

**STAFF REPORT
C62**

A 33
S 16

11/29/17
PRC 7201.2
J. Porter

GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

U.S. Sprint Communications Company Limited Partnership

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

2.75 acres, more or less, on five parcels of State-owned school land and indemnity school land located within portions of Sections 30 and 32, Township 10 North, Range 1 East; Section 36, Township 15 North, Range 9 East; Track 37, Township 16 North, Range 11 East; and Section 16, Township 16 North, Range 13 East, SBM, east of Barstow and west of Mountain Pass, San Bernardino County.

AUTHORIZED USE:

Use and maintenance of one underground four-inch diameter polyvinyl chloride (PVC) conduit containing three 1¼ -inch diameter inner ducts, one of which contains one 16-fiber optic cable.

LEASE TERM:

20 years, beginning May 9, 2018.

CONSIDERATION:

\$450 with an annual Consumer Price Index adjustment, and the State reserving the right to adjust the rent at the 10-year anniversary, as provided in the Lease.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

STAFF REPORT NO. C62 (CONT'D)

State's Best Interests Analysis:

On May 9, 1988, the Commission authorized a General Lease – Right-of-Way Use to U.S. Sprint Communications Company, a New York general partnership ([Item C09, May 9, 1988](#)) for the installation, operation and maintenance of a fiber optic communications cable. A lease assignment from U.S. Sprint Communications Company to U.S. Sprint Communications Company Limited Partnership was approved by the Commission on December 12, 1988 ([Item C04, December 12, 1988](#)). The lease has a 30-year term and will expire on May 8, 2018. The Applicant submitted an application for a General Lease – Right-of-Way Use for continued use and maintenance of the existing conduit and inner ducts, one of which contains the underground fiber optic cable.

The proposed lease is limited to a 20-year term, does not alienate the State's fee simple interest, and does not grant the lessee exclusive rights to the lease premises. The lease requires the lessee to insure and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent, which generates revenue for the California State Teachers' Retirement System, consistent with the School Land Bank Act. For the reasons stated above, Commission staff believes issuance of this lease is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. School lands were granted to the State of California by the federal government under the Act of March 3, 1853 (Ch. 145, 10 Stat. 244), and consisted of the 16th and 36th sections in each township (with the exception of lands reserved for public use, lands taken by private land claims, and lands known to be mineral in character). In cases of preemption, due to the exceptions described above, the State was given the opportunity to select replacement lands from the United States in lieu of a Section 16 or a Section 36. These replacement lands are now known as Indemnity school lands or lieu lands.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 2.1 to optimize returns for the responsible development and use of State lands and resources, both onshore and offshore.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA)

STAFF REPORT NO. **C62** (CONT'D)

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 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 staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

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).

STATE'S BEST INTERESTS:

Find that the proposed lease is in the best interests of the State.

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 – Right-of-Way Use to U.S. Sprint Communications Company Limited Partnership, beginning May 9, 2018, for a term of 20 years, for the use and maintenance of one underground four-inch diameter polyvinyl chloride (PVC) conduit containing three 1¼ - inch diameter inner ducts, one of which contains one 16-fiber optic cable, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the

STAFF REPORT NO. **C62** (CONT'D)

amount of \$450, with an annual Consumer Price Index adjustment and the State reserving the right to adjust the rent at the 10-year anniversary, as provided in the lease; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A-1

PRC 7201.2

LAND DESCRIPTION

THAT PORTION OF SECTION 30, TOWNSHIP 10 NORTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, BEING A STRIP OF LAND 10.00 FEET WIDE LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF GOVERNMENT LOT 2 OF THE SOUTHWEST QUARTER OF SAID SECTION 30;

THENCE, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 2, SOUTH $00^{\circ}12'37''$ EAST, A DISTANCE OF 7.99 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE, DEPARTING SAID WEST LINE, SOUTH $67^{\circ}27'44''$ EAST, A DISTANCE OF 209.64 FEET;

THENCE SOUTH $75^{\circ}06'49''$ EAST, A DISTANCE OF 1032.69 FEET;

THENCE SOUTH $76^{\circ}13'08''$ EAST, A DISTANCE OF 130.32 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30;

THENCE, DEPARTING SAID WEST LINE, SOUTH $76^{\circ}13'08''$ EAST, A DISTANCE OF 871.63 FEET;

THENCE SOUTH $75^{\circ}04'19''$ EAST, A DISTANCE OF 875.36 FEET;

THENCE SOUTH $78^{\circ}51'13''$ EAST, A DISTANCE OF 79.14 FEET;

THENCE SOUTH $77^{\circ}27'08''$ EAST, A DISTANCE OF 53.39 FEET;

THENCE SOUTH $76^{\circ}28'46''$ EAST, A DISTANCE OF 53.32 FEET;

THENCE SOUTH $75^{\circ}54'32''$ EAST, A DISTANCE OF 96.68 FEET;

THENCE SOUTH $88^{\circ}22'35''$ EAST, A DISTANCE OF 7.81 FEET;

THENCE SOUTH $79^{\circ}42'30''$ EAST, A DISTANCE OF 23.97 FEET;

THENCE SOUTH $75^{\circ}56'21''$ EAST, A DISTANCE OF 692.63 FEET TO THE **POINT OF TERMINATION** IN THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30, SAID POINT BEING NORTH $00^{\circ}25'08''$ WEST, A DISTANCE OF 240.05 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 30.

THE SIDELINES OF SAID STRIP OF LAND ARE TO BE PROLONGED OR SHORTENED SO AS TO TERMINATE ON THE WEST LINE OF SAID GOVERNMENT LOT 2 AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30.

DESCRIBED PARCEL CONTAINING 41265.73 SQUARE FEET, MORE OR LESS, AND AS SHOWN ON EXHIBIT 'B' ATTACHED HERETO AND MADE A PART HEREOF.

Prepared By:

R. C. Garton 5/25/07
Signature Date

Ronald C. Garton, PLS 7717
Cubit Engineering, Inc.
16490 Walnut Street, Unit B-3
Hesperia, CA 92345
(760) 244-2247

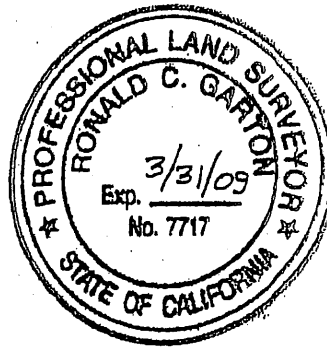


EXHIBIT A-2

PRC 7201.2

LAND DESCRIPTION

THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 10 NORTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, BEING A STRIP OF LAND 10.00 FEET WIDE LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 32;

THENCE, ALONG THE NORTH LINE OF SAID SECTION 32, NORTH 89°36'09" EAST, A DISTANCE OF 980.03 FEET TO THE TRUE POINT OF BEGINNING;

THENCE, DEPARTING SAID NORTH LINE, SOUTH 77°33'28" EAST, A DISTANCE OF 352.30 FEET TO THE **POINT OF TERMINATION** IN THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 32, SAID POINT BEING SOUTH 00°53'36" WEST, A DISTANCE OF 78.31 FEET FROM THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 32.

THE SIDELINES OF SAID STRIP OF LAND ARE TO BE PROLONGED OR SHORTENED SO AS TO TERMINATE ON THE NORTH LINE OF SAID SECTION 32 AND THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 32.

DESCRIBED PARCEL CONTAINING 3522.99 SQUARE FEET, MORE OR LESS, AND AS SHOWN ON EXHIBIT 'B' ATTACHED HERETO AND MADE A PART HEREOF.

Prepared By:

R.C.G. 7/24/07
Signature Date

Ronald C. Garton, PLS 7717
Cubit Engineering, Inc.
16490 Walnut Street, Unit B-3
Hesperia, CA 92345
(760) 244-2247

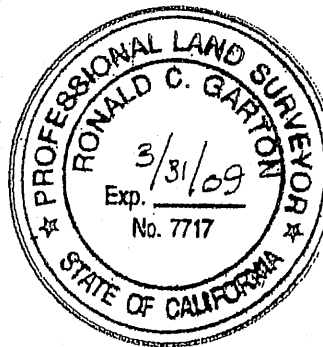


EXHIBIT A-3

PRC 7201.2

LAND DESCRIPTION

THAT PORTION OF SECTION 36, TOWNSHIP 15 NORTH, RANGE 9 EAST, SAN BERNARDINO MERIDIAN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, BEING A STRIP OF LAND 10.00 FEET WIDE LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36;


THENCE, ALONG THE SOUTH LINE OF SAID SECTION 36, SOUTH 89°30'32" WEST, A DISTANCE OF 1755.90 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE, DEPARTING SAID SOUTH LINE, NORTH 53°18'56" EAST, A DISTANCE OF 2184.08 FEET TO THE **POINT OF TERMINATION** IN THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36, SAID POINT BEING NORTH 00°11'33" WEST, A DISTANCE OF 1289.74 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 36.

THE SIDELINES OF SAID STRIP OF LAND ARE TO BE PROLONGED OR SHORTENED SO AS TO TERMINATE ON THE SOUTH LINE OF SAID SECTION 36 AND THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36.

DESCRIBED PARCEL CONTAINING 21840.81 SQUARE FEET, MORE OR LESS, AND AS SHOWN ON EXHIBIT 'B' ATTACHED HERETO AND MADE A PART HEREOF.

Prepared By:

 5/25/07
Signature Date

Ronald C. Garton, PLS 7717
Cubit Engineering, Inc.
16490 Walnut Street, Unit B-3
Hesperia, CA 92345
(760) 244-2247

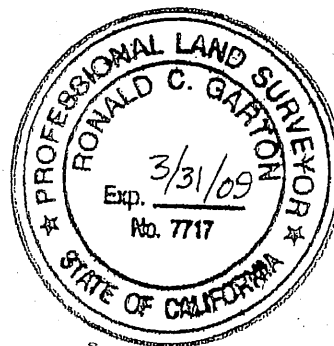


EXHIBIT A-4

PRC 7201.2

LAND DESCRIPTION

THAT PORTION OF TRACT 37, TOWNSHIP 16 NORTH, RANGE 11 EAST, SAN BERNARDINO MERIDIAN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, BEING A STRIP OF LAND 10.00 FEET WIDE LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 37;

THENCE, ALONG THE SOUTH LINE OF SAID TRACT 37, SOUTH 89°10'10" WEST, A DISTANCE OF 1716.85 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE, DEPARTING SAID SOUTH LINE, NORTH 63°48'08" EAST, A DISTANCE OF 937.77 FEET;


THENCE NORTH 64°00'06" EAST, A DISTANCE OF 614.73 FEET;

THENCE NORTH 63°22'37" EAST, A DISTANCE OF 346.38 FEET TO THE **POINT OF TERMINATION** IN THE EAST LINE OF SAID TRACT 37, SAID POINT BEING NORTH 00°55'07" WEST, A DISTANCE OF 813.90 FEET FROM THE SOUTHEAST CORNER OF SAID TRACT 37.

THE SIDELINES OF SAID STRIP OF LAND ARE TO BE PROLONGED OR SHORTENED SO AS TO TERMINATE ON THE SOUTH LINE OF SAID TRACT 37 AND THE EAST LINE OF SAID TRACT 37.

DESCRIBED PARCEL CONTAINING 18988.87 SQUARE FEET, MORE OR LESS, AND AS SHOWN ON EXHIBIT 'B' ATTACHED HERETO AND MADE A PART HEREOF.

Prepared By:

 5/25/07
Signature Date

Ronald C. Garton, PLS 7717
Cubit Engineering, Inc.
16490 Walnut Street, Unit B-3
Hesperia, CA 92345
(760) 244-2247



EXHIBIT A-5

PRC 7201.2

LAND DESCRIPTION

A 10-foot wide strip of State School Land situate in Section 16, Township 16 North, Range 13 East, San Bernardino Meridian, as shown on the Official U.S. Government Township Plat resurveyed and accepted on May 20, 1942, San Bernardino County, State of California, lying 5 feet on each side of a centerline more particularly described as follows:

COMMENCING at the southwest corner of the northwest quarter of said Section 16; thence along the west line of said northwest quarter, North 0° 14' 37" West 262.75 feet; thence leaving said west line, North 68° 13' 57" East 314.71 feet; thence North 73° 05' 26" East 647.05 feet; thence North 73° 48' 58" East 742.81 feet; thence North 75° 33' 31" East 901.33 feet; thence North 76° 56' 13" East 165.53 feet more or less to the east line of the northwest quarter of said Section 16 and the POINT OF BEGINNING; thence continue North 76° 56' 13" East 898.15 feet; thence South 88° 44' 17" East 1146.12 feet; thence South 89° 09' 51" East 386.91 feet to the POINT OF TERMINATION in the west line of Tract 38, Township 16 North, Range 13 East, San Bernardino Meridian, as shown on the Official Plat thereof, said point being North 0° 06' 26" West 51.47 feet from a 6' x 6' concrete monument marking the intersection of the west line of said Tract 38 and the northerly right of way of State Highway 31 (A.K.A. Interstate 15) as shown on the State of California Department of Transportation Right of Way Map No. 985065 dated July 29, 1960.

The sidelines of said strip of land to be lengthened or shortened so as to begin and terminate on the east line of the northwest quarter of said Section 16 and the west line of said Tract 38.

END OF DESCRIPTION

The above description is based on that original description prepared by Ronald C. Garton, PLS 7717 on May 25, 2007 as found in PRC 7201 file, Calendar Item 17.

Prepared 08/29/2017 by the California State Lands Commission Boundary Unit.



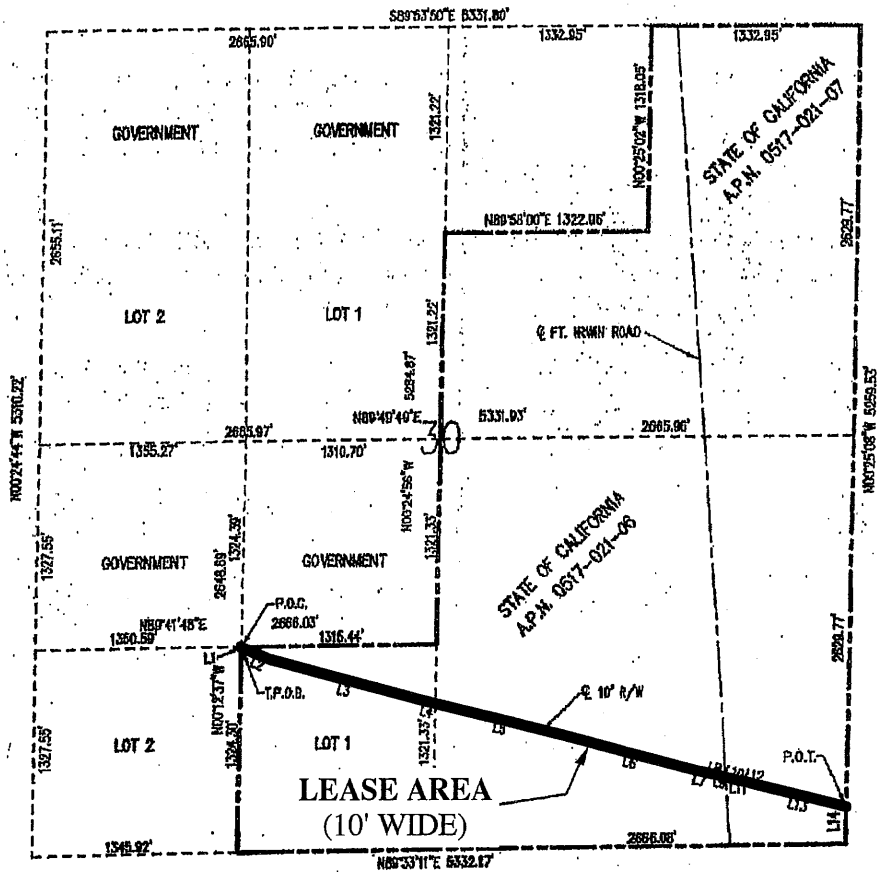
NO SCALE

SITE

LINE	BEARING	DISTANCE
L1	S00°12'37"E	7.90'
L2	S87°27'44"E	209.84'
L3	S76°08'40"E	1032.89'
L4	S76°13'08"E	130.32'
L5	S76°13'08"E	871.63'
L6	S76°04'19"E	876.36'
L7	S78°51'13"E	70.14'
L8	S77°27'08"E	53.39'
L9	S76°28'48"E	63.32'
L10	S76°43'32"E	96.68'
L11	S88°22'39"E	7.81'
L12	S79°42'30"E	21.67'
L13	S76°56'21"E	892.63'
L14	N00°25'08"W	240.05'

LEGEND

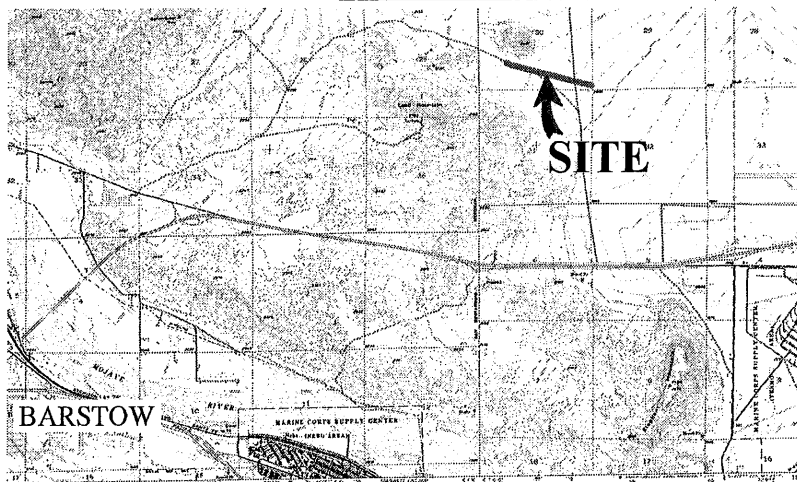
- A.P.N. = ASSESSORS PARCEL NUMBER
- ⊙ = CENTERLINE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.T. = POINT OF TERMINATION
- R/W = RIGHT OF WAY
- T.P.O.B. = TRUE POINT OF BEGINNING



PORTION OF SECTION 30, T.10N., R.1E., S.B.M.

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

EXHIBIT B-1

PRC 7201.2
 SPRINT COMMUNICATIONS
 COMPANY, L.P.
 APN 0517-021-06
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 SAN BERNARDINO COUNTY

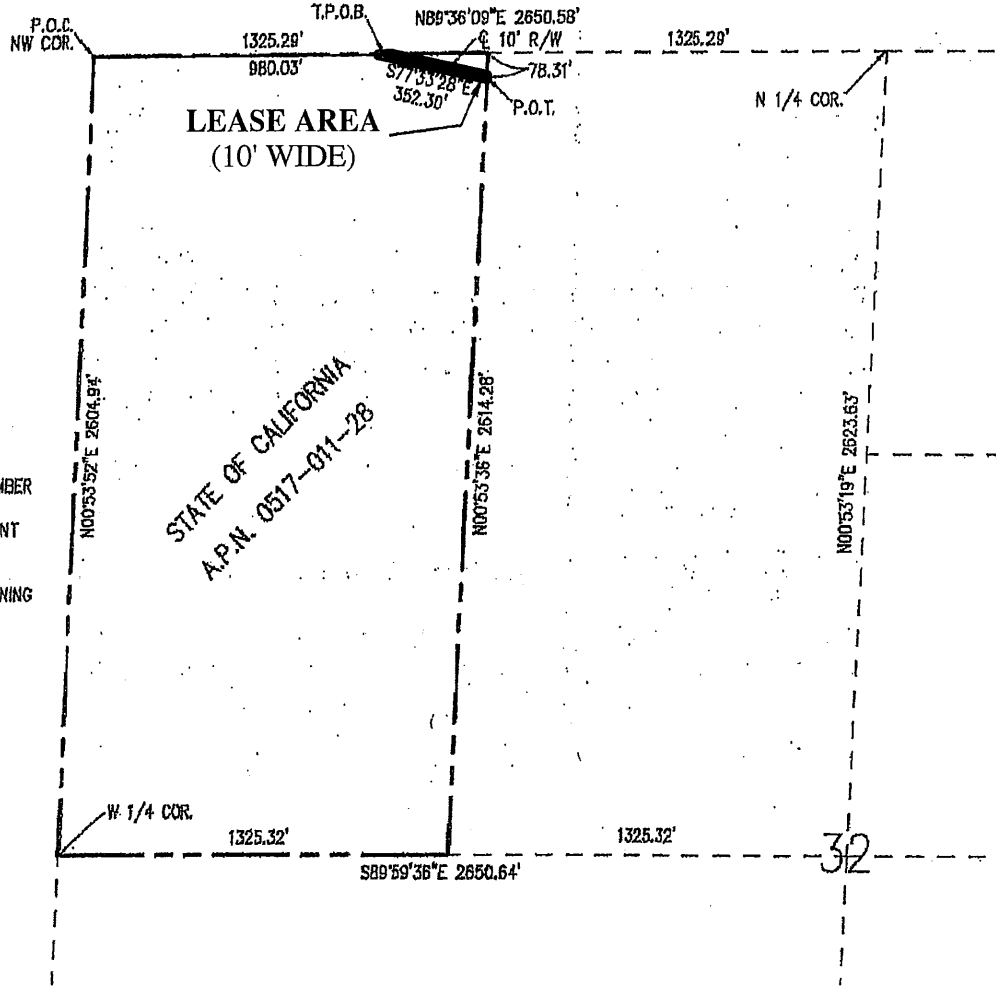


TS 08/29/17

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.

NO SCALE

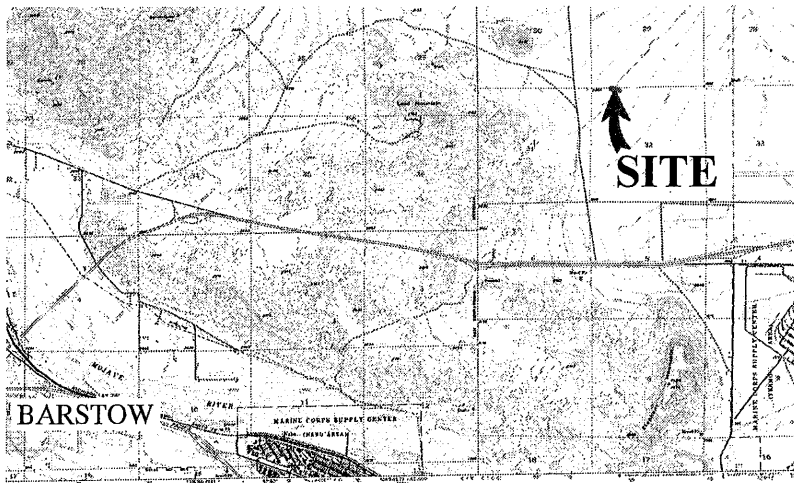
SITE



PORTION OF SECTION 32, T.10N., R.1E., S.B.M.

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

EXHIBIT B-2

PRC 7201.2
 SPRINT COMMUNICATIONS
 COMPANY, L.P.
 APN 0517-011-28
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 SAN BERNARDINO COUNTY



TS 08/29/17

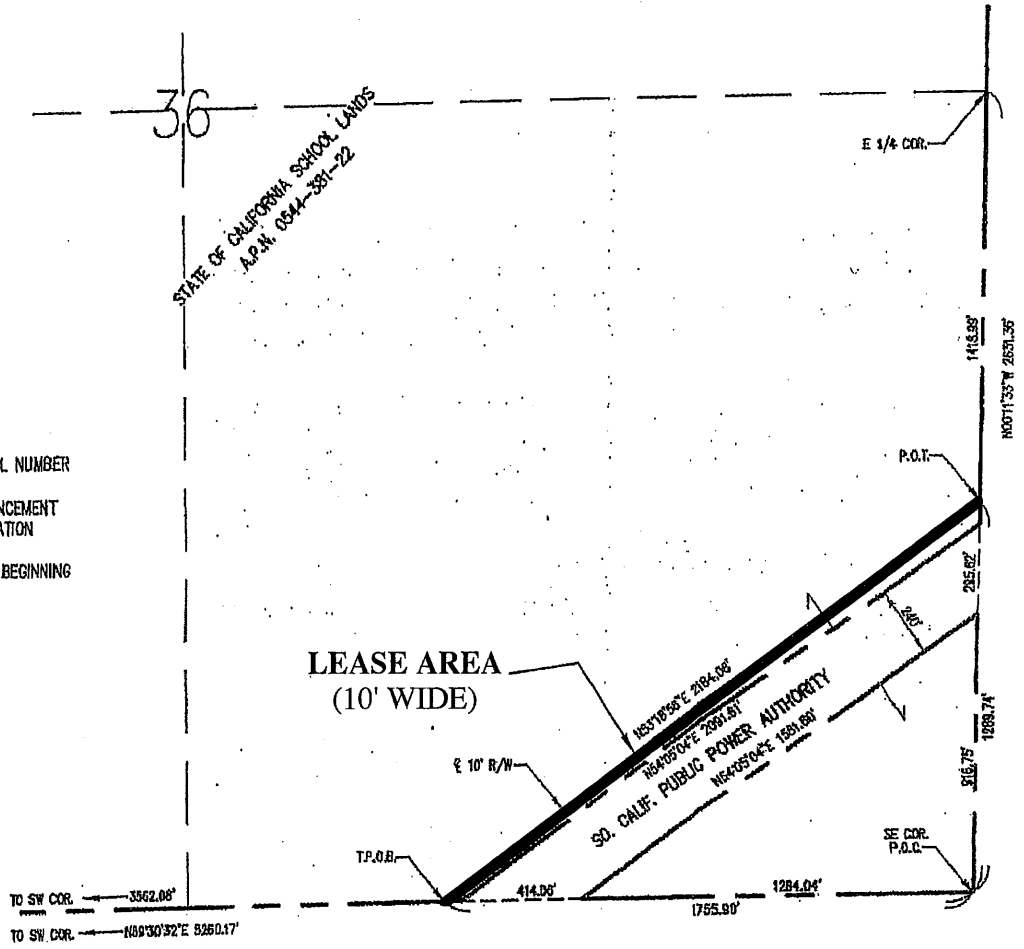
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NO SCALE

SITE

LEGEND

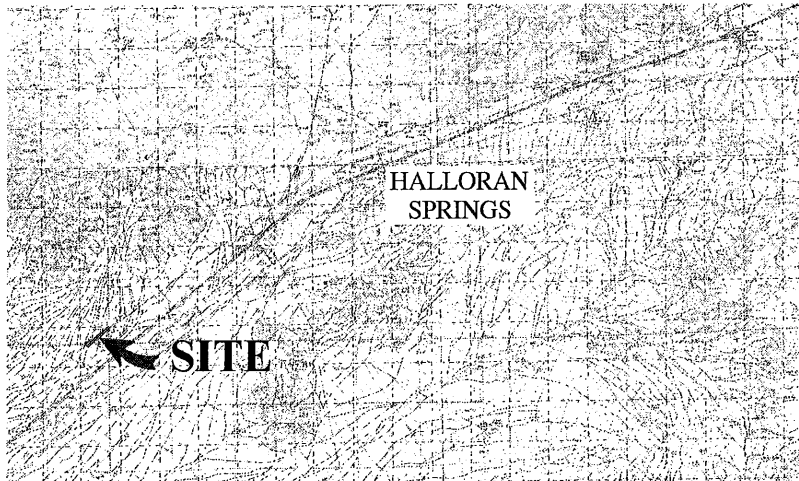
- A.P.N. = ASSESSORS PARCEL NUMBER
- CL = CENTERLINE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.T. = POINT OF TERMINATION
- R/W = RIGHT OF WAY
- T.P.O.B. = TRUE POINT OF BEGINNING



PORTION OF SECTION 36, T.15N., R.9E., S.B.M.

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

EXHIBIT B-3

PRC 7201.2
 SPRINT COMMUNICATIONS
 COMPANY, L.P.
 APN 0544-381-22
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 SAN BERNARDINO COUNTY



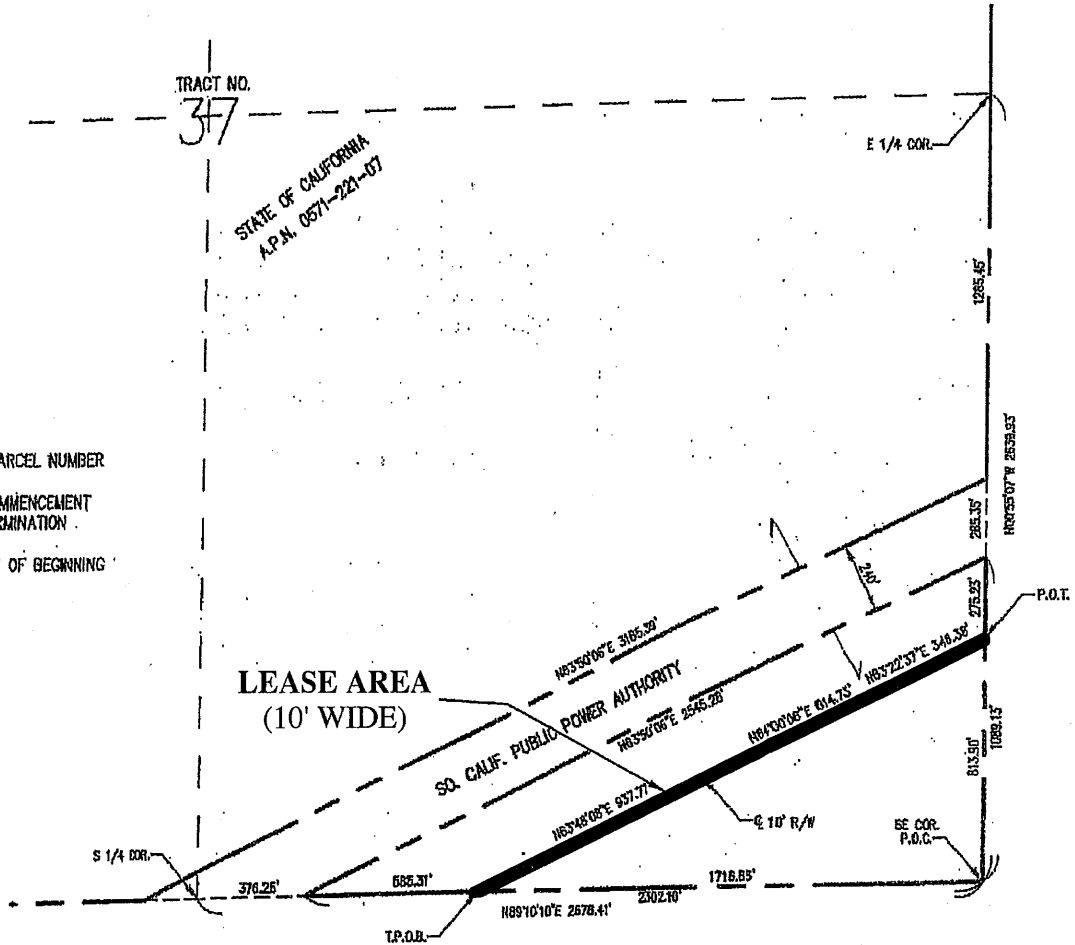
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NO SCALE

SITE

LEGEND

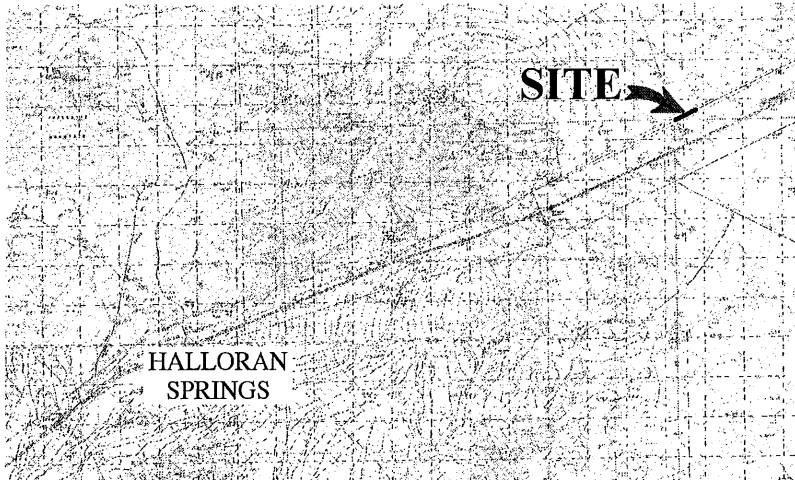
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- CL = CENTERLINE
- P.O.C. = POINT OF COMMENCEMENT
- P.O.T. = POINT OF TERMINATION
- R/W = RIGHT OF WAY
- T.P.O.B. = TRUE POINT OF BEGINNING



PORTION OF TRACT 37, T.16N., R.11E., S.B.M.

NO SCALE

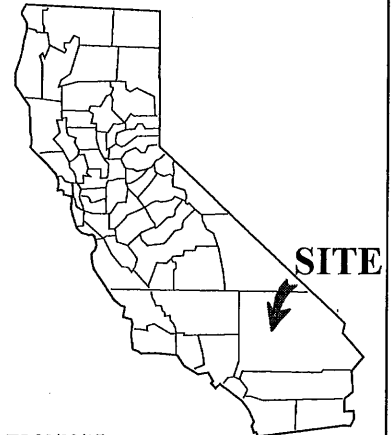
LOCATION



MAP SOURCE: USGS QUAD

EXHIBIT B-4

PRC 7201.2
 SPRINT COMMUNICATIONS
 COMPANY, L.P.
 APN 0571-221-07
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 SAN BERNARDINO COUNTY

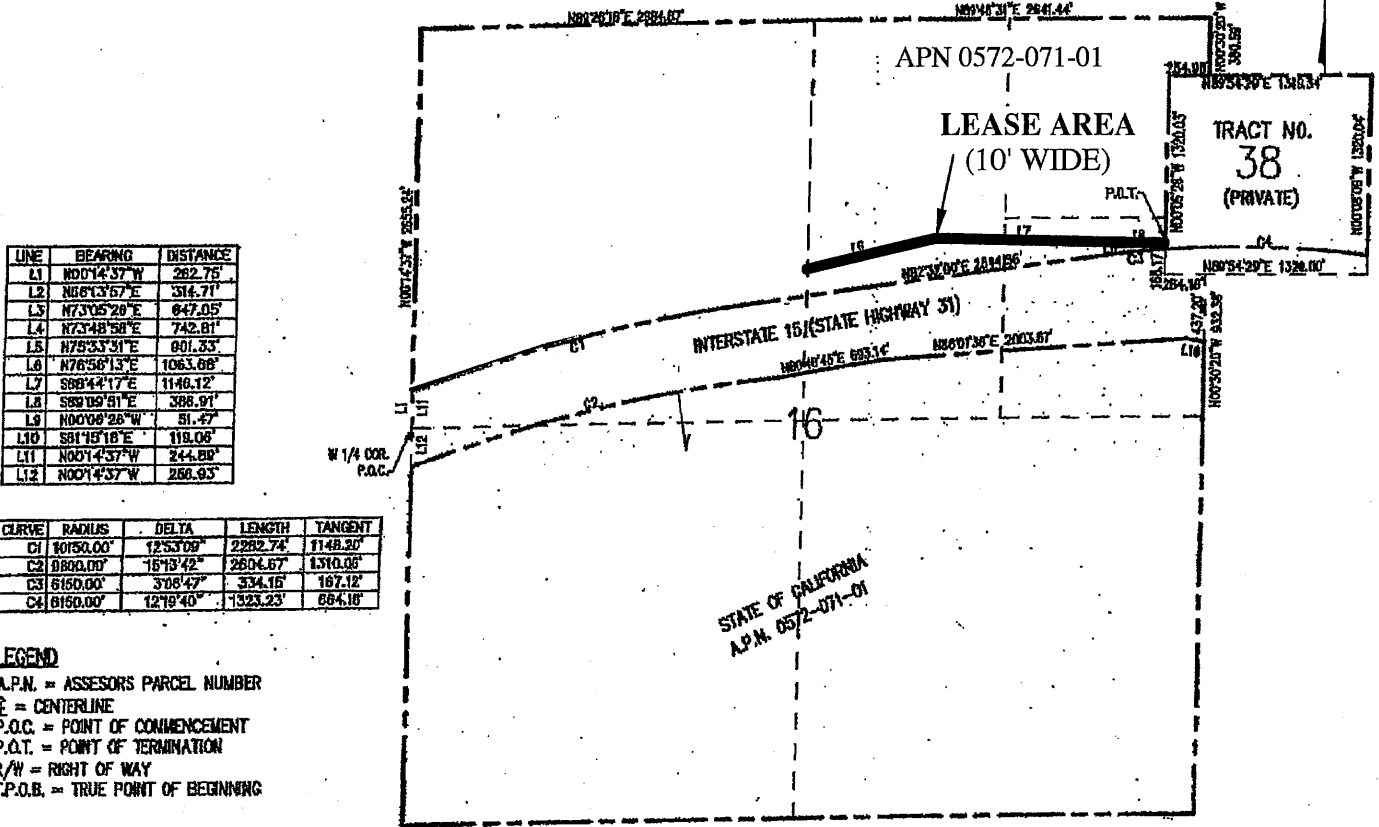


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TS 08/29/17

NO SCALE

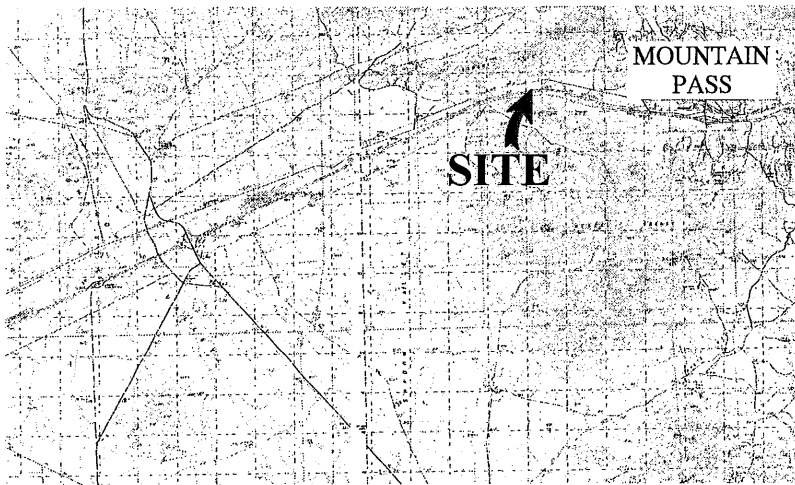
SITE



PORTION OF SECTION 16, T.16N., R.13E., S.B.M.

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

EXHIBIT B-5

PRC 7201.2
 SPRINT COMMUNICATIONS
 COMPANY, L.P.
 APN 0572-071-01
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 SAN BERNARDINO COUNTY



TS 08/29/17

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