

**CALENDAR ITEM  
C69**

A 34  
S 18

09/01/11  
WP 8324.2  
J. Porter

**GENERAL LEASE - RIGHT-OF-WAY USE**

**APPLICANT:**

Level 3 Communications, LLC  
1025 Eldorado Blvd  
Broomfield, Colorado 80021

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

0.47 acres, more or less, of State school lands located in Section 36, Township 15 North, Range 7 East, SBM, west of Silver Lake, San Bernardino County.

**AUTHORIZED USE:**

Continued use and maintenance of 12 existing uncased high-density polyethylene (HDPE) innerducts, one of which contains one fiber optic cable with approximately 144 fibers.

**LEASE TERM:**

20 years, beginning April 1, 2011.

**CONSIDERATION:**

\$511 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:**

Insurance:

Liability insurance in the amount of no less than \$1,000,000.

Bond:

\$10,000.

**OTHER PERTINENT INFORMATION:**

1. On April 24, 2001, the Commission authorized a right-of-way lease to Level 3 Communications, LLC (Applicant) for a term of 10 years. That lease expired on March 31, 2011. Applicant is now applying for a new General Lease – Right-of-Way Use.

CALENDAR ITEM NO. C69 (CONT'D)

2. The improvements within the lease premises consist of 12 existing uncased high-density polyethylene (HDPE) innerducts, one of which contains one fiber optic cable with approximately 144 fibers. No additions or changes are proposed to the improvements within the lease premises.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff 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.

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. However, the Commission declared that all 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 section 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.

**EXHIBITS:**

- A. Location and Site 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 2, California Code of Regulations, section 2905 (a)(2).

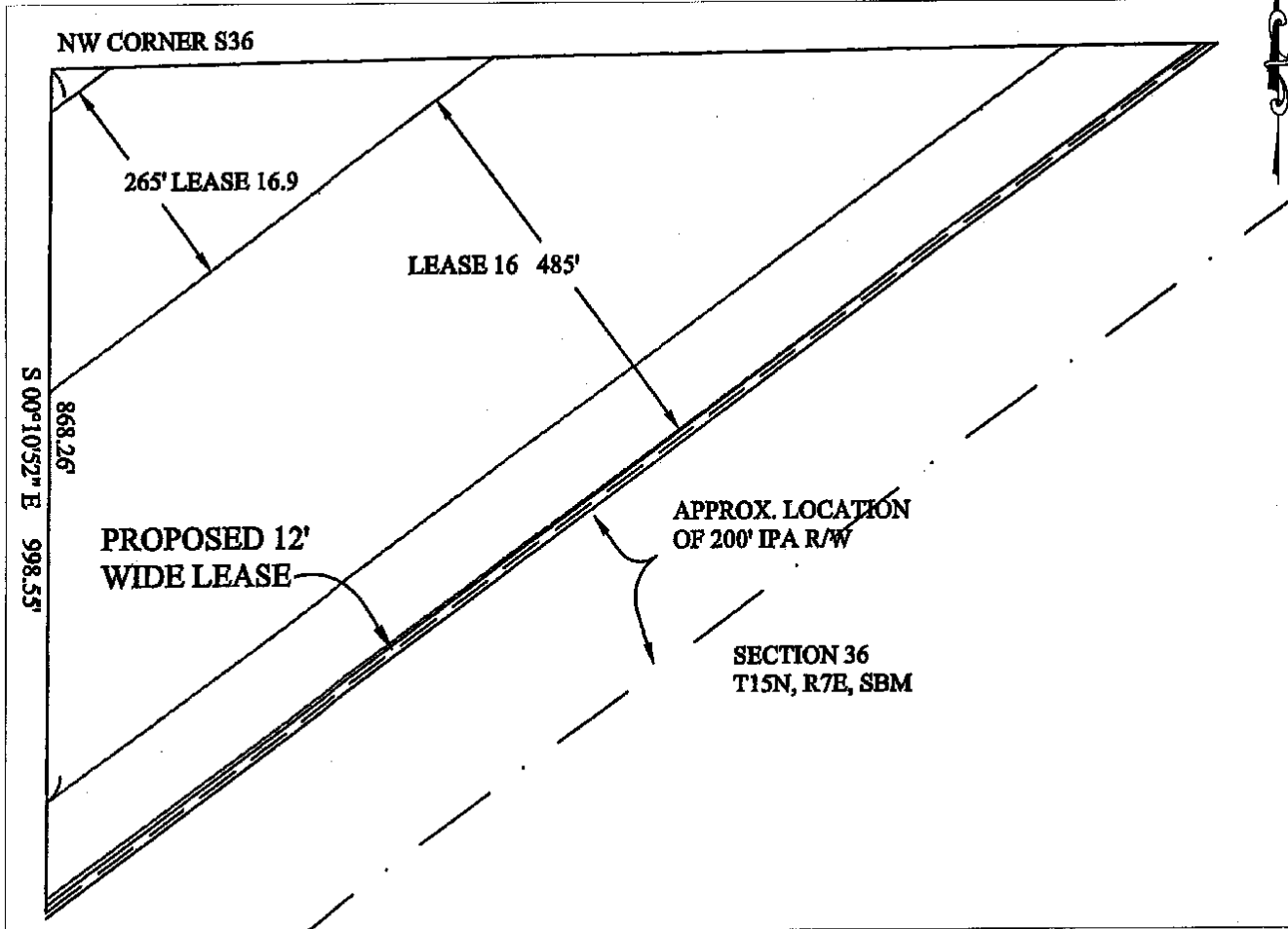
CALENDAR ITEM NO. **C69** (CONT'D)

**AUTHORIZATION:**

Authorize issuance of a General Lease – Right-of-Way Use to Level 3 Communications, LLC, beginning April 1, 2011, for a term of 20 years, for the continued use and maintenance of 12 existing uncased high-density polyethylene (HDPE) innerducts, one of which contains one fiber optic cable with approximately 144 fibers, for the lands as shown on Exhibit A (for reference purposes only) and as described on Exhibit B, both attached and by this reference made a part hereof; annual rent in the amount of \$511 with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; liability insurance with coverage of no less than \$1,000,000, and surety in the amount of \$10,000.

NO SCALE

# SITE

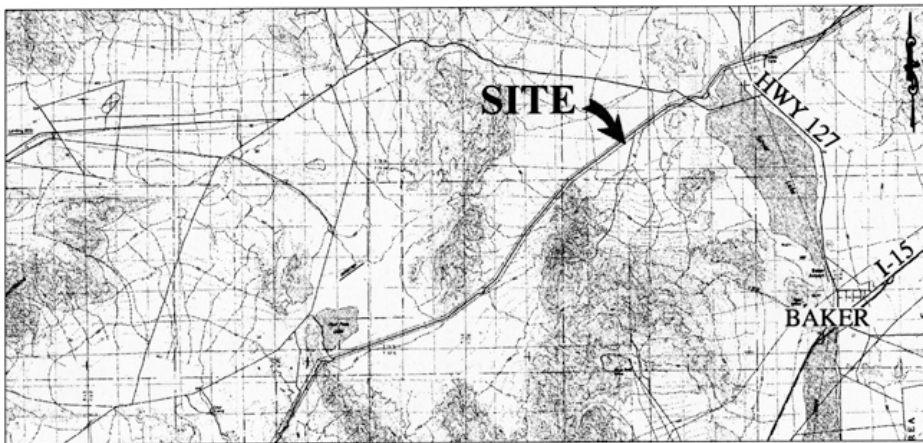


Section 36, T15N, R7E, SBM

12 uncased high density polyethylene innerducts - 1 fiber optic cable

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

WP 8324.2  
 LEVEL 3  
 COMMUNICATIONS LLC  
 APN 0544-191-19, 20  
 GENERAL LEASE -  
 RIGHT-OF-WAY USE  
 SAN BERNARDINO COUNTY



MFJ 7/26/11

EXHIBIT B

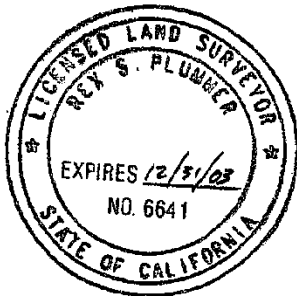
PRC 8324

THAT PORTION OF SECTION 36, TOWNSHIP 15 NORTH, RANGE 7 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 12-FOOT WIDE STRIP OF LAND LYING 6-FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 36; THENCE ALONG THE WEST LINE THEREOF SOUTH 00°10'52" EAST A DISTANCE OF 998.55 FEET TO A POINT LYING 195.00 FEET NORTHWESTERLY MEASURED AT RIGHT ANGLES FROM THE SOUTHEASTERLY LINE OF THE INTERMOUNTAIN POWER AUTHORITY RIGHT-OF-WAY AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 62, PAGES 6 THROUGH 16, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 53°08'17" EAST, PARALLEL WITH SAID SOUTHEASTERLY RIGHT-OF-WAY, A DISTANCE OF 1702.56 FEET TO THE NORTHERLY LINE OF SAID SECTION 36 AND THE POINT OF TERMINUS OF SAID STRIP OF LAND.

THE SIDELINES OF SAID STRIP OF LAND SHALL BE LENGTHENED OR SHORTENED SO AS TO TERMINATE SOUTHWESTERLY ON THE WEST LINE OF SAID SECTION 36 AND NORTHEASTERLY ON THE NORTH LINE OF SAID SECTION 36.



*Rex S. Plummer* 4/13/00  
REX S. PLUMMER DATE  
LS 6641  
EXPIRATION DATE 12/31/03