

**CALENDAR ITEM
C68**

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01/26/12
W 26523
J. Porter

GENERAL LEASE - RIGHT-OF-WAY USE

APPLICANT:

Southern California Edison Company
2131 Walnut Grove Ave.
Rosemead, CA 91770

AREA, LAND TYPE, AND LOCATION:

0.71 acres, more or less, of State school lands located in Section 36, Township 1 South, Range 31 East, MDM, northeast of Benton Hot Springs, Mono County.

AUTHORIZED USE:

Continued use and maintenance of one existing overhead 12 kilovolt (kV) distribution line, including six wood poles and one fiber optic communication line.

LEASE TERM:

20 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; and a one-time payment of \$500 upon commencement of the lease as compensation for unauthorized prior use.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$2,000,000, or an equivalent staff-approved self-insurance program.

Bond:

\$50,000. The Applicant can add this amount to an existing bond or surety for other facilities leased from the Commission.

OTHER PERTINENT INFORMATION:

1. During the course of processing a right-of-way lease application from California Broadband Cooperative, Inc. for a new fiber optic line, staff discovered that the proposed lease premises was already occupied by an

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unauthorized overhead 12 kV distribution line owned by Southern California Edison Company (Edison). The line is located within land occupied by State Highway 120. Edison constructed the distribution line and began wrongful occupation many years ago based on a Caltrans encroachment permit and was unaware that the Commission had retained fee ownership of the land beneath the highway. Now Edison is applying for a General Lease – Right-of-Way Use for the land occupied by the distribution line.

2. Pursuant to California Civil Code section 3334, the State is authorized to receive compensation when the wrongful occupation is the result of a mistake of fact of the wrongful occupier. The maximum compensation to the State is reasonable rent for a period of five years. Therefore, in addition to \$100 annual rent for the use of the property as described in the lease, Edison will be required to make a one-time payment of \$500 upon commencement of the lease for the wrongful occupation.
3. 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.

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 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. Location and Site Map

CALENDAR ITEM NO. **C68** (CONT'D)

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 Southern California Edison Company, beginning January 26, 2012, for a term of 20 years, for the continued use and maintenance of one existing overhead 12 kilovolt (kV) distribution line, including six wood poles and one fiber optic communication line, for the lands as described on Exhibit A and as shown on Exhibit B (for reference purposes only), both 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; a one-time payment of \$500 upon commencement of the lease; liability insurance with coverage of no less than \$2,000,000 or an equivalent staff-approved self-insurance program, and surety in the amount of \$50,000.

**EXHIBIT A
LAND DESCRIPTION**

A portion of all that State-owned school land occupied by California State Highway 120 situate in the southwest quarter of the northwest quarter of Section 36, Township 1 South, Range 31 East, Mount Diablo Meridian, County of Mono, State of California, said State owned lands also being set forth as an exception to Patent Certificate No. 20657, recorded in Volume 304, Page 591, Official Records of said County, said portion also being a strip of land, 20.00 feet wide, lying 10.00 feet on each side of the following described centerline:

COMMENCING at a 1998 BLM brass cap marking the west one-quarter corner of said Section 36 as shown on Record of Survey 35-27, recorded in Book 4 of Record of Surveys at Pages 20-20E in the office of the County Recorder of said County; THENCE along the south line of said southwest quarter of the northwest quarter as shown on said Record of Survey No. 35 -27, South 89°55'01" East, 56.89 feet to the southeast corner of Parcel 2 of Parcel Map No. 35 -24, recorded in Book 4 of Parcel Maps at Pages 13-13A in the Office of the County Recorder of said County, said southeast corner also being a point on the boundary line of said State owned lands; THENCE continuing along said south line of the southwest quarter of the northwest quarter, South 89°55'01" East, 12.68 feet to the TRUE POINT of BEGINNING; THENCE leaving said south line, North 38° 02'06" East, 452.79 feet; THENCE North 35°44'20" East, 239.66 feet; THENCE North 26°12'26" East, 848.38 feet, more or less, to a point of intersection with the north line of said southwest quarter of the northwest quarter, said point of intersection being the TERMINUS of said centerline.

The sidelines of said strip shall be prolonged or shortened so as to begin on said south line of the southwest quarter of the northwest quarter and to terminate upon intersection with said north line of the southwest quarter of the northwest quarter.

CONTAINING 30,816 SQUARE FEET OF LAND, MORE OR LESS.

END DESCRIPTION



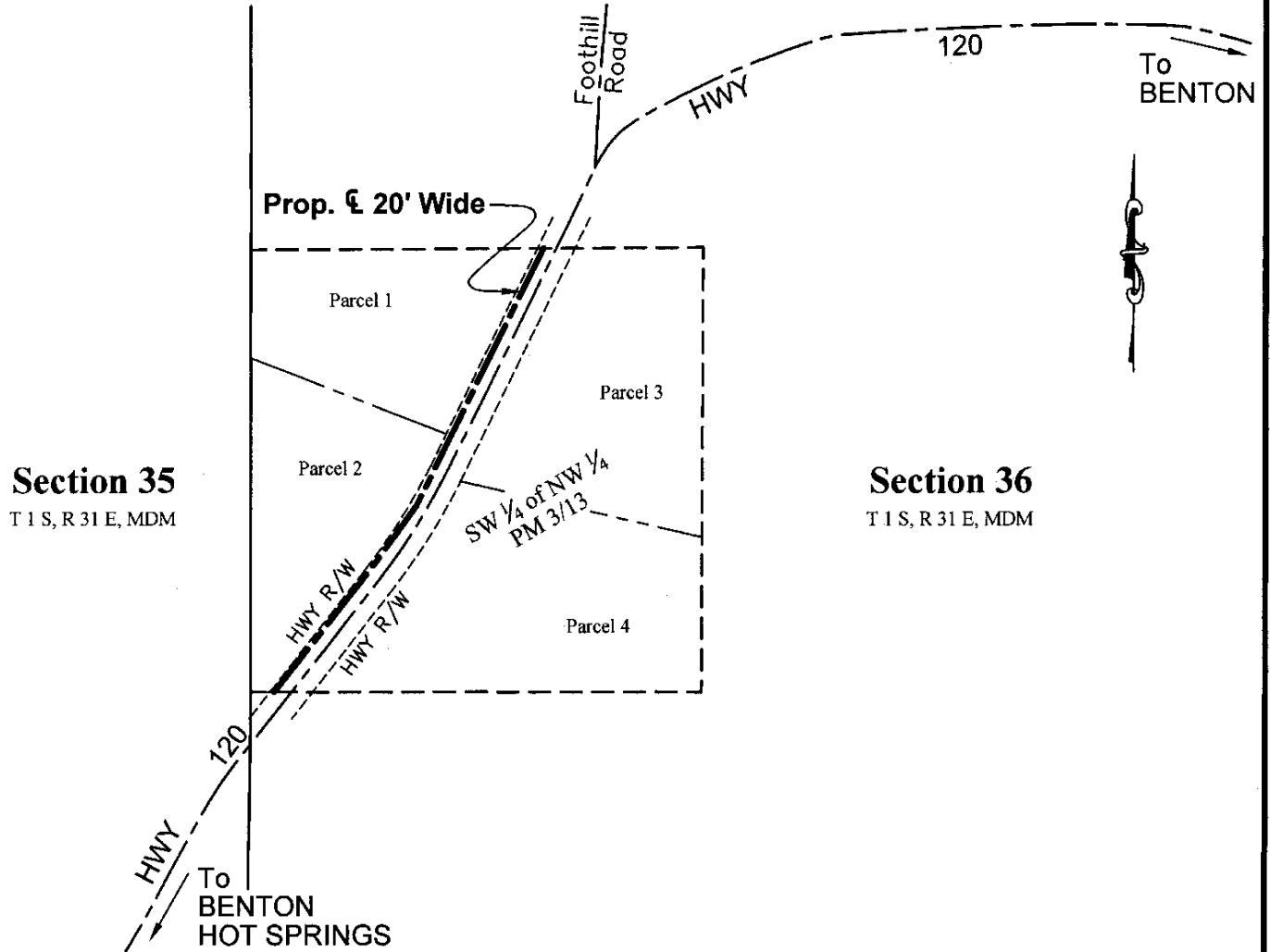
LEGAL DESCRIPTION PREPARED
UNDER THE SUPERVISION OF:

Andrew K. Holmes

ANDREW K. HOLMES P.L.S. 4428
LIC. EXPIRES 09/30/13

NO SCALE

SITE



SOUTHERN CALIFORNIA EDISON COMPANY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26523
 SOUTHERN CALIFORNIA
 EDISON COMPANY
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 MONO COUNTY



EAP 10/11

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.