

**CALENDAR ITEM
C31**

A 15
S 7

09/01/11
WP 7889.9
R. Boggiano

AMENDMENT OF LEASE

APPLICANT/LESSEE:

Ironhouse Sanitary District

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Dutch Slough and the San Joaquin River, Jersey Island, adjacent to Assessor's Parcel numbers 027-050-001, and 037-191-29, and 027-040-001, near Oakley, Contra Costa County.

AUTHORIZED USE:

Continued use and maintenance of a 24-inch diameter effluent pipeline, 30-inch diameter sewer outfall pipeline, diffuser, and riprap on each side of the pipeline, as shown on Exhibit A.

LEASE TERM:

25 years, beginning August 1, 1996.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

Amend the Lease to replace Section 3 (Land Description) of the Lease with a new Section 3, as described in the attached Exhibit B. All other terms and conditions of the lease will remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.
2. On May 9, 1996, the Commission authorized a General Lease - Public Agency Use to the Ironhouse Sanitary District (District) for the installation of a 24-inch diameter treated effluent pipeline and the placement of 1,500 cubic yards of rock riprap. That lease will expire on July 31, 2021.

CALENDAR ITEM NO. **C31** (CONT'D)

On June 24, 2008, the Commission authorized an amendment to the lease to expand the lease area for the construction of a new 30-inch diameter outfall pipeline, diffuser, and the placement of riprap. The 30-inch diameter pipeline is an extension of the existing 24-inch diameter pipeline.

3. The lease provides that, at receipt of the "As-Built" drawings, the lease description will be reviewed and the lease will be amended in order to authorize the final lease area description. The District is now applying to amend its existing lease to correct an error on the original plat and land description that was made part of the lease.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activities 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 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 not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

CALENDAR ITEM NO. **C31** (CONT'D)

AUTHORIZATION:

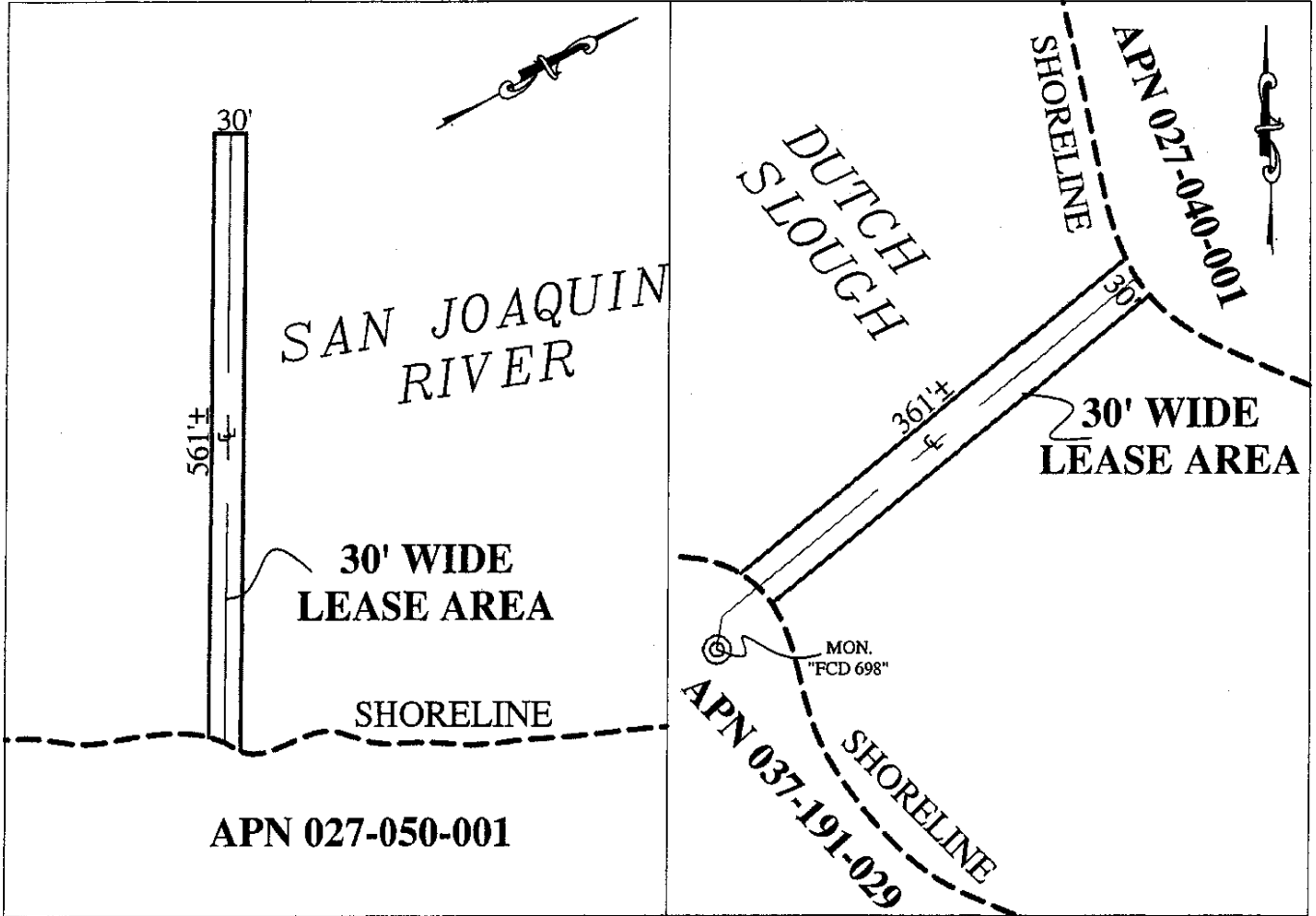
Authorize the amendment of Lease No. PRC 7889.9, a General Lease – Public Agency Use, effective September 1, 2011, to replace Section 3 (Land Description) of the lease with a revised Section 3, as described in the attached Exhibit B; all other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

SITE

PARCEL 2

PARCEL 1

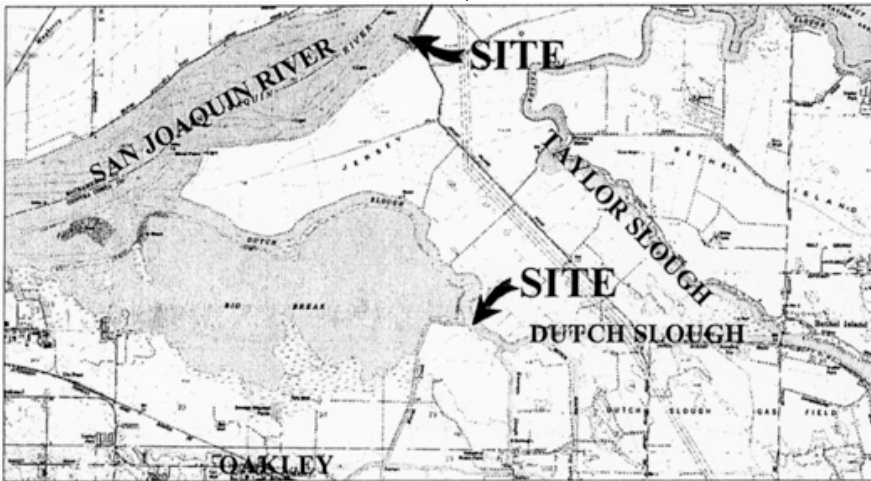


30" SEWER OUTFALL
SAN JOAQUIN RIVER

24" SEWER PIPELINE
DUTCH SLOUGH

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 7889.9
 IRONHOUSE SANITARY DISTRICT
 APN 027-050-001, 027-040-001,
 037-191-029
 GENERAL LEASE
 PUBLIC AGENCY USE
 CONTRA COSTA COUNTY



MJF 6/02/11

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 B

PRC 7889.9

LAND DESCRIPTION

PARCEL 1 (DUTCH SLOUGH)

A STRIP OF TIDE AND SUBMERGED LAND 30 FEET WIDE SITUATE IN THE BED OF DUTCH SLOUGH ADJACENT TO JERSEY ISLAND, CONTRA COSTA COUNTY, CALIFORNIA, AND LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT A 2" BRASS DISC MONUMENT MARKED "FCD698" HAVING CCS83 ZONE 3 COORDINATES OF N 2,193,577.725 E 6,220,549.861 AS SAID MONUMENT IS SHOWN ON THAT CERTAIN RECORD OF SURVEY ENTITLED "RS 3204" FILED IN THE OFFICE OF THE RECORDER OF CONTRA COSTA COUNTY ON JANUARY 25, 2008 IN BOOK 138 OF LICENSED SURVEYORS MAPS AT PAGE 23, SAID MONUMENT BEING ON A BOUNDARY CORNER OF THAT CERTAIN PARCEL GRANTED BY RALPH L. EMERSON AND ETHEL E. EMERSON TO CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BY THAT CERTAIN GRANT DEED RECORDED OCTOBER 7, 1968 IN BOOK 5724 AT PAGE 107, CONTRA COSTA COUNTY RECORDS; THENCE ALONG THE BOUNDARY OF SAID PARCEL (5724 OR 107) NORTH 08°47'15" EAST 23.11 FEET TO A POINT ON THE CENTER-LINE OF AN EXISTING 24" PIPE; THENCE, ALONG THE CENTER-LINE OF SAID PIPE NORTH 50°18'10" EAST 32.00 FEET TO A POINT ON LEFT BANK OF SAID DUTCH SLOUGH, SAID POINT BEING THE POINT OF BEGINNING OF THE CENTERLINE OF SAID 30.00 FOOT WIDE STRIP; THENCE ALONG THE CENTER-LINE OF SAID 24" PIPE NORTH 50°18'10" EAST 345.00 FEET TO A POINT ON THE RIGHT BANK OF SAID DUTCH SLOUGH;

THE SIDELINES OF SAID STRIP SHALL BE LENGTHENED OR SHORTENED AT THE NORTHEASTERLY AND SOUTHWESTERLY ENDS SO AS TO TERMINATE ON THE ORDINARY HIGH WATER MARK OF SAID SLOUGH.

EXCEPTING THEREFROM ANY PORTION LYING LANDWARD OF THE ORDINARY HIGH WATER MARK OF DUTCH SLOUGH.

PARCEL 2 (SAN JOAQUIN RIVER)

A STRIP OF TIDE AND SUBMERGED LAND 30 FEET WIDE SITUATE IN THE BED OF THE SAN JOAQUIN RIVER ADJACENT TO JERSEY ISLAND, CONTRA COSTA COUNTY, CALIFORNIA, AND LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT POINT NO. 73 HAVING CCS83 ZONE 3 COORDINATES OF N 2208387.509 E 6220337.702 AS SAID POINT NO. 73 IS SHOWN ON THAT CERTAIN RECORD OF SURVEY ENTITLED "AMENDED RECORD OF SURVEY", FILED IN THE OFFICE OF THE RECORDER OF CONTRA COSTA COUNTY ON AUGUST 22, 1994 IN BOOK 106 OF LICENSED SURVEYORS MAPS AT PAGE 1, THENCE FROM SAID POINT NO. 73 SOUTH 29°07'52" WEST, 4,211.11 FEET TO THE POINT OF BEGINNING, THENCE NORTH 60°51'28" WEST, 139.76 FEET TO THE WESTERLY LOT LINE OF LOT 70 (18 M 419) AS SHOWN ON SAID MAP (18 M 419), THENCE NORTH 60°51'28" WEST, 571.03 FEET TO THE POINT OF TERMINATION.

THE SIDELINES OF SAID STRIP SHALL BE LENGTHENED OR SHORTENED AT THE NORTHWESTERLY END SO AS TO TERMINATE AT A LINE PERPENDICULAR TO THE POINT OF TERMINATION AND AT THE SOUTHEASTERLY END SO AS TO TERMINATE ON THE ORDINARY HIGH WATER MARK OF SAID RIVER.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE CALIFORNIA ZONE III NAD 83. MULTIPLY THE ABOVE DISTANCES BY 1.000053 TO OBTAIN GROUND LEVEL DISTANCES.

END OF DESCRIPTION

Paul Eisenkramer 6-1-2011

FOR MILANI & ASSOCIATES
PAUL EISENKRAMER
L.S. 6910
EXP. 09/30/11

