

**CALENDAR ITEM
C10**

A 17
S 12

02/01/10
WP 2563.9
M. Clark

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANTS:

County of Stanislaus
Department of Public Works
1010 Tenth Street, Suite 3500
Modesto, CA 95341

County of Merced
Department of Public Works
715 Martin Luther King, Jr. Way
Merced, CA 95341

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the bed of the San Joaquin River, near the city of Newman, adjacent to Assessor's Parcel Numbers 049-037-002 and 049-037-003, in Stanislaus County and Assessor's Parcel Numbers 045-280-011 and 045-280-012 in Merced County

AUTHORIZED USE:

Continued use and maintenance of an existing bridge known as the Hills Ferry Road Bridge, as shown on Exhibit A.

LEASE TERM:

20 Years, beginning April 28, 2009.

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.

OTHER PERTINENT INFORMATION:

1. Applicants have the right to use the uplands adjoining the lease premises.

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2. On April 28, 1960, the Commission authorized a Right of Way Permit to Stanislaus and Merced Counties. That lease expired April 27, 2009 and the Applicants have now applied for a new General Lease – Public Agency Use.
3. The Hills Ferry Road bridge crossing the San Joaquin River was constructed in 1961 with a total width of 32 feet and total length of 647 feet of which approximately 200 feet crosses the bed of the River. On October 29, 2007, an inspection of the bridge was conducted by the California Department of Transportation and no substantive issues were found. Stanislaus and Merced Counties continue to perform regularly scheduled maintenance and repairs.
4. Pursuant to the Commission’s delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 14, California Code of Regulations, section 15301 (c) .

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff’s consultation with the persons nominating such lands and through CEQA review process, it is the staff’s opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code Of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 14, California Code Of Regulations, section 15301 (c).

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SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the County of Stanislaus and the County of Merced, beginning April 28, 2009, for a term of 20 years, for the continued use and maintenance of an existing bridge as shown on Exhibit A (for reference purposes only) and as described on Exhibit B attached and by this reference made a part hereof; consideration is 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.