

**CALENDAR ITEM  
C38**

A 10  
S 7

02/21/14  
PRC 6484.9  
R. Boggiano

**GENERAL LEASE – RIGHT-OF-WAY USE**

**LESSEE:**

Ironhouse Sanitary District

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

Sovereign land located in Marsh Creek, adjacent to Assessor's Parcel Numbers (APNs) 037-191-036 and 037-191-028, near the city of Oakley, Contra Costa County.

**AUTHORIZED USE:**

Continued operation, use, and maintenance of a 12-inch diameter effluent pipeline.

**LEASE TERM:**

25 years, beginning August 1, 2013.

**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.

**OTHER PERTINENT INFORMATION:**

1. The upland parcel located on the west side of Marsh Creek, APN 037-191-028-2, is owned by Ironhouse Sanitary District. The upland parcel located on the east side of Marsh Creek, APN 037-191-036-5, is owned by the State of California. The State has granted the Applicant an encroachment permit for the use of its land.
2. On November 21, 1983, the Commission authorized Lease No PRC 6484.9, a 30-year General Permit-Public Agency Use to Oakley-Bethel Island Wastewater Management Authority (OBIWMA), beginning August 1, 1983, for the construction of an effluent pipeline. On June 26, 1986, the Commission authorized an amendment to Lease No. PRC 6484.9 for the construction of a flatcar bridge crossing. The flatcar bridge crossing was

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removed in conjunction with the East Bay Regional Park District's construction of a new permanent bridge built across Marsh Creek in the same location. In 1992, OBIWMA was renamed the Ironhouse Sanitary District (ISD). The lease expired on July 31, 2013.

3. The pipeline was constructed for the purpose of discharging effluent water from OBIWMA's Treatment Plant to Emerson Dairy. The conveyance of treated effluent to the Emerson Dairy ceased in 2001 and the pipeline is currently not in use. In 2013, the Department of Water Resources (DWR) purchased 1,166 acres of rangeland to create tidal wetlands and a 55-acre community park and trails, part of DWR's Dutch Slough Restoration Project. The northern portion of the Emerson Dairy was included in the property purchase. DWR currently envisions grading for the project to begin in 2014. Irrigation of the community park is estimated to be completed in 2016. Treated effluent from the ISD Water Recycling Facility will be used to irrigate the community park. Conveyance of the effluent to the park will be through the existing 12-inch pipe under Marsh Creek. ISD is now requesting a new 25-year lease for the continued use and maintenance of the effluent pipeline.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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 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.

**EXHIBITS:**

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

CALENDAR ITEM NO. **C38** (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).

**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 issuance of a General Lease – Public Agency Use to Ironhouse Sanitary District, beginning August 1, 2013, for a term of 25 years, for continued operation, use, and maintenance of a 12-inch diameter effluent pipeline as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be 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, as provided in the lease.

**EXHIBIT A**

**PRC 6484.9**

**LAND DESCRIPTION**

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF OAKLEY, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND GRANTED TO CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT IN DEED RECORDED OCTOBER 7, 1968, IN BOOK 5724 OF OFFICIAL RECORDS, AT PAGE 106, IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, ALSO BEING ALL OF THAT CERTAIN 10 FOOT WIDE PIPELINE EASEMENT, AS SAID EASEMENT IS DESCRIBED IN THAT CERTAIN DEED RECORDED JUNE 19, 1987, IN BOOK 13721 OF OFFICIAL RECORDS, AT PAGE 64, IN SAID OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A STRIP OF LAND TEN (10.00) FEET WIDE, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT A 3.5 INCH ALUMINUM CAP, STAMPED "LS 4802" AT THE SOUTHEAST CORNER OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN AS SAID CORNER IS SHOWN AND SO DESIGNATED ON THAT CERTAIN RECORD OF SURVEY NO. 3204, FILED JANUARY 23, 2008, IN BOOK 138 OF LICENSED SURVEYORS' MAPS, AT PAGE 23, IN SAID OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY;

THENCE, FROM SAID POINT OF COMMENCEMENT, NORTH 56°27'31" WEST 4,784.67 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION, SAID POINT OF BEGINNING BEING THE EASTERN TERMINUS OF THE CENTERLINE OF SAID PIPELINE EASEMENT (13721 OR 64);

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE CENTERLINE OF SAID 10 FOOT WIDE PIPE LINE EASEMENT (13721 OR 64) SOUTH 89°32'09" EAST 158.97 FEET TO A POINT ON THE WESTERN LINE OF SAID PARCEL OF LAND (5724 OR 106), SAID POINT BEING THE POINT OF TERMINUS FOR THIS DESCRIPTION.

THE SIDE LINES OF SAID STRIP OF LAND ARE TO BE SHORTENED OR LENGTHENED TO TERMINATE ON THE WESTERN AND EASTERN LINES OF SAID PARCEL OF LAND (5724 OR 106).

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION PURSUANT TO THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS ACT.

END OF DESCRIPTION



*Christopher S. Harmison*

CHRISTOPHER S. HARMISON, P.L.S.  
L.S. NO. 7176

NO SCALE

# SITE

LEASE PARCEL  
(12" Effluent Pipeline)

APN 037-191-028

(S89°33'06"E 149.28')  
PER 13721 OR 64  
S89°32'09"E 158.97'

10' PIPELINE EASEMENT  
PER 13721 OR 64

CONTRA COSTA COUNTY  
FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT  
5724 OR 106

MARSH CREEK

POB

APN 037-191-036

N56°27'31"W  
4784.67'  
(TE)

POC  
3.5" ALUMINUM CAP,  
LS 4802 PER RS 3204  
(138 LSM 23)

STATE OF CALIFORNIA  
2003-540588  
RS 3204  
138 LSM 23

19 | 20  
30 | 29

SELLERS AVENUE  
N01°12'36"E 2838.76'

CYPRESS AVENUE

### LEGEND

POC = POINT OF COMMENCEMENT  
POB = POINT OF BEGINNING  
RS = RECORD OF SURVEY

CONTRA COSTA COUNTY  
MONUMENT MARKED  
"MID PT SECT 29"  
PER RS 3204  
(138 LSM 23)

MARSH CREEK, NEAR OAKLEY, CA

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 6484.9  
IRONHOUSE SANITARY  
DISTRICT  
APNs 037-191-036 & -028  
GENERAL LEASE-  
PUBLIC AGENCY USE  
CONTRA COSTA COUNTY



TS 11/14/13

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.