

**CALENDAR ITEM  
C18**

A 26  
S 5, 14

04/06/10  
WP 2511.1  
M. Clark

**RENEWAL OF A GENERAL LEASE – RIGHT OF WAY USE**

**APPLICANTS:**

Alexander Hildebrand and Barbara F. Hildebrand, as Trustees of the Hildebrand Family Trust, established pursuant to that certain Trust Agreement, dated March 1, 1995

**AREA, LAND TYPE, AND LOCATION:**

0.51 acre, more or less, of sovereign land in the historic and current bed of the San Joaquin River, adjacent to 23443 Hays Road, near the city of Manteca, San Joaquin County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing earth fill access road with a steel-framed wooden deck and a nine-foot culvert as shown on Exhibit A.

**LEASE TERM:**

Ten years, beginning January 1, 2010; the third of three ten-year renewals as provided in the Lease.

**CONSIDERATION:**

\$138 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance with coverage of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On August 26, 1976, the Commission authorized a 15-year General Lease – Right of Way Use to Alexander Hildebrand with the option of three successive ten-year renewal periods. The first ten-year renewal option was authorized October 26, 1989. In March 1995, the upland property was transferred to Alexander Hildebrand and Barbara F. Hildebrand, as

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Trustees of the Hildebrand Family Trust, established pursuant to that certain Trust Agreement dated March 1, 1995. The second option was authorized June 27, 2000, and expired December 31, 2009. The Applicants have now applied for the third and final renewal option of their original lease.

3. The earth fill access road was constructed in the early 1960's to provide the Applicants access to two upland agricultural parcels bisected by the San Joaquin River. The nine-foot culvert was constructed as part of the access structure to allow the San Joaquin River to pass through the road and continue downstream. In 1986, the Applicants installed a steel-framed wooden deck over a portion of the existing dirt road to provide additional support for large agricultural equipment crossing the roadway.
4. Pursuant to the Commission's delegation of authority and the 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 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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. Legal 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 2, California Code of Regulations, section 2905 (a)(2).

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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 the third renewal of a General Lease – Right of Way Use to Alexander Hildebrand and Barbara F. Hildebrand, as Trustees of the Hildebrand Family Trust, established pursuant to that certain Trust Agreement, dated March 1, 1995, beginning January 1, 2010, for a term of ten years, for the continued use and maintenance of an existing earth fill access road with a steel-framed wooden deck and a nine-foot culvert as shown on Exhibit A (for reference purposes only) and as described on Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$138, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in an amount of no less than \$1,000,000.