

**CALENDAR ITEM
C19**

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S 16

10/29/10
W 26061
K. Foster

**GENERAL LEASE - PUBLIC AGENCY USE
AND ENDORSEMENT OF SUBLEASES**

APPLICANT:

County of Tulare
5961 South Mooney Boulevard
Visalia, CA 93277

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Kings River, near the city of Dinuba, Fresno County.

AUTHORIZED USE:

The construction, use, and maintenance of a new bridge and rock slope protection at Avenue 416 on the Kings River; the use of a temporary construction easement; the temporary retention, use, and maintenance of the existing Avenue 416 bridge; the demolition of the existing bridge and the potential abandonment in place of piers and pilings upon completion of the new bridge; and the construction, use, and maintenance of utility conduits on the new bridge.

LEASE TERM:

20 years, beginning October 29, 2010.

CONSIDERATION:

Bridge: 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.

Utilities: Annual rent in the amount of \$195, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

1. Lessee shall not install, attach, or authorize the placement of any utilities or other improvements on the bridge or within the Lease Premises, other than those subject to existing Franchise and/or Licensing Agreements as

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described in the Lease, without the Commission's prior review and consideration.

2. Lessee shall place warning signage and/or buoys, clearly visible from the shore and in the water, both upstream and downstream of the construction site, to provide notice of the bridge replacement project and to advise the public to exercise caution. Lessee shall place and maintain such signage and/or buoys at all times during bridge removal and construction activities, and shall notify the California Department of Boating and Waterways of the location, description, and purpose of such signage and/or buoys upon their installation and removal.
3. Lessee agrees to enter into a Lease Amendment to implement a Termination and Abandonment Agreement within 90 days of completion of the demolition of the existing bridge should good-faith efforts fail to remove all existing bridge improvements. The Amendment will include only the existing bridge right-of-way, shown as Parcel 2 in Exhibit A.

OTHER PERTINENT INFORMATION:

1. Applicant owns and has the right to use the uplands adjoining the lease premises.
2. The proposed bridge replacement project is part of a larger project to widen approximately 12 miles of Mountain View Avenue/Avenue 416/El Monte Way in Fresno and Tulare Counties to improve vehicular traffic flow.
4. The Tulare County Resource Management Agency (County) is responsible for the maintenance of the existing Avenue 416 bridge crossing the Kings River in Tulare County. The bridge was constructed in 1948, but was not authorized by the Commission. The Applicant has submitted an application requesting a General Lease - Public Agency Use to authorize all the uses described above.
5. The existing bridge is considered functionally obsolete, and in addition to widening, any rehabilitation project would also require seismic retrofitting. It was determined the preferred alternative for this portion of the project is to construct a new bridge immediately north of the existing bridge, and to demolish the existing bridge upon completion.
6. The replacement bridge will consist of a 740-foot long by 81-foot-wide, four-lane, cast-in-place concrete structure with a median strip and sidewalks, and will be anchored by concrete abutments on each end with

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four piers supporting the spans. Rock slope protection will also be placed on each bank below the abutments to prevent scour during high flow events in the river. Of the 740-foot span length, an approximately 256-foot long section will cross sovereign lands in the Kings River.

7. The County will place warning signage and/or buoys, clearly visible from the shore and in the water, both upstream and downstream of the construction site to provide notice of the bridge replacement project and to advise the public to exercise caution. The signage and/or buoys will remain in place at all times during bridge construction and removal activities.
8. The existing bridge will remain open during construction of the new bridge, which is expected to commence in July 2011. Once the new bridge is opened for traffic, the existing bridge will be removed in its entirety. The entire project, including the demolition, is expected to be completed by December 31, 2012. Any foundation piers or pilings that cannot be effectively removed will be cut off a minimum of five feet below the mudline and left in place. Temporary coffer dams will be constructed in the river bed to divert water flow from around the piers during removal operations.
9. Once the demolition phase of the project is complete, the County will apply to the Commission for either: a Lease Amendment to implement a Termination and Abandonment Agreement for a portion of the right-of-way for the existing bridge, identified as Parcel 2 in Exhibit A; or a Lease Amendment and acceptance of a Quitclaim Deed to remove Parcel 2 from the Lease. If the County is unable to remove any piers or pilings completely, the County will retain responsibility for any abandoned structures. Should the Commission determine at any time that any abandoned structures have become a hazard to the public, the County will be required to remedy the hazard.
10. The proposed bridge construction project includes the relocation of existing utility conduits onto the new bridge. The existing utilities at the site include: AT&T/Pac Bell, Pacific Gas & Electric Company (PG&E), Southern California Gas Company (SoCal Gas), Time Warner, and Verizon. Of these, only PG&E and SoCal Gas are subject to existing Franchise and/or Licensing Agreements with the County, which require payments ranging from two to five percent of gross revenues to the County. The Agreements are effectively revenue-generating subleases for Commission leasing purposes and are subject to rent. The remaining utilities, including AT&T/Pac Bell, Time Warner, and Verizon, are subject

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to Statewide Franchise Agreements. Any future utilities to be located within the right-of-way may require either an amendment of this Lease or separate Leases from the Commission.

11. A Joint Document EIR/EA SCH# 2004111084 was prepared and certified for this project by the Tulare County Resource Management Agency. Commission staff reviewed this environmental document and the Mitigation Monitoring Program prepared in conformance with the provisions of CEQA (Public Resources Code section 21081.6) and adopted by the lead agency.
12. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained on file in the Sacramento office of the California State Lands Commission.

A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained on file in the Sacramento Office of the California State Lands Commission.

13. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

County of Tulare and U.S. Fish and Wildlife Service

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game, California Regional Water Quality Control Board, Central Valley Flood Protection District, Kings River Conservation District, and the U.S. Army Corps of Engineers

EXHIBITS:

- A. Location And Site Map
- B. Legal Land Description

PERMIT STREAMLINING ACT DEADLINE:

March 14, 2011

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR SCH# 2004111084 was prepared for this project by Tulare County Resource Management Agency and certified on October 21, 2008, and that the Commission reviewed and considered the information contained therein.

Adopt the findings made in conformance with Title 14, California Code of Regulations, sections 15091 and 15096 (h), as contained on file in the Sacramento office of the California State Lands Commission.

Adopt the Mitigation Monitoring Program, as contained on file in the Sacramento office of the California State Lands Commission.

Adopt the Statement of Overriding Considerations made in conformance with Title 14, California Code of Regulations, section 15093, as contained on file in the Sacramento office of the California State Lands Commission.

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.

AUTHORIZATIONS:

1. Authorize issuance of a General Lease - Public Agency Use to the are County of Tulare beginning October 29, 2010, for a term of 20 years, for the construction, use, and maintenance of a new bridge and rock slope protection at Avenue 416 on the Kings River, for the use of a temporary construction easement, for the temporary retention, use, and maintenance of the existing Avenue 416 bridge, for the demolition of the existing bridge and the potential abandonment in place of piers and pilings upon completion of the new bridge, and for the construction, use, and maintenance of utility conduits on the new bridge, as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; consideration for the bridge: 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; consideration for the utilities: Annual rent in the amount of \$195, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

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2. Authorize endorsement of subleases, in the form of Franchise and Licensing Agreements, between the County of Tulare and the following utilities: Pacific Gas & Electric Company; Southern California Gas Company.
3. Authorize endorsement of subleases, in the form of Statewide Franchise Agreements, between the State of California and the following utilities: AT&T/Pac Bell; Time Warner; Verizon.

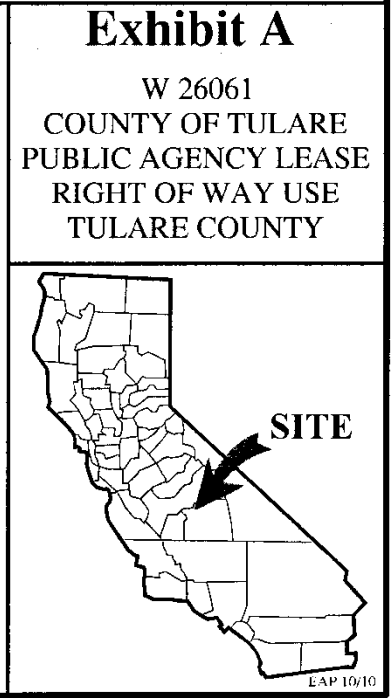
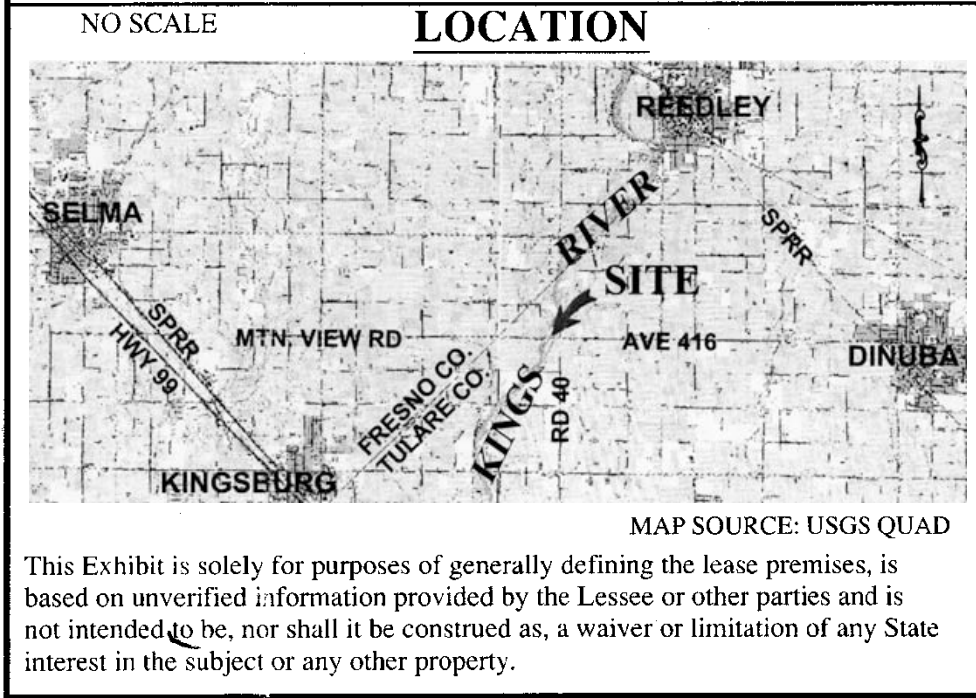
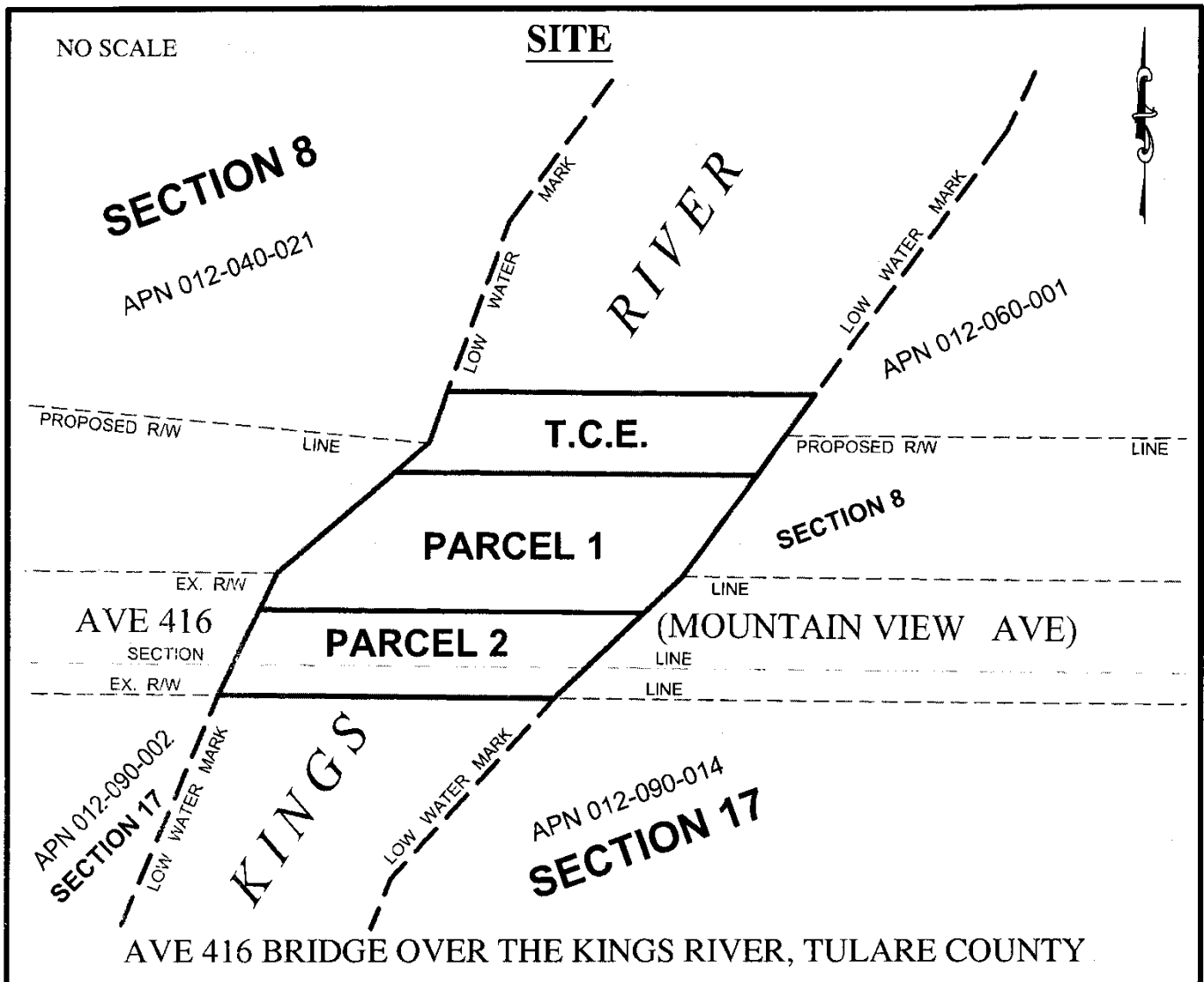


EXHIBIT B

W 26061

LAND DESCRIPTION

Two parcels of submerged land, lying in the bed of the Kings River, being adjacent to portions of Sections 8 and 17, Township 16 South, Range 23 East, MDM, as shown on the US Government Township Plat approved December 21, 1854, being in Tulare County, California, more particularly described as follows:

Parcel 1

Commencing at the corner common to Sections 8, 9, 16, and 17, monumented by a brass disk marked "Tulare County Surveyor" set in concrete at the intersection of Avenue 416 and Road 40 as shown on a preliminary Record of Survey by Oscar Ramirez, RCE; thence N 89°23'05" W along the line common to Sections 8 and 17, 690.80 feet, more or less to the left (easterly) bank of the Kings River; thence N 46°41'58" E along said left (easterly) bank, 52.02 feet to the POINT OF BEGINNING; thence continuing along said left (easterly) bank the following two (2) courses:

1. N 46°41'58" E, 15.59 feet; and
2. N 35°57'53" E, 98.11';

thence leaving said left (easterly) bank N 89°23'05" W parallel with the line common to Sections 8 and 17, 306.14 feet to the right (westerly) bank of the Kings River; thence along said right (westerly) bank the following two (2) courses:

1. S 49°18'52" W, 73.45 feet; and
2. S 25°56'04" W, 46.86 feet;

thence leaving said right (westerly) bank S 89°23'05" E parallel with the line common to Sections 8 and 17, 313.37 feet to the POINT OF BEGINNING.

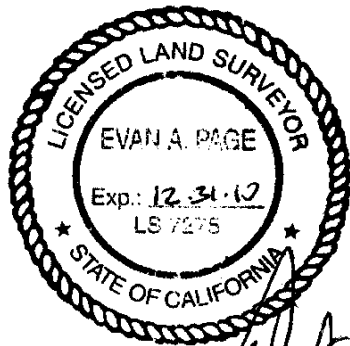
EXCEPTING THEREFROM any portion lying landward of the ordinary low water marks of the Kings River.

Parcel 2

Commencing at the corner common to Sections 8, 9, 16, and 17, monumented by a brass disk marked "Tulare County Surveyor" set in concrete at the intersection of Avenue 416 and Road 40 as shown on a preliminary Record of Survey by Oscar Ramirez, RCE; thence N 89°23'05" W along the line common to Sections 8 and 17, 690.80 feet, more or less to the left (easterly) bank of the Kings River, said point being the POINT OF BEGINNING; thence N 46°41'58" E along the left (easterly) bank of the Kings River 52.02 feet; thence leaving said left (easterly) bank N 89°23'05" W parallel with the line common to Sections 8 and 17, 313.37 feet to the right (westerly) bank of the Kings River; thence S 25°56'04" W along said right (westerly) bank, 62.04 feet;

thence leaving said right (westerly) bank S 89°23'05" E parallel with the line common to Sections 8 and 17, 281.66 feet to said left (easterly) bank; thence N 46°41'58" E along said left (easterly) bank, 28.84 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water marks of the Kings River.



EVA
Oct 7 2010

EXHIBIT B

W 26061

LAND DESCRIPTION

Temporary Construction Easement

A parcel of submerged land, lying in the bed of the Kings River, being adjacent to portions of Sections 8, Township 16 South, Range 23 East, MDM, Tulare County, California, more particularly described as follows:

Commencing at the corner common to Sections 8, 9, 16, and 17, monumented by a brass disk marked "Tulare County Surveyor" set in concrete at the intersection of Avenue 416 and Road 40 as shown on a preliminary Record of Survey by Oscar Ramirez, RCE; thence N 89°23'05" W along the line common to Sections 8 and 17, 690.80 feet, more or less to the left (easterly) bank of the Kings River; thence along said left (easterly) bank the following two (2) courses:

1. N 46°41'58" E, 67.61 feet; and
2. N 35°57'53" E, 98.11'; to the

POINT OF BEGINNING; thence continuing N 35°57'53" E along said left (easterly) bank, 64.98 feet; thence leaving said left (easterly) bank N 89°23'05" W parallel with the line common to Sections 8 and 17, 296.38 feet to the right (westerly) bank of the Kings River; thence along said right (westerly) bank the following two (2) courses:

1. S 19°50'22" W, 17.40'; and
2. S 49°18'52" W, 55.40 feet;

thence leaving said right (westerly) bank S 89°23'05" E parallel with the line common to Sections 8 and 17, 306.14 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water marks of the Kings River.



EAP
Oct 7 2010