

**CALENDAR ITEM
C37**

A 18
S 9

01/26/12
WP 8878.9
D. Oetzel

AMENDMENT OF GENERAL LEASE – PUBLIC AGENCY USE

LESSEE/APPLICANT:

Livermore-Amador Valley Water Management Agency (LAVWMA)
7051 Dublin Boulevard
Dublin, CA 94568

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the San Leandro Shoreline Marsh adjacent to San Francisco Bay, City of San Leandro, Alameda County.

AUTHORIZED USE:

Use, maintenance, and operation of a one-meter diameter treated wastewater pipeline, the abandonment in place of an existing 27-inch diameter wastewater pipeline not previously authorized by the Commission, and the temporary use of two areas for the construction of the new pipelines.

LEASE TERM:

25 years, beginning June 28, 2010.

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.

PROPOSED AMENDMENT

Amend the Land Description in the Lease to reflect the "As Built" drawings, as described on Exhibit A and shown on Exhibit B.

OTHER PERTINENT INFORMATION:

1. The Applicant has the right to use the lands adjacent to the lease premises.
2. On June 28, 2010, the Commission authorized issuance of a 25-year General Lease – Public Agency Use to LAVWMA for the completion of the

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last 2,000-foot segment of the export pipeline of the LAVWMA Export Pipeline Project, and the abandonment in place of a pre-existing 27-inch diameter wastewater pipeline. Of the 2,000 foot segment that was to be constructed, 1,078 feet fell within the Commission's jurisdiction. The construction involved two temporary lease areas at either end of the pipeline installation to accommodate the excavation necessary to accomplish project goals. Pursuant to the lease conditions, the temporary work areas were to be restored similar to their appearance prior to the inception of the project and the lease description amended to reflect the "As Built" drawings submitted by the Lessee.

3. The project was completed on January 28, 2011. The temporary lease areas have been re-seeded with native plant species and are now considered restored to a condition similar to that prior to the inception of the project. Pursuant to one of its lease conditions, the Lessee is now applying to amend Lease No. PRC 8878.9 to reflect the final lease area description.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15060, subd. (c)(3)), the 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 California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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 the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers
San Francisco Bay Conservation and Development Commission
Regional Water Quality Control Board – San Francisco Bay
City of San Leandro

FURTHER APPROVALS REQUIRED:

None.

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EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

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 section 6370 et seq.

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 8878.9, a General Lease – Public Agency Use, to Livermore-Amador Valley Water Management Agency (LAVWMA), to amend the Land Description contained in the lease to reflect the “As-Built” conditions as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; all other terms and conditions of the lease shall remain in effect without amendment.

EXHIBIT A

PRC 8878

LAND DESCRIPTION

TWO PARCELS OF SOVEREIGN LAND IN THE CITY OF SAN LEANDRO, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING A PORTION OF THOSE LANDS DESCRIBED AS THE HABITAT ENHANCEMENT PARCEL IN THAT CERTAIN GRANT DEED, RECORDED IN SERIES NUMBER 90-084393, ALAMEDA COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

BEING A STRIP OF LAND HAVING A UNIFORM WIDTH OF TWENTY FIVE (25) FEET, LYING TWELVE AND A HALF (12.5) FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE FOUND STANDARD CITY MONUMENT STAMPED "LS 5412" AT THE WESTERLY END OF BAYFRONT DRIVE AS SHOWN ON TRACT 6965 RECORDED IN BOOK 239 OF MAPS, AT PAGES 39 THROUGH 42, ALAMEDA COUNTY RECORDS, THENCE SOUTH $72^{\circ}24'37''$ WEST, 753.42 FEET, TO A POINT ON THE EASTERLY LINE OF SAID HABITAT ENHANCEMENT PARCEL, SAID POINT BEING THE NORTHWEST CORNER OF PARCEL C AS SHOWN ON TRACT 6810 RECORDED IN BOOK 230 OF MAPS, AT PAGES 87 THROUGH 91, ALAMEDA COUNTY RECORDS, THENCE ALONG SAID EASTERLY LINE NORTH $33^{\circ}15'32''$ WEST, 41.44 FEET TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID EASTERLY LINE AND ENTERING SAID HABITAT ENHANCEMENT PARCEL THE FOLLOWING THREE (3) COURSES:

1. SOUTH $85^{\circ}55'27''$ WEST, 382.92 FEET,
2. THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1380.00 FEET, THROUGH A CENTRAL ANGLE OF $13^{\circ}48'35''$, AND AN ARC LENGTH OF 332.62 FEET,
3. THENCE SOUTH $72^{\circ}06'52''$ WEST, 361.79 FEET TO A POINT ON THE WESTERLY LINE OF SAID HABITAT ENHANCEMENT PARCEL, FROM SAID POINT, SAID CITY MONUMENT BEARS NORTH $77^{\circ}35'20''$ EAST, 1835.82 FEET.

THE SIDE LINES OF SAID TWENTY FIVE (25) FOOT STRIP TO BE LENGTHENED OR SHORTENED TO TERMINATE ON THE EASTERLY AND WESTERLY LINES OF SAID HABITAT ENHANCEMENT PARCEL.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN ANY VALID RIGHTS AS DESCRIBED AS A TWENTY FIVE (25) FOOT WIDE EASEMENT, RECORDED IN REEL 5404, IMAGE 264, ALAMEDA COUNTY RECORDS.

CONTAINING 0.62 ACRES MORE OR LESS.

PARCEL 2

BEING A STRIP OF LAND HAVING A UNIFORM WIDTH OF TWENTY FIVE (25) FEET, LYING TWELVE AND A HALF (12.5) FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE FOUND STANDARD CITY MONUMENT STAMPED "LS 5412" AT THE WESTERLY END OF BAYFRONT DRIVE AS SHOWN ON TRACT 6965 RECORDED IN BOOK 239 OF MAPS, AT PAGES 39 THROUGH 42, ALAMEDA COUNTY RECORDS, THENCE SOUTH 72°24'37" WEST, 753.42 FEET, TO A POINT ON THE EASTERLY LINE OF SAID HABITAT ENHANCEMENT PARCEL, SAID POINT BEING THE NORTHWEST CORNER OF PARCEL C AS SHOWN ON TRACT 6810 RECORDED IN BOOK 230 OF MAPS, AT PAGES 87 THROUGH 91, ALAMEDA COUNTY RECORDS, THENCE ALONG SAID EASTERLY LINE SOUTH 33°15'32" EAST, 1.05 FEET TO A POINT ON THE EXISTING 27" DIAMETER LIVERMORE AMADORE VALLEY WATER MANAGEMENT AGENCY PIPELINE SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID EASTERLY LINE AND ENTERING SAID HABITAT ENHANCEMENT PARCEL CONTINUING ALONG THE CENTERLINE OF SAID PIPELINE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 73°07'19" WEST, 171.94 FEET,
2. NORTH 77°10'41" WEST, 239.79 FEET,
3. THENCE SOUTH 74°09'52" WEST, 697.55 FEET TO A POINT ON THE WESTERLY LINE OF SAID HABITAT ENHANCEMENT PARCEL, FROM SAID POINT, SAID CITY MONUMENT BEARS NORTH 76°54'27" EAST, 1834.73 FEET.

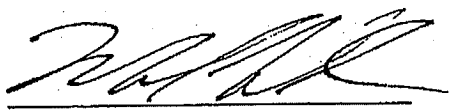
THE SIDE LINES OF SAID STRIP OF LAND TO BE LENGTHENED OR SHORTENED TO TERMINATE ON THE EASTERLY AND WESTERLY LINES OF SAID HABITAT ENHANCEMENT PARCEL.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN ANY VALID RIGHTS AS DESCRIBED AS A TWENTY FIVE (25) FOOT WIDE EASEMENT, RECORDED IN REEL 5404, IMAGE 264, ALAMEDA COUNTY RECORDS.

CONTAINING 0.64 ACRES MORE OR LESS

END OF DESCRIPTION

PREPARED BY:


MARK WEHBER
LICENSED LAND SURVEYOR NO. 7960
(EXP. 3/31/12)
STATE OF CALIFORNIA



3-16-11
DATE

NO SCALE

SITE

APN
080G-0910-002-22

LEASE AREA
PARCEL 1



EXISTING
PIPELINE

EXISTING
PIPELINE

LEASE AREA
PARCEL 2

NOTE: EXCEPTING THEREFROM ANY PORTIONS OF LEASE AREAS PARCELS 1 AND 2 LYING WITHIN ANY VALID RIGHTS AS DESCRIBED AS A TWENTY FIVE (25) FOOT WIDE EASEMENT, RECORDED IN REEL 5404, IMAGE 264, ALAMEDA COUNTY RECORDS.

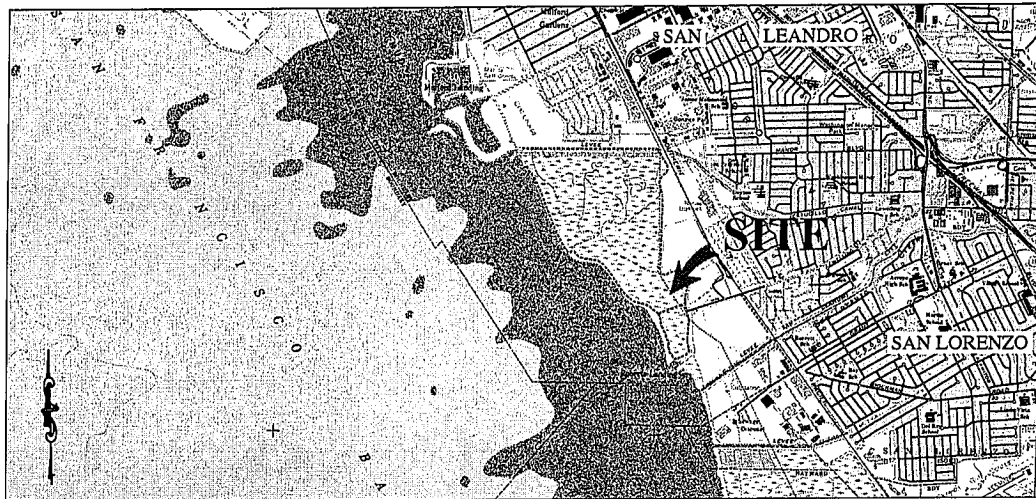
LEGEND

-  - LEASE AREA PARCEL 1
-  - LEASE AREA PARCEL 2

CITY OF SAN LEANDRO, NEAR ROBERTS LANDING

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 8878
 LIVERMORE-AMADOR
 VALLEY WATER
 MANAGEMENT AGENCY
 APN 080G-0910-002-22
 GENERAL LEASE - PUBLIC
 AGENCY USE
 ALAMEDA COUNTY



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.