

MINUTE ITEM

This Calendar Item No. C3
was approved as Minute Item
No. 3 by the State Lands
Commission by a vote of 2 CALENDAR ITEM
to 0 at its 11/30/77 C3.
meeting.

11/77
W 20399
Scott
PRC 5409

GENERAL LEASE
INDUSTRIAL USE

APPLICANT: M. J. Ruddy, Jr.
dba Santa Fe Rock and Sand
P. O. Box 3042
Modesto, California 95352

AREA, TYPE LAND AND LOCATION:
Parcel 1: 11.21 acres of an abandoned
channel of the Tuolumne River; Parcel 2:
an 0.172 acre parcel in the present bed
of the Tuolumne River, both near the City
of Waterford, Stanislaus County.

LAND USE: Parcel 1: existing structures and equipment
for the storage of gravel; Parcel 2: an
existing concrete bridge crossing the present
channel of the Tuolumne River for equipment
crossing.

TERMS OF PROPOSED LEASE:
Initial period: 15 years from December 30,
1975.
Renewal options: 1 successive period of
10 years.
Surety bond: \$5,000.
Public liability insurance: Combined single
limit coverage \$1,000,000.

CONSIDERATION: \$500 per annum with the State reserving
the right to fix a different rental on
each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
8% of appraised value of land.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is lessee of upland.

Filing fee has been received.

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SATUTORY 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:

1. The existing use covered by this lease began in 1965 and has continued through the present day. When an application was received in 1972, the applicant was advised that due to priorities his lease could not be processed at that time but would be processed as soon as possible. Negotiations toward a lease were begun late in 1975, and therefore, the rental and lease beginning date have been set at December 30, 1975.
2. The area of leased land has been prepared as two parcels in order to separate the extent of State Lands Commission jurisdiction. Parcel 1 is the old abandoned channel of the Tuolumne River owned in fee. Parcel 2 is located in the bed of the present navigable channel of the Tuolumne River and this area may be subject only to the Public Easement. Therefore, the lease provides that rental will be charged for the area contained in Parcel 1 only.
3. The lease contains special provisions which prohibits the excavation or mining of the leased area.
4. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1B, 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.
5. This project is situated on State land identified as possessing significant environmental values pursuant to Public

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Resources Code 6370.1, and is classified in a use category, Class A which authorized Restricted Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

APPROVALS OBTAINED:

No other approvals are required for this continued use, however, the applicant had previously secured a Use Permit from Stanislaus County and Stream Modification Permits from the Department of Fish and Game.

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 21085, 14 CAL. ADM. CODE 15400 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO M. J. RUDDY, JR., DBA SANTA FE ROCK AND SAND OF A 15 YEAR GENERAL LEASE - INDUSTRIAL USE FROM DECEMBER 30, 1975, WITH LESSEE'S OPTION TO RENEW FOR 1 SUCCESSIVE PERIOD OF 10 YEARS, IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$500; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNT OF A COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR THE USE OF A PORTION OF THE ABANDONED CHANNEL OF THE TUOLUMNE RIVER FOR EQUIPMENT CROSSING AND STORAGE OF GRAVEL AND THE USE OF AN AREA OF NAVIGABLE WATER WAY IN THE PRESENT CHANNEL OF THE TUOLUMNE RIVER WHICH MAY BE SUBJECT ONLY TO THE PUBLIC EASEMENT FOR A BRIDGE CROSSING ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; PROVIDED ALSO THAT NO EXCAVATION OR MINING OF THE LEASED AREA IS AUTHORIZED.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20399

Two parcels of land in the old bed of the Tuolumne River, Section 29, T3S, R12E, M.D.M.; County of Stanislaus, State of California, said parcel more particularly described as follows:

PARCEL 1

COMMENCING at the southeast corner of said Section 29, thence N 0° 16' E along the easterly line of Section 29, 444 feet to an intersection with United States Meander Line as said meander line was originally surveyed by A. W. Von Schmidt on April 3, 1854, shown on U. S. Survey Plat, T3S, R12E, M.D.M. and resurveyed by C. L. Bundy, L. S. 2092, shown on "Survey of Abandoned River Channel, Sections 28-29-32-33-34, T3S, R12E, M.D.M."; thence N 46° 03' W, along said meander line, 589.38 feet; thence continuing along said meander line N 49° 01' W, 1135.60 feet; thence N 76° 01' W, 84.35 feet to the TRUE POINT OF BEGINNING; thence leaving said meander line S 0° 22' 00" E, 32.08 feet; thence S 43° 18' 00" E, 717.22 feet; thence S 80° 43' 50" W, 180.78 feet; thence N 60° 06' 00" W, 970.20 feet; thence N 57° 08' 00" W, 235.95 feet; thence N 52° 25' 30" W, 302.61 feet; thence N 40° 44' 00" W, 213.33 feet to a point designated "A"; thence N 06° 26' 00" W, 511.40 feet to a point on said meander line; thence along said meander line S 38° 30' 00" E, 945.73 feet; thence continuing along said meander line S 76° 01' 00" E, 590.70 feet to the true point of beginning.

PARCEL 2.

COMMENCING at a point designated as "A" above, thence S 06° 26' W, 270 feet, to the POINT OF BEGINNING, thence S 84° 56' W, 250 feet to the terminus of the herein described line, said line being the centerline of a strip of land 30 feet in width.

EXCEPTING any portion lying landward of the high water mark of the present river channel.

END OF DESCRIPTION

Prepared M. S. Draf Checked R. N. Hoff
Reviewed G. D. Zimmicke Date 3/17/77
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