having a radius of 572.96 feet through a central angle of 31° 58' an arc distance of 319.6 feet; thence N 57° 45' E, 84.2 feet; thence northeasterly along a curve to the right having a radius of 954.93 feet through a central angle of 16° 38' an arc distance of 277.2 feet; thence N 74° 22' E, 189.9 feet; thence easterly along a curve to the right having a radius of 716.20 feet through a central angle of 19° 32' an arc distance of 244.3 feet; thence S 86° 05' E, 67.1 feet to the point of ending on the east line of said Section 36, and from which point the east 1/4 corner of said Section 36 bears N 5° 45' E, 1192.8 feet.

END OF DESCRIPTION

Prepared

M. J. Slach

Checked

H. H. Zimmicke

Reviewed

John K. Spring
2/8

Date

7/28/76