

MINUTE ITEM  
This Calendar Item No. C02  
was approved as Minute Item  
No. 02 by the State Lands  
Commission by a vote of 3  
to 0 at its 8/21/96  
meeting.

CALENDAR ITEM  
**C02**

A 26  
S 12

PRC 7755.1

08/21/96  
WP 7755.1  
L. Burks

**ASSIGNMENT/AMENDMENT OF  
GENERAL LEASE - RIGHT OF WAY USE (PRC 7755.1)**

**APPLICANT/ASSIGNEE:**

City of Modesto  
Attn: Joe Wells  
P. O. Box 642  
Modesto, California 95354

**LESSEE/ASSIGNOR:**

Del Este Water Company (No longer in existence)

**LOCATION:**

A 0.04 acre parcel, more or less, of tide and submerged land located in the bed of the Tuolumne River, City of Modesto, within Carpenter Road Bridge right of way, Stanislaus County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing 16-inch water main.

**TERM:**

Thirteen years, beginning April 15, 1994.

**PROPOSED ASSIGNMENT:**

Effective July 1, 1995, the property of the Del Este Water Company, a California Corporation, was condemned and vested in the City of Modesto. The Del Este Water Company has ceased to exist. Therefore, the City of Modesto has requested that this lease be assigned to the City.

**CALENDAR ITEM NO. C02 (CONT'D)**

**PROPOSED AMENDMENTS:**

Consideration: Revision of annual rent from \$100 to no monetary rent in consideration of the public benefit derived from operation of the authorized improvements by the City of Modesto, a public agency; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

Insurance: Elimination of the requirement for provision of a liability insurance policy with a combined single limit coverage of \$500,000; and acceptance of the City of Modesto's self insurance to satisfy the liability requirements of the lease.

**EXHIBITS:**

A. Land Description

B. Location Map

**AB 884:**

N/A

**RECOMMENDED**

**ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA**

**FINDING:**

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 PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL. CODE REGS. 15378.

**SIGNIFICANT LANDS**

**INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**CALENDAR ITEM NO. C02 (CONT'D)**

**AUTHORIZATION:**

1. AUTHORIZE AN ASSIGNMENT OF GENERAL LEASE - RIGHT OF WAY USE NO. PRC 7755.1 FROM DEL ESTE WATER COMPANY, A CALIFORNIA CORPORATION TO THE CITY OF MODESTO, A CALIFORNIA MUNICIPAL CORPORATION, EFFECTIVE JULY 1, 1995.
  
2. AUTHORIZE AN AMENDMENT OF LEASE NO. PRC 7755.1, EFFECTIVE JULY, 1995, TO (a) MODIFY THE ANNUAL RENT FROM \$100 TO NO MONETARY RENT IN CONSIDERATION OF THE PUBLIC BENEFIT DERIVED FROM OPERATION OF THE AUTHORIZED FACILITIES BY THE CITY OF MODESTO, A PUBLIC AGENCY, WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENT AT ANY TIME IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; AND (b) ELIMINATE THE REQUIREMENT OF PROVISION OF A LIABILITY INSURANCE POLICY AND ACCEPTANCE OF THE CITY OF MODESTO'S SELF INSURANCE TO SATISFY THE LIABILITY INSURANCE REQUIREMENTS OF THE LEASE.
  
3. ALL OTHER TERMS AND CONDITIONS TO REMAIN IN FULL FORCE AND EFFECT DURING THE TERM OF THE LEASE.

**EXHIBIT "A"**  
PRC 7755.1  
**Land Description**

A strip of sovereign land across the bed of the Tuolumne River, Stanislaus County, California, said strip being ten feet wide, lying five feet on each side of the center line of a proposed 16 inch water pipe, said pipe to be situated along the easterly side of the existing county bridge, said pipe to be entirely within those areas described in the bridge right of way lease PRC-2178.9 as follows:

**PARCEL NO. 1**

A 115.00 foot Right-of-Way located in Section 12, Township 4 South, Range 8 East, and in Section 7, Township 4 South, Range 9 East, Mount Diablo Base & Meridian, said Right-of-Way being more particularly described as follows; to-wit:

BEGINNING at a point on the low water mark of the left bank of the Tuolumne River, said point being 20 feet West of and 406.71 feet South of the Section corner common to Sections 1 and 12, Township 4 South, Range 8 East, and Sections 6 and 7, Township 4 South, Range 9 East, Mount Diablo Base & Meridian, said point being at Engineers Station 12+64.90 "L" line; said "L" line being 20.00 feet Westerly of and parallel to the Range line; thence following said low water line downstream in a general Northwesterly direction to a point which is 70.00 feet West at right angle from said "L" line; thence North 0° 17' 20" West and along a line which is 70.00 feet Westerly of and parallel to said "L" line a distance of 192 feet, more or less to a point on the low water line on the right bank of the Tuolumne River; thence following said low water line upstream in a general Southeasterly direction to a point which is 45.00 feet East at a right angle from said "L" line; thence South 0° 17' 20" East and along a line which is 45.00 feet Easterly of and parallel to said "L" line a distance of 192.00 feet, more or less, to a point on the low water line of the left bank of the Tuolumne River; thence following the low water line downstream in a general Northwesterly direction to Engineers Station 12+64.90 "L" line and the point of beginning of this Description.

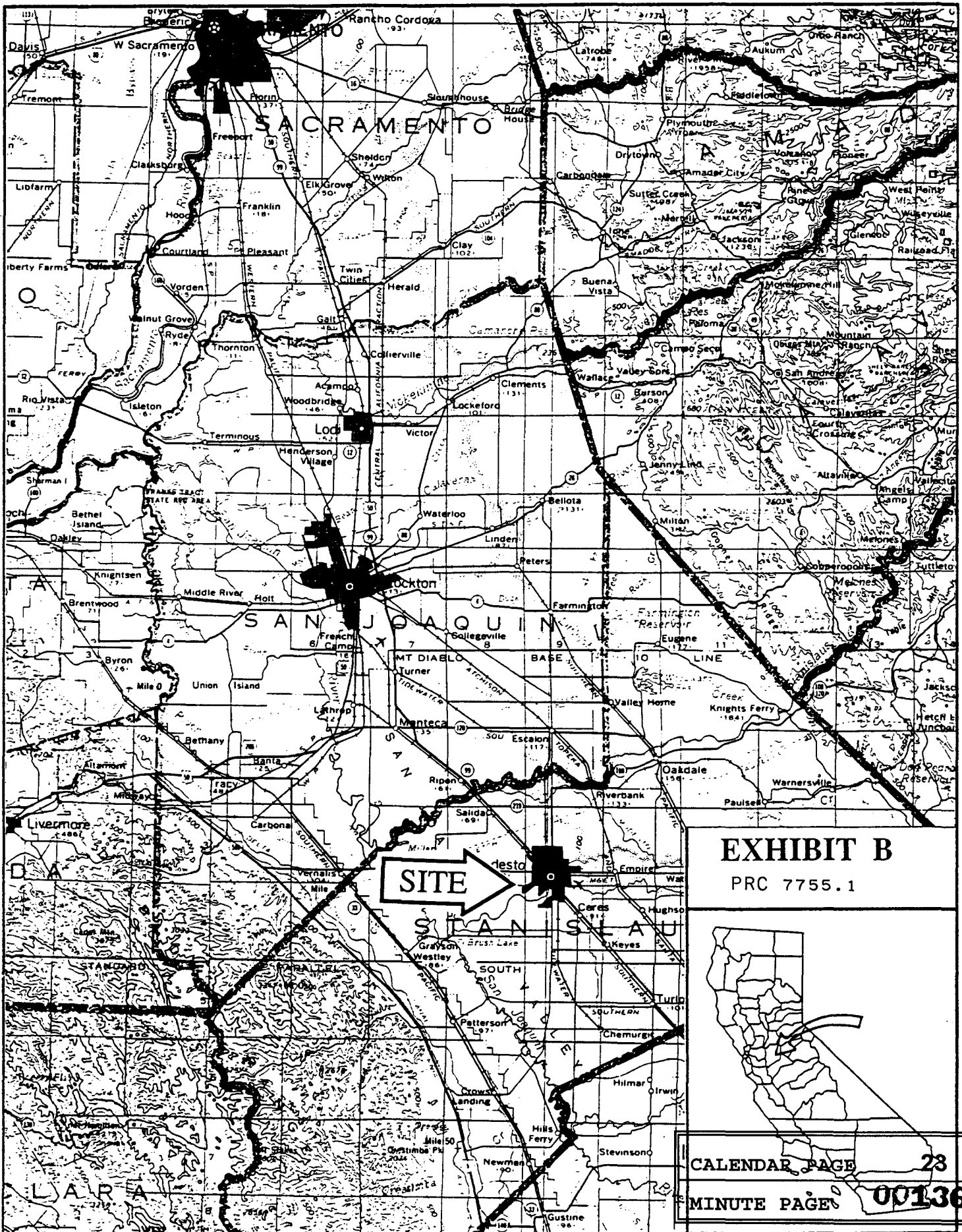
**PARCEL NO. 2**

A portion of the Northeast quarter of the Northeast quarter of Section 12, Township 4 South, Range 8 East, Mount Diablo Base & Meridian, said portion being more particularly described as follows, to-wit:

Beginning at the northeast corner of said Section 12; thence South 0° 17' 20" East and along the East line of said Section 12 to a point on the low water line of the right bank of the Tuolumne River; thence following said low water line downstream in a general Northwesterly direction to a point which is 90 feet Westerly at a right angle from said East line of said Section 12; thence North 0° 17' 20" West and along a line parallel to and 90 feet Westerly from said West line of Section 12 to a point on the North line of said Section 12, thence East and along the North line of said Section 12 to the point of beginning.

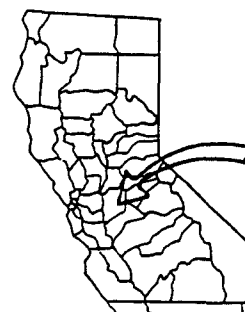
PREPARED by DELTA Boundary Staff 1/26/1994

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**EXHIBIT B**

PRC 7755.1



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