

MINUTE ITEM

This Calendar Item No C41 was approved as Minute Item No. 41 by the California State Lands Commission by a vote of 3 to 0 at its 11-21-06 meeting.

**CALENDAR ITEM
C41**

A 67
S 35

11/21/06
PRC 8726 W 26078
S. Young

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Orange County Flood Control District
P.O. Box 4048
Santa Ana, CA 92702-4048

AREA, LAND TYPE, AND LOCATION:

0.692 acres, more or less, of sovereign lands in the city of Seal Beach, Orange County.

AUTHORIZED USE:

Ingress and egress over two State-owned parcels to access the Los Alamitos Retarding Basin and the Los Alamitos Pump Station within the city of Seal Beach.

LEASE TERM:

25 years, beginning October 12, 2006.

CONSIDERATION:

The public use and benefit; 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.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single limit coverage of no less than \$1,000,000 or an approved self insurance program.

OTHER PERTINENT INFORMATION:

1. The Orange County Flood Control District (Applicant) currently maintains a Right of Entry and License Agreement with Hellman Properties LLC (Hellman) for a non-exclusive license for the Applicant's vehicles to travel

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along a portion of the Hellman parcel that adjoins the lease premises for the purpose of accessing the Applicant's facility, referred to as the Los Alamitos Retarding Basin, in the city of Seal Beach.

2. The Applicant is proposing a construction project to replace an existing outdated pump station located at the Los Alamitos Retarding Basin. The District has applied to the Commission for a General Lease – Public Agency Use for ingress and egress on an existing access road that crosses a portion of two parcels owned in fee by the State of California and under the jurisdiction of the CSLC. One of the State-owned parcels, identified as APN 043-160-53, was conveyed to the State by Southern California Edison Company by grant deed in 1980 and accepted as sovereign lands subject to the public trust. The other State owned parcel, identified as APN 043-160-045, is sovereign land in the former bed of the San Gabriel River confirmed to the State under Boundary Line Agreements 94, 118 and 120. Staff understands that the Applicant has previously been accessing the existing pump station facility through nearby residential neighborhood streets.
3. On March 22, 2005, the Orange County Flood Control District, acting as the lead agency under the provisions of the California Environmental Quality Act (CEQA), determined that the ingress and egress over two State-owned parcels, as described above, was categorically exempt from the CEQA pursuant to section 15305 under Class 5, Minor Alterations in Land Use Limitations. Staff concurs with the Orange County Flood Control District's determination.
4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all state school lands and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 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 Title 2, California Code of Regulations, section 2954 is not applicable.

CALENDAR ITEM NO. C41 (CONT'D)

APPROVALS OBTAINED:

California Department of Fish and Game

EXHIBITS:

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

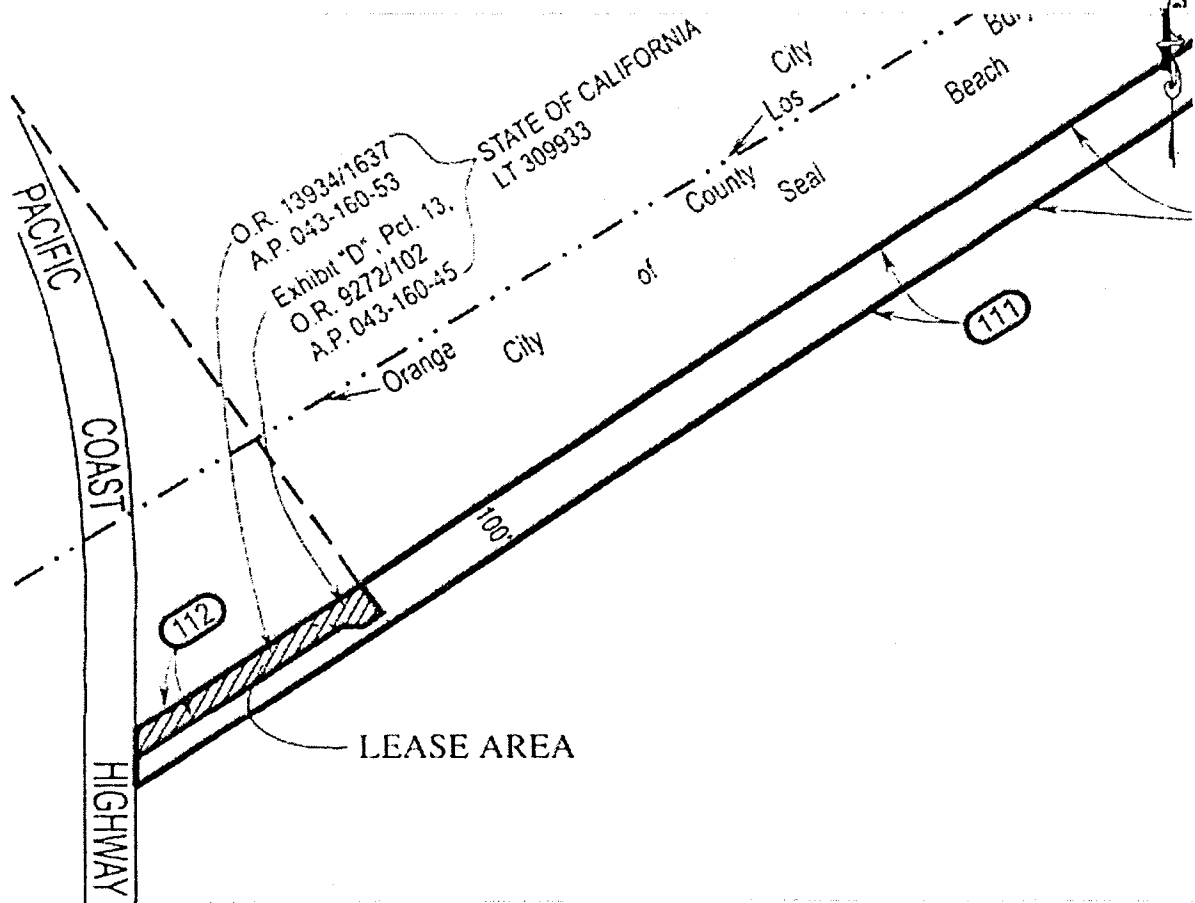
CONCUR WITH THE ORANGE COUNTY FLOOD CONTROL DISTRICT'S DETERMINATION THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, UNDER CLASS 5, MINOR ALTERATIONS IN LAND USE LIMITATIONS, TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15305.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE ORANGE COUNTY FLOOD CONTROL DISTRICT OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING OCTOBER 12, 2006, FOR A TERM OF 25 YEARS, FOR INGRESS AND EGRESS AS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT; 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; AND WITH THE PROVISION OF PUBLIC LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000 COMBINED SINGLE LIMIT COVERAGE OR EVIDENCE OF AN APPROVED SELF INSURANCE PROGRAM.

NO SCALE

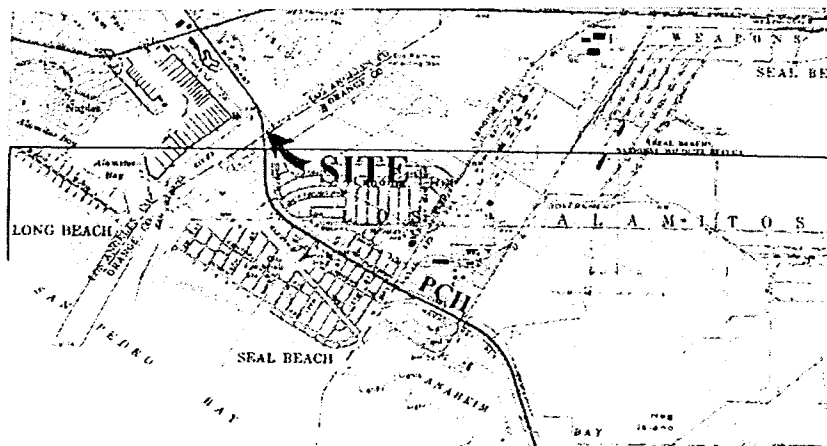
SITE



PACIFIC COAST HIGHWAY, SEAL BEACH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

W 26078

ORANGE COUNTY FLOOD CONTROL DISTRICT
PUBLIC AGENCY LEASE
RIGHT-OF-WAY USE
ORANGE COUNTY



MAP 9/18/06

000190

CALENDAR PAGE

002038

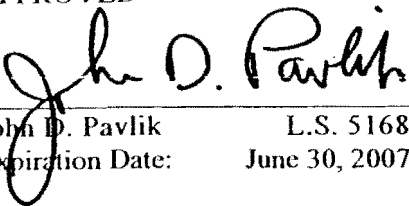
MINUTE PAGE

**EXHIBIT B
LAND DESCRIPTION**

All that certain land, in the City of Seal Beach, County of Orange, State of California, described as Parcel 13 of Exhibit "D" in that certain exchange agreement recorded April 23, 1970 in book 9272, page 102 of Official Records in the office of the County Recorder of said county, together with that certain land, described in the grant deed to the State of California recorded February 2, 1981 in book 13934, page 1637 of said Official Records.

Containing 0.692 Acres, more or less.

APPROVED

 Date: 9/27/05
John D. Pavlik L.S. 5168
Expiration Date: June 30, 2007

