

**STAFF REPORT
C78**

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S 16

04/19/18
PRC 8462.2
J. Porter

GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

Brubaker-Mann, Inc.

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

0.668 acre, more or less, of State-owned indemnity school land located in Section 30, Township 10 North, Range 1 East, SBM, northeast of Barstow, San Bernardino County.

AUTHORIZED USE:

Use and maintenance of an existing unpaved access road.

LEASE TERM:

20 years, beginning July 1, 2018.

CONSIDERATION:

\$450 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

1. Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. Lessee will maintain the unpaved road in a passable condition and will assume all costs and expenses associated with road maintenance.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6217.5, 6501.1, 6503, and 8701; California Code of Regulations, title 2, sections 2000 and 2003.

STAFF REPORT NO. **C78** (CONT'D)

State's Best Interests Analysis:

On June 2, 2003, the Commission authorized a 15-year General Lease – Right-of-Way Use, effective July 1, 2003, to Brubaker-Mann, Inc., for use and maintenance of an existing unpaved access road ([Item C16, June 2, 2003](#)). The lease will expire on June 30, 2018. The proposed new lease will authorize the continued use and maintenance of the existing unpaved access road. 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 obtain a lease amendment before any further improvements are placed on the State's land. 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 (Public Resources Code section 8700, et seq.). For the reasons stated above, Commission staff believes issuance of this lease is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. 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, reservation 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.

2. 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.

EXHIBITS:

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

STAFF REPORT NO. **C78** (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).

STATE'S BEST INTERESTS:

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

AUTHORIZATION:

Authorize issuance of a General Lease – Right-of-Way Use to Brubaker-Mann, Inc., beginning July 1, 2018, for a term of 20 years, for use and maintenance of an existing unpaved access road on 0.668 acre, more or less, of State-owned indemnity school land as shown on Exhibit A and described in Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$450 per year, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 8462.2

LAND DESCRIPTION

A 15-foot wide strip of State School Land situated in Section 30, Township 10 North, Range 1 East, San Bernardino Meridian, San Bernardino County, State of California, and lying 7.5 feet on each side of a centerline more particularly described as follows:

COMMENCING at the southeast corner of said Section 30; thence westerly along the south line of said section 2190.90 feet; thence leaving south line northerly 814.91 feet to an existing haul road said point also being the POINT OF BEGINNING of the herein described centerline; thence along said centerline the following eight (8) courses:

1. N 04°58'39" W 351.19 feet;
2. N 07°37'35" W 300.91 feet;
3. N 24°32'19" W 236.41 feet;
4. N 12°32'11" W 122.02 feet;
5. N 00°00'56" W 254.41 feet;
6. N 04°11'21" E 220.54 feet;
7. N 19°09'52" E 132.02 feet;
8. N 53°31'30 W 322.29 feet to the terminus of said centerline.

The sidelines of said strip shall be prolonged or shortened so as to begin at the northerly line of Meadow Grove Rd and terminate at the west line of the southeast quarter of Section 30.

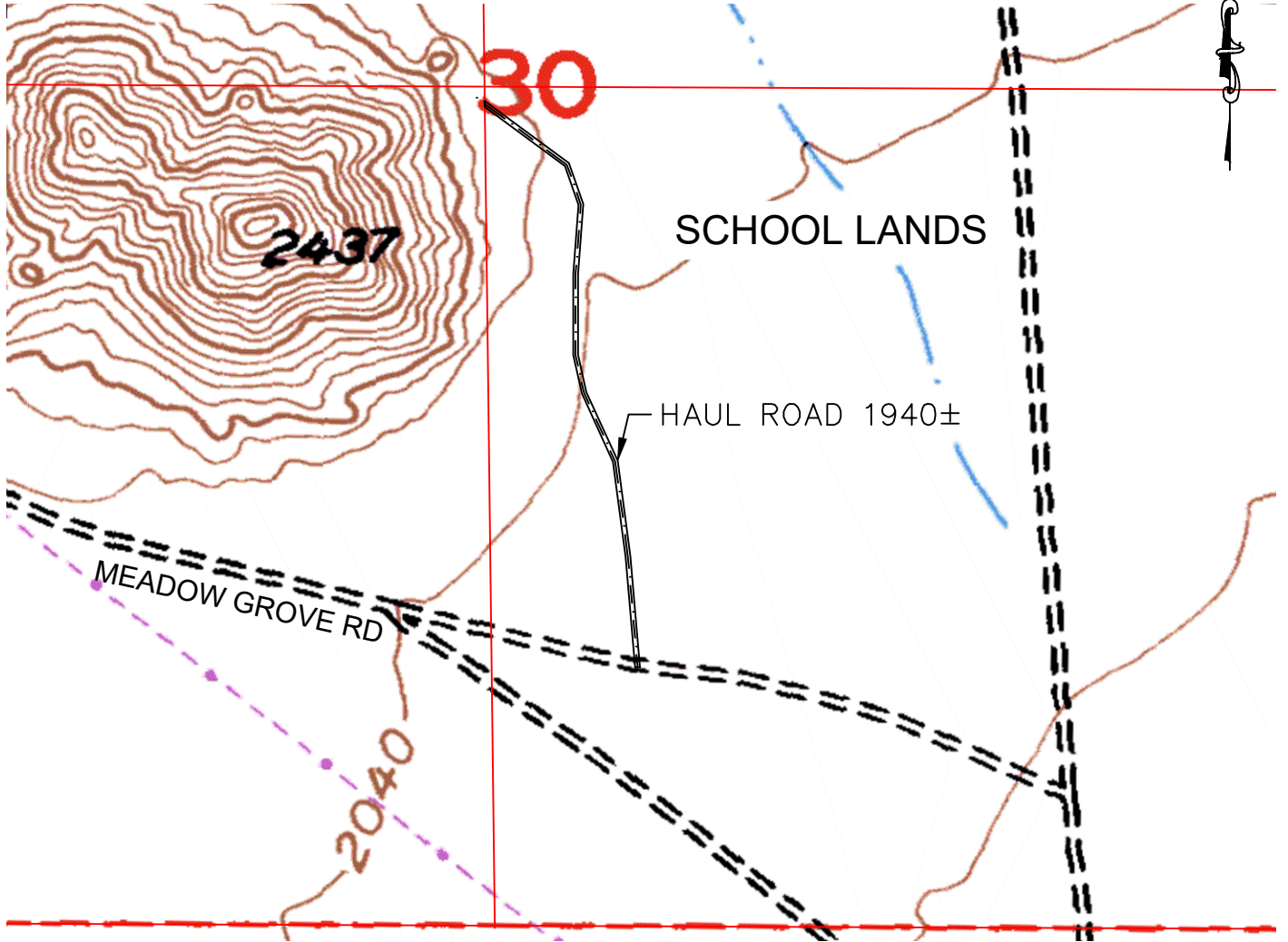
END OF DESCRIPTION

Prepared 02/14/2018 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



SCHOOL LANDS

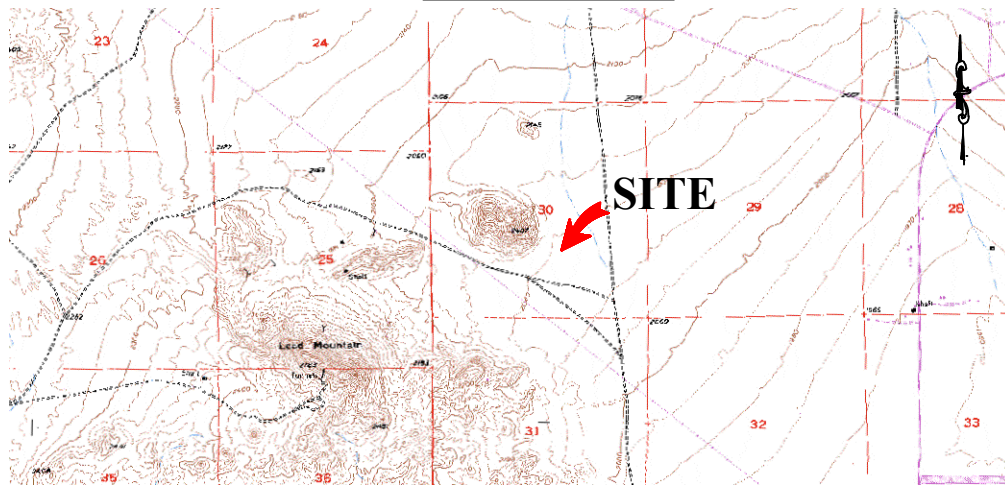
HAUL ROAD 1940±

MEADOW GROVE RD

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

NO SCALE

LOCATION



SITE

MAP SOURCE: USGS QUAD

Exhibit B

PRC 8462.2
 BRUBAKER-MANN, INC
 APN: 0517-021-06
 GENERAL LEASE-
 RIGHT-OF-WAY USE
 SAN BERNARDINO COUNTY



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.