

MINUTE ITEM
This Calendar Item No. C12
was approved as Minute Item
No. 12 by the State Lands
Commissioner by a vote of 2
to 0 at its 12/12/89
meeting.

CALENDAR ITEM

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12/12/89
PRC 5539
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LEASE TERMINATION AND ACCEPTANCE
OF A LEASE QUITCLAIM DEED

LESSEE: Chanvil Cherry
P. O. Box 641
Trona, California 93562

AREA, TYPE LAND AND LOCATION:
A 1.19-acre parcel of State school land
situated in Inyo County.

LAND USE: Installation, maintenance, and operation of a
1 1/2-inch soft plastic water pipeline.

TERMS OF EXISTING LEASE:
Initial period: Ten years beginning
October 1, 1988.

Surety bond: \$200.

CONSIDERATION: \$156 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. Code Regs. 2003.

BACKGROUND:

By Calendar Item C05, approved by the Commission on
September 14, 1988, the State issued to Mr. Cherry a General
Lease - Right-of-Way Use for the operation and maintenance of a
1 1/2-inch soft plastic water pipeline. The pipeline was used
in conjunction with a mining operation on adjacent Bureau of
Land Management land. No water was taken from the State parcel.

CALENDAR ITEM NO. 1 2 (CONT'D)

Due to seasonal flooding in the area, the Lessee has not used the water pipeline in over three years. The Lessee is requesting that his lease with the State be terminated.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 7.7, Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

2. Granvil Cherry has executed a lease quitclaim deed transferring any and all right, title, and interest in the leasehold designated as PRC 5539 back to the State of California.

3. Mr. Cherry has advised staff that the 1 1/2-inch plastic water pipeline has been removed from the parcel. Staff will not accept the quitclaim deed until Mineral staff in Long Beach has made a site inspection of the area and verifies restoration of the site.

EXHIBITS:

- A. Calendar Item No. C05.
- B. Lease Quitclaim Deed.

CALENDAR ITEM NO C 1 2 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. AUTHORIZE STAFF TO TERMINATE AND ACCEPT A QUITCLAIM DEED UPON COMPLETION OF A STAFF SITE INSPECTION AND VERIFICATION OF RESTORATION OF THE SITE FOR LEASE PRC 5539 ISSUED TO GRANVIL CHERRY.

EXHIBIT A

CALENDAR ITEM

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PRC 5539

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GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT:

Granvil Cherry
P.O. Box 641
Trona, California 93562

AREA, TYPE LAND AND LOCATION:

1.19± acres of school land situated in Inyo County.

LAND USE:

Maintenance and operation of a 1 1/2 inch plastic water pipeline.

TERMS OF ORIGINAL LEASE:

Initial period: Ten years beginning October 1, 1978.

Renewal options: None.

Surety bond: \$200.

Consideration: \$156 per annum; five-year rent review.

TERMS OF PROPOSED LEASE:

Initial period: Ten years beginning October 1, 1988.

Surety bond: \$200.

CONSIDERATION: \$156 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.

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CALENDAR ITEM NO. C 05 (CONT'D)

APPLICANT STATUS:

N/A.

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

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 884:

N/A.

OTHER PERTINENT INFORMATION:

1. The Lessee desires to renew his right-of-way lease which will expire on September 30, 1988. No change in the currently authorized use is proposed by the Lessee. This lease will be for right-of-way use only for a 1 1/2 inch plastic water pipeline. No water will be appropriated from State lands.
2. 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 categorically exempt project. The project is exempt under Class 1, Existing Facility, 2 Cal. Adm. Code 2905(a)(2).
3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project is consistent with its use classification.

EXHIBITS:

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

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CALENDAR ITEM NO. 05 (CONT'D)

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 CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITY, 2 CAL. ADM. CODE 2905(a)(2).
2. AUTHORIZE ISSUANCE TO GRANVIL CHERRY OF A TEN-YEAR GENERAL LEASE RIGHT-OF-WAY USE BEGINNING OCTOBER 1, 1988; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$156, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$200 SURETY BOND; FOR THE OPERATION AND MAINTENANCE OF A 1 1/2 INCH PLASTIC WATER PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

PRC 5539

LAND DESCRIPTION

A strip of land, 10 feet wide, situate in the East half of Section 36, T22S, R42E, MDM, Inyo County, California, the centerline of said strip being the center of an unnamed intermittent drainage as shown on that Geological Topographic map entitled, "Trona, California, 1949", more particularly described as follows:

BEGINNING at a point on the north line of the above mentioned Section 36, and the centerline of said drainage, said point being west along said north line 2600 feet more or less from northeast corner of said Section 36; thence southeasterly along drainage 5200 feet more or less to the easterly line of said Section 36 and end of centerline.

END OF DESCRIPTION

REVIEWED JUNE 20, 1988 BY BIU 1.

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EXHIBIT B
LEASE QUITCLAIM DEED

WHEREAS, pursuant to lease designated PRC 5539.2, entered into on November 3, 1988, by and between the State of California, acting by and through the STATE LANDS COMMISSION, as Lessor, and GRANVILLE CHERRY, as Lessee, said Lessee was granted for a term of ten (10) years, commencing October 1, 1988, the right to use the property therein described, for certain purposes specified in said lease; and

WHEREAS, pursuant to Paragraph 16(e) of said lease, Lessee agreed to execute and deliver to State a good and sufficient quitclaim deed on the last day of said term or sooner termination of said lease.

NOW, THEREFORE, Granville Cherry does hereby remise, release, and forever quitclaim unto the State of California any and all right, claim, title or interest arising by virtue of or pursuant to that certain lease designated PRC 5539.2, entered into on November 3, 1988, respecting lands located in Inyo County, State of California, and described in Exhibit "A" attached.

Granville Cherry

Date

Form 59.4 (Rev. 9/85)

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