

MINUTE ITEM

3. APPLICATION FOR LIFE-OF-STRUCTURE PERMIT FOR AN AQUEDUCT CROSSING TIDE AND SUBMERGED LANDS OF MIDDLE RIVER AT MIDDLE RIVER STATION, SAN JOAQUIN COUNTY, EAST BAY MUNICIPAL UTILITY DISTRICT - W.O. 4075, P.R.C. 2779.9.

After consideration of Calendar Item 15 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

PURSUANT TO THE PROVISIONS OF PUBLIC UTILITIES CODE SECTION 12808, THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A LIFE-OF-STRUCTURE PERMIT TO THE EAST BAY MUNICIPAL UTILITY DISTRICT FOR THE CONSTRUCTION, MAINTENANCE AND USE OF AN 87-INCH PIPE UNDER THE FOLLOWING DESCRIBED PARCEL OF TIDE AND SUBMERGED LANDS OF MIDDLE RIVER, SITUATE IN SAN JOAQUIN COUNTY:

A STRIP OF LAND OF THE UNIFORM WIDTH OF 250 FEET AT RIGHT ANGLE MEASUREMENT LYING NORTHERLY OF AND CONTIGUOUS TO THE CENTER LINE OF THE EAST BAY MUNICIPAL UTILITY DISTRICT AQUEDUCT WHICH SAID CENTER LINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM ALICE R. GOODFELLOW TO EAST BAY MUNICIPAL UTILITY DISTRICT DATED JUNE 26, 1926 AND RECORDED JULY 29, 1926 IN VOLUME 152 OF OFFICIAL RECORDS AT PAGE 176, SAN JOAQUIN COUNTY RECORDS; THENCE ALONG THE EASTERN LINE OF LAST SAID PARCEL OF LAND NORTH $11^{\circ} 27'$ WEST 75.07 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH $81^{\circ} 03'$ EAST 642 FEET, MORE OR LESS, TO THE EASTERN LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM RINDGE LAND AND NAVIGATION COMPANY TO EAST BAY MUNICIPAL UTILITY DISTRICT DATED JOBER 20, 1926 AND RECORDED NOVEMBER 10, 1926 IN VOLUME 173 OF OFFICIAL RECORDS AT PAGE 36, SAN JOAQUIN COUNTY RECORDS.

THE EXTERIOR BOUNDARY LINES OF SAID STRIP OF LAND SHALL BE LENGTHENED OR SHORTENED AT THEIR EXTREMITIES SO AS TO FORM A CONTINUOUS STRIP OF LAND FROM THE EAST BANK OF MIDDLE RIVER TO THE WEST BANK OF MIDDLE RIVER.

NO BOND IS TO BE REQUIRED. THE CONSIDERATION FOR THE ISSUANCE OF THE EASEMENT IS THE PUBLIC BENEFIT.

Attachment
Calendar Item 15 (2 pages)

CALENDAR ITEM

15.

APPLICATION FOR LIFE-OF-STRUCTURE PERMIT FOR AN AQUEDUCT CROSSING TIDE AND SUBMERGED LANDS OF MIDDLE RIVER AT MIDDLE RIVER STATION, SAN JOAQUIN COUNTY, EAST BAY MUNICIPAL UTILITY DISTRICT - W.O. 4075.

An application has been received from the East Bay Municipal Utility District for approval of the laying of an 87-inch I.D. pipe in the bed of Middle River, San Joaquin County, at Middle River Station, about 6 miles west of Holt (see Exhibit "A"). The pipe will be buried at a minimum depth of 5 feet in the bed of the river. To facilitate the laying of the pipe adjacent to the banks, temporary sheet steel piling would be driven, extending about 140 feet from the low water line of the west bank and about 125 feet from the east bank, leaving about 350 feet of channel. The easement area is 250 feet in width and 642 feet, more or less, in length, comprising approximately 3.72 acres.

The East Bay Municipal Utility District services numerous communities in the East Bay area, including Oakland, Berkeley, Alameda, Richmond, Albany, San Leandro, etc., as well as the military and harbor installations on the east side of San Francisco Bay.

Public Utilities Code Section 12808 reads as follows: "A district may construct works across or along any street or public highway, or over any of the lands which are the property of the State, and it shall have the same rights and privileges appertaining thereto as are granted to municipalities within the State. The district shall restore any such street or highway to its former state as near as may be, and in compliance with local ordinances, and shall not use it in a manner to unnecessarily impair its usefulness. A district may also construct its works across any stream or watercourse."

IT IS RECOMMENDED THAT, PURSUANT TO THE PROVISIONS OF PUBLIC UTILITIES CODE SECTION 12808, THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE A LIFE-OF-STRUCTURE PERMIT TO THE EAST BAY MUNICIPAL UTILITY DISTRICT FOR THE CONSTRUCTION, MAINTENANCE AND USE OF AN 87-INCH PIPE UNDER THE FOLLOWING DESCRIBED PARCEL OF TIDE AND SUBMERGED LANDS OF MIDDLE RIVER, SITUATE IN SAN JOAQUIN COUNTY:

A STRIP OF LAND OF THE UNIFORM WIDTH OF 250 FEET AT RIGHT ANGLE MEASUREMENT LYING NORTHERLY OF AND CONTIGUOUS TO THE CENTER LINE OF THE EAST BAY MUNICIPAL UTILITY DISTRICT AQUEDUCT WHICH SAID CENTER LINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM ALICE R. GOODFELLOW TO EAST BAY MUNICIPAL UTILITY DISTRICT DATED JUNE 26, 1926 AND RECORDED JULY 29, 1926 IN VOLUME 152 OF OFFICIAL RECORDS AT PAGE 176, SAN JOAQUIN COUNTY RECORDS; THENCE ALONG THE EASTERN LINE OF LAST SAID PARCEL OF LAND NORTH 11° 27' WEST 75.07 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

CALENDAR ITEM 15. (CONTD.)

THENCE NORTH 81° 03' EAST 642 FEET, MORE OR LESS, TO THE EASTERN LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM RINDGE LAND AND NAVIGATION COMPANY TO EAST BAY MUNICIPAL UTILITY DISTRICT DATED OCTOBER 20, 1926 AND RECORDED NOVEMBER 10, 1926 IN VOLUME 173 OF OFFICIAL RECORDS AT PAGE 36, SAN JOAQUIN COUNTY RECORDS.

THE EXTERIOR BOUNDARY LINES OF SAID STRIP OF LAND SHALL BE LENGTHENED OR SHORTENED AT THEIR EXTREMITIES SO AS TO FORM A CONTINUOUS STRIP OF LAND FROM THE EAST BANK OF MIDDLE RIVER TO THE WEST BANK OF MIDDLE RIVER.

NO BOND IS TO BE REQUIRED. THE CONSIDERATION FOR THE ISSUANCE OF THE EASEMENT IS TO BE THE PUBLIC BENEFIT.