

**CALENDAR ITEM  
C67**

A 34  
S 18

01/26/12  
W 26517  
C. Hudson

**GENERAL LEASE – RIGHT-OF-WAY USE**

**APPLICANT:**

California Highway Patrol  
601 Seventh Street  
Sacramento, CA 95811

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

0.21-acre parcel of State school land in a portion of Section 36, Township 7 North, Range 3 East, SBM, near the town of Barstow, San Bernardino County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing unpaved access road as shown on the attached Exhibit B.

**LEASE TERM:**

10 years, beginning January 26, 2012.

**CONSIDERATION:**

\$100 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**OTHER PERTINENT INFORMATION:**

1. Applicant has the right to use the upland adjoining the lease premises.
2. The California Highway Patrol (CHP) is proposing to construct a 4-leg self-supporting 120-foot antenna tower, a prefabricated radio vault, and associated support infrastructure. The new tower shall be built to meet the requirements of the California Code of Regulations, Title 24, including Essential Service Seismic standards. The proposed construction will begin in the fall of 2012 on nearby private land owned by the Gabrych Family Trust. The Applicant now is applying for a General Lease – Right-of-Way Use for the existing unpaved access road to access the proposed CHP communications tower.

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3. There is an additional General Lease – Right-of-Way Use with Pacific Gas and Electric Company (PG&E), Lease No. PRC 2158.2 for the same unpaved access road to access their telecommunications site.
4. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 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; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

5. 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 has 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 California Code of Regulations, Title 2, section 2954 is not applicable.

**EXHIBITS:**

- A Land Description
- B Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**AUTHORIZATION:**

Authorize Issuance of a General Lease – Right-of-Way Use to the California Highway Patrol, beginning January 26, 2012, for a term of 10 years, for an existing unpaved access road as described in Exhibit A and

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shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$100, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

# EXHIBIT A

W 26517

## LAND DESCRIPTION

A 20 foot wide Parcel of State owned School Lands situate in Section 36, Township 7 North, Range 3 East, S.B.B. & M., according to the government township plat approved June 2, 1921, County of San Bernardino, State of California, lying 10 feet on both sides of the following described centerline:

BEGINNING at a point on the south line of said Section 36 which bears East, 197.19 feet from the Southwest corner thereof as shown on Record of Survey filed in Book 113, Pages 24 and 25, Official Records of San Bernardino County; thence along the centerline of an existing access road the following twelve (12) courses:

- 1) N 00°20'57" W 22.45 feet;
- 2) N 06°00'00" W 31.05 feet;
- 3) N 14°06'11" W 53.80 feet;
- 4) N 08°18'56" W 76.45 feet;
- 5) N 02°42'17" W 52.72 feet;
- 6) N 01°18'31" W 64.97 feet;
- 7) N 08°27'50" W 62.21 feet;
- 8) N 19°46'30" W 43.02 feet;
- 9) N 32°52'25" W 44.23 feet;
- 10) N 44°40'24" W 65.53 feet;
- 11) N 51°26'10" W 49.75 feet;
- 12) N 68°16'12" W 35.06 feet to a point on the West line of said Section 36, and the terminus of this strip.

The sidelines of said strip shall be prolonged or shortened so as to commence on the southerly boundary of said Section 36, terminate on the westerly boundary of said Section 36, and at angle point intersections.

**END OF DESCRIPTION**

Prepared on 11/01/2011 by the California State Lands Commission Boundary Unit.



NO SCALE

# SITE



SECTION 36  
APN 0527-041-18

CENTERLINE EXISTING  
ACCESS ROAD →

← 20' WIDE LEASE AREA

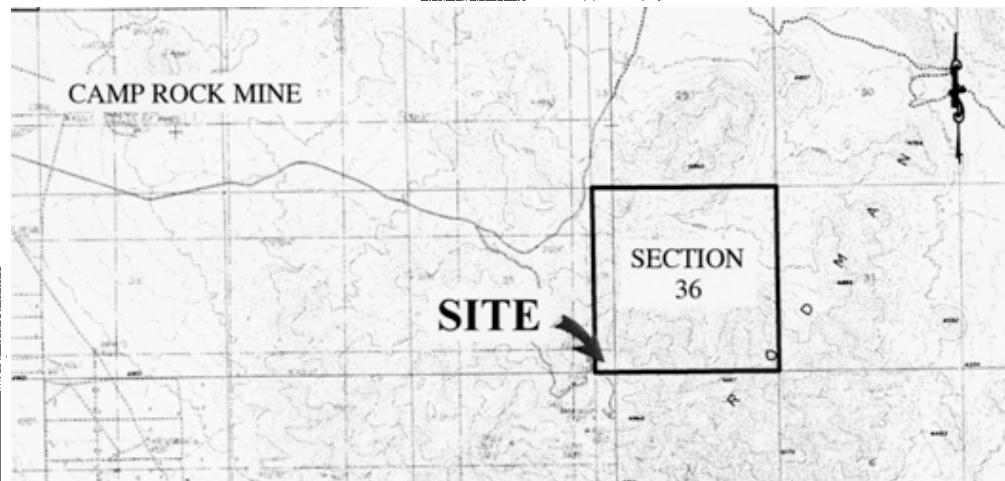
35 36  
2 1

SCHOOL LANDS

SECTION 36, TOWNSHIP 7 NORTH, RANGE 3 EAST, S.B.B.&M., NEAR BARSTOW

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

## Exhibit B

W26517  
CALIFORNIA HIGHWAY  
PATROL  
APN 0527-041-18  
GENERAL LEASE -  
RIGHT-OF-WAY USE  
SAN BERNARDINO COUNTY



SITE

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.

DJF 01/11/12