

**CALENDAR ITEM
C44**

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S 10

04/23/14
PRC 2380.9
R. Collins

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Alameda County Flood Control and Water Conservation District

AREA, LAND TYPE, AND LOCATION:

151.79 acres of tide and submerged land located in Alameda Creek, near Union City, Alameda County.

AUTHORIZED USE:

Continued use, maintenance, and operation of flood control channels, ditches, waterways, conduits, channels, storm dikes, embankments, and protective works.

LEASE TERM:

20 years, beginning December 28, 2011.

CONSIDERATION:

The public health and safety; 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. Applicant has the right to use the upland adjoining the lease premises.
2. On January 25, 1955, the Commission authorized the exchange of certain sovereign lands in Alameda Creek for adjacent fee lands owned by the Leslie Salt Company in the same sections. These lands were subsequently to be used by Alameda County Flood Control and Water Conservation District in the improvement of Alameda Creek for navigation and flood control.
3. Subsequent to the Commission authorizing the exchange of lands on January 25, 1955, staff learned that title companies would not insure title to the Leslie Salt Company lands to be exchanged and it was determined

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to have a special Act passed by the Legislature to authorize this specific exchange. Senate Bill 1973 was signed by the Governor on May 4, 1955, and became Chapter 353 of the Statutes of 1955. On May 19, 1955, the Commission made the finding that the Leslie Salt Company lands had a greater value than the State's sovereign land and approved the exchange of lands.

4. On March 25, 1959, the Commission rescinded its action of January 25, 1955, and May 19, 1955 when it was found that the legal description on the State's deed to Leslie Salt Company was incorrect. Amended legal descriptions were prepared and the Commission authorized the exchange of lands and the issuance of 49-year Public Agency Permit to the Alameda County Flood Control and Water Conservation District for flood control purposes. Lease No. PRC 2380.9 became effective December 28, 1962, when the State obtained the lands from Leslie Salt Company. The permit expired December 27, 2011, and the Applicant has applied for a new General Lease – Public Agency Use.
5. 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.

6. 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.

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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 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 – Public Agency Use to Alameda County Flood Control and Water Conservation District beginning December 28, 2011, for a term of 20 years, for the continued use, maintenance, and operation of flood control channels, ditches, waterways, conduits, channels, storm dikes, embankments, and protective works as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being the public health and safety; 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.

EXHIBIT A

PRC 2380.9

LAND DESCRIPTION

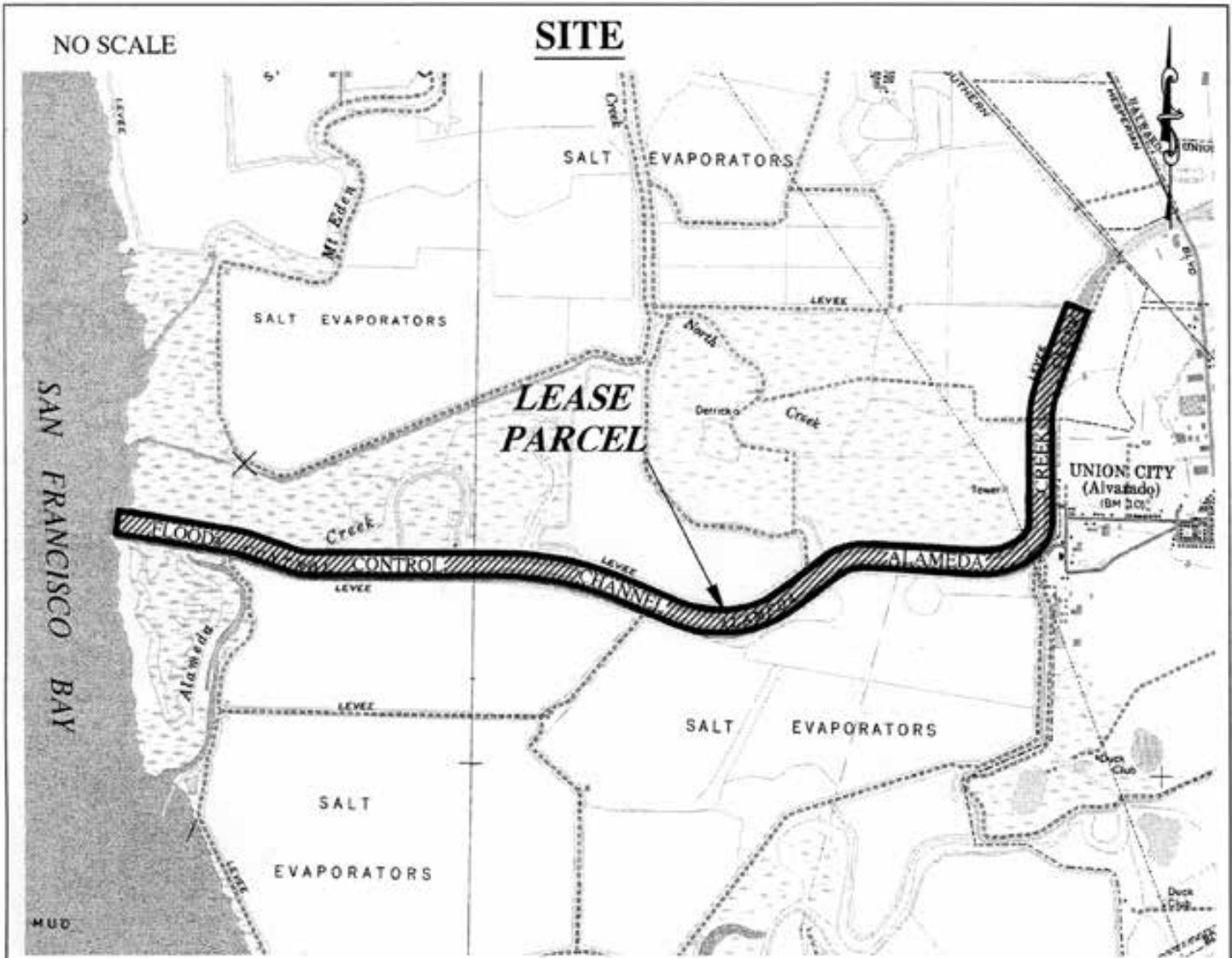
A parcel of land situate in County of Alameda, State of California, described as follows:

That parcel described in SCHEDULE A in that certain deed recorded January 14, 1963 from LESLIE SALT CO., a Delaware corporation to STATE OF CALIFORNIA in Reel 770, Image 630, Alameda County Records.

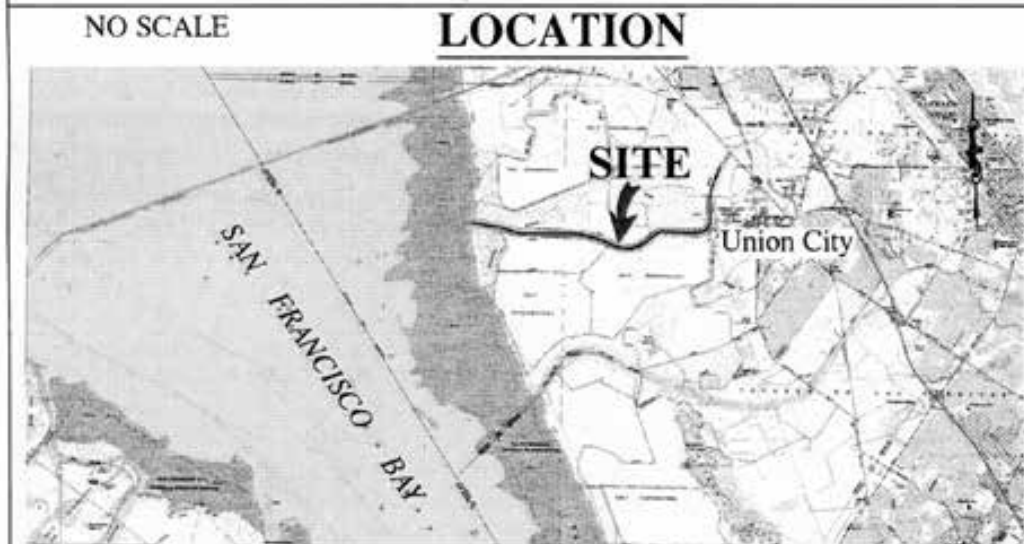
END OF DESCRIPTION

Prepared 03/18/14 by the California State Lands Commission Boundary Unit





FLOOD CONTROL CHANNEL IN ALAMEDA CREEK, NEAR UNION CITY



MAP SOURCE: USGS QUAD

Exhibit B
 PRC 2380.9
 ALAMEDA COUNTY FLOOD
 CONTROL AND WATER
 CONSERVATION DISTRICT
 APNs 482-0095-003, 482-0090-003 &
 482-0080-003
 GENERAL LEASE -
 PUBLIC AGENCY USE
 ALAMEDA COUNTY



SITE

TS 03/18/14

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.