

MINUTE ITEM
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CALENDAR ITEM
C05

01/23/86
W 7335
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PRC 6939

APPROVAL OF A GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT: Naomi K. King
555 Pierce Street, #1303
Albany, California 94706

AREA, TYPE LAND AND LOCATION:
A 0.128-acre parcel of tide and submerged and partially filled land, located in the Old River at Bra's Island, San Joaquin and Contra Costa counties.

LAND USE: Maintenance and use of an existing bridge crossing and a roadway easement.

TERMS OF PROPOSED LEASE:
Initial period: 30 years beginning January 1, 1986.

Surety bond: \$3,000.

Public liability insurance: Combined single limit coverage of \$300,000.

CONSIDERATION: \$390.25 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

CALENDAR ITEM NO. C 0 3 (CONT'D)

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 864:

02/29/86.

OTHER PERTINENT INFORMATION:

1. The applicant proposes to retain an existing bridge structure which spans the Old River and a roadway easement over filled land in the bed of the Old River. Access to Bra's Island commonly known as King Island, a privately developed island, extends from the toe of the Clifton Court Forebay levee over the proposed lease area. The applicant has a restricted access easement of record to cross over the Clifton Court Forebay levee road from Department of Water Resources. The proposed lease restricts the easement to access only with no barriers allowed within the lease area.

2. The application stems from a long-standing trespass of fill placed at the site by the applicant's deceased husband. In 1953, Reclamation District No. 802 received a judgment against the trespasser, directing him to remove the fill across Old River. Subsequently, in 1969, the Corps of Engineers authorized the same fill and the trespasser filed an application with SLC; however, he refused to complete the application process. Between 1963 and 1969, Department of Water Resources acquired Clifton Court as a forebay for a pumping project and negotiated the existing access easement to cross their property. DWR had no objection to the filled area.

Mrs. King, the trespasser's widow, willingly filed an application to lease when contacted and the situation was explained to her. For that reason, and to settle the dispute, staff recommends waiver of back rent.

CALENDAR ITEM NO. C05 (CONT'D)

3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Adm. Code 2954 is not applicable.

4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

APPROVALS OBTAINED:

United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).

CALENDAR ITEM NO. C05 (CONT'D)

2. FIND THAT THE SIGNIFICANT ENVIRONMENTAL VALUES ORIGINALLY IDENTIFIED PURSUANT TO P.R.C. 6370, ET SEQ., ARE NOT WITHIN THE PROJECT SITE AND WILL NOT BE AFFECTED BY THE PROPOSED PROJECT.

3. AUTHORIZE ISSUANCE TO NAOMIE K. KING OF A 30-YEAR GENERAL LEASE - RIGHT-OF-WAY USE BEGINNING JANUARY 1, 1986 IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$390.25, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE, BACK RENT, INTEREST AND/OR PENALTIES TO BE WAIVED, IF ANY; PROVISION OF A \$3,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000; FOR MAINTENANCE AND USE OF A BRIDGE CROSSING AND A ROADWAY EASEMENT ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

W 7335

A parcel of tide and submerged land in the natural channel of Old River lying immediately beneath the bridge between Kings Island, San Joaquin County, California, and Clifton Court Tract, Contra Costa County, California, said bridge being located near the south-east corner of said Kings Island, TOGETHER WITH a 20 foot wide road easement over the bridge approaches in the filled area of said natural channel of Old River.

END OF DESCRIPTION

PREPARED SEPTEMBER 24, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

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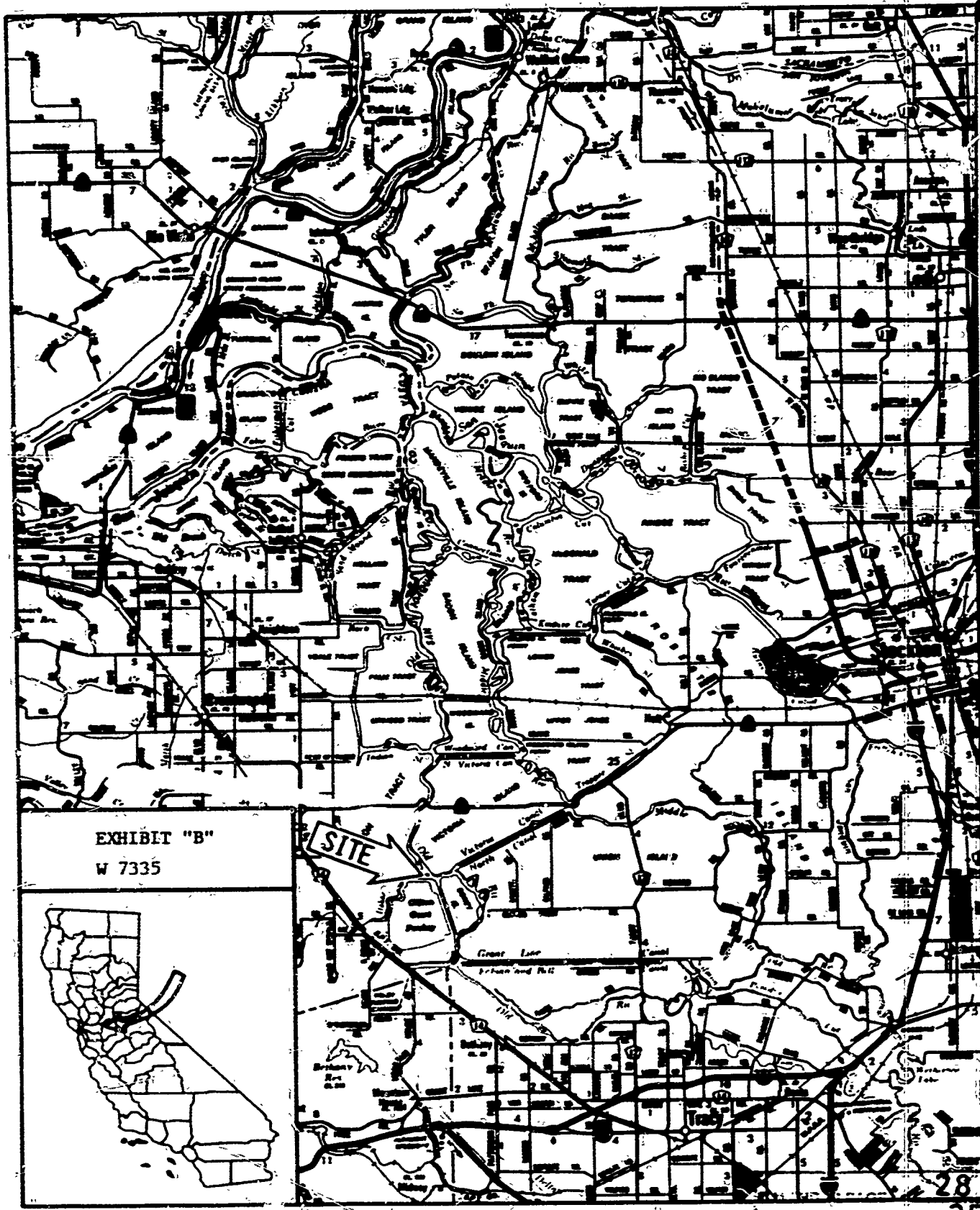
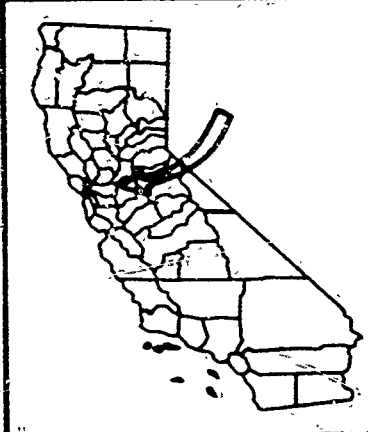


EXHIBIT "B"
W 7335



SITE

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