

MINUTE ITEM

This Calendar Item No. C10 was approved as a Calendar Item No. 10 by the State Lands Commission by a vote of 3 to 0 at its 7/29/77 meeting.

C10.

9/77
W 21446
Bjornson
PRC 5391

GENERAL LEASE
RIGHT-OF-WAY USE

APPLICANT: Pacific Gas and Electric Company
77 Beale Street
San Francisco, California 94106

AREA, TYPE LAND AND LOCATION: A strip of land 50 feet wide by 5,920 feet long containing 6.8 acres, more or less, traversing school lands in Section 16, T35N, R5E, M.D.M., in Shasta County, approximately 7 1/2 miles south of Fall River Mills.

LAND USE: Operation and maintenance of an existing 60 KV electric power pole line.

TERMS OF PROPOSED LEASE:

Initial period: 49 years from October 27, 1976.

Public liability insurance: \$150,000 per occurrence for bodily injury and \$150,000 for property damage or combined single limit of \$300,000.

CONSIDERATION: \$100 per annum with the State reserving 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 first year's rental of \$100 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.

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OTHER PERTINENT INFORMATION:

1. The date of installation of the electric power pole line across the described school land is unknown.

Division records reveal the Surveyor General's office advised the Red River Lumber Company, Westwood, California by a letter dated January 23, 1925 of the State-owned legal subdivisions within the subject Section 16 and informed that "Rights-Of-Way for power lines over State land can only be acquired through actions in eminent domain." Reference was made to Title VII of the Code of Civil Procedure. However, the records do not show that a Right-Of-Way across said school land was ever obtained by the Red River Lumber Company.

In the Pacific Gas and Electric Company's lease application, filed March 1, 1977, for the Right-Of-Way in this transaction, it is stated Pacific Gas and Electric Company purchased line from the Red River Lumber Company on December 28, 1945.

The subject power pole line was first observed on the described school land during a staff appraisal of the parcel on October 29, 1959. The existence of the power pole line was again observed and reported by a Division appraiser upon a field examination of the subject parcel on June 3, 1965. By memo dated July 7, 1965, the unauthorized power pole line matter was referred to the Division's Commercial and Recreational Leasing Section for further inquiry of the Pacific Gas and Electric Company to place the company under an appropriate lease. No follow-up or inquiry appears to have been made pursuant to such referral. A reinspection of the subject school land was made August 4, 1976; it was reported the power pole line still existed thereon and the poles had been replaced since the June, 1965 inspection along the same alignment.

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By letter dated September 20, 1976 an inquiry was made of the Pacific Gas and Electric Company, as to their interest, ownership and maintenance of the subject power line. On October 27, 1976 a company representative verbally verified that the subject power line was owned and operated by the Pacific Gas and Electric Company. The date of October 27, 1976 has been used for the beginning date of the 49-year term of this lease.

2. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
3. This project is not situated on State land identified as possessing significant environmental values pursuant to Public Resources Code 6370.1, and is not classified in a use category.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21685, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. AUTHORIZE ISSUANCE TO THE PACIFIC GAS AND ELECTRIC COMPANY OF A 49-YEAR GENERAL LEASE - RIGHT-OF-WAY USE FROM OCTOBER 27, 1976; 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; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$150,000 PER OCCURRENCE FOR BODILY INJURY AND \$150,000 FOR PROPERTY DAMAGE, OR COMBINED SINGLE LIMIT OF \$300,000; FOR THE OPERATION AND MAINTENANCE OF AN EXISTING 60 KV ELECTRIC POWER POLE LINE; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 21446

A strip of land 50 feet in width situated in Section 16, T35N, R5E, NDM, Shasta County, California, said strip being 25 feet on each side of the following described centerline:

BEGINNING at a point on the south line of Section 16 distant 2258.0 feet from the southeast corner of said Section 16; thence leaving said south line N 27° 10' W, 4960.6 feet; thence N 52° 03' 30" W, 960 feet more or less to a point on the westerly line of said Section 16 and the termination of the herein described centerline.

END OF DESCRIPTION

Prepared *R. J. Hoff* Checked *[Signature]*
Reviewed *[Signature]* Date *4/19/77*
YJB