

MINUTE ITEM

4. APPLICATION FOR LIFE-OF-STRUCTURE PERMIT FOR AN AQUEDUCT CROSSING TIDE AND SUBMERGED LANDS OF OLD RIVER AT ORWOOD, CONTRA COSTA AND SAN JOAQUIN COUNTIES, EAST BAY MUNICIPAL UTILITY DISTRICT - W.O. 4076, P.R.C. 2780.9.

After consideration of Calendar Item 16 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 OLD RIVER, SITUATE IN CONTRA COSTA AND SAN JOAQUIN COUNTIES:

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 CENTER LINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM STANDARD SECURITIES COMPANY TO EAST BAY MUNICIPAL UTILITY DISTRICT DATED AUGUST 31, 1926, AND RECORDED OCTOBER 5, 1926, IN VOLUME 160 OF OFFICIAL RECORDS AT PAGE 338, SAN JOAQUIN COUNTY RECORDS; THENCE ALONG THE WESTERN LINE OF LAST SAID PARCEL OF LAND NORTH 7° 20' EAST 75.73 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89° 22' 45" WEST 540 FEET, MORE OR LESS, TO A POINT ON THE EASTERN LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM CALIFORNIA DELTA FARMS, INC., ET AL., TO EAST BAY MUNICIPAL UTILITY DISTRICT DATED SEPTEMBER 10, 1925 AND RECORDED SEPTEMBER 30, 1926 IN BOOK 53 OF OFFICIAL RECORDS AT PAGE 199, CONTRA COSTA 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 OLD RIVER TO THE WEST BANK OF OLD RIVER.

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

Attachment
Calendar Item 16 (2 pages)

CALENDAR ITEM

16.

APPLICATION FOR LIFE-OF-STRUCTURE PERMIT FOR AN AQUEDUCT CROSSING TIDE AND SUBMERGED LANDS OF OLD RIVER AT ORWOOD, CONTRA COSTA AND SAN JOAQUIN COUNTIES, EAST BAY MUNICIPAL UTILITY DISTRICT - W.O. 4076.

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 Old River at Orwood, Contra Costa and San Joaquin Counties (see Exhibit "A" with Calendar Item No. 15). 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 steel sheet piling would be driven, the piling extending about 110 feet from the low water line on the west bank, and about 80 feet from the east bank, leaving about 370 feet of channel. The easement area is 250 feet in width and 540 feet, more or less, in length, comprising approximately 3.1 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 OLD RIVER, SITUATE IN CONTRA COSTA AND SAN JOAQUIN COUNTIES:

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 CENTER LINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM STANDARD SECURITIES COMPANY TO EAST BAY MUNICIPAL UTILITY DISTRICT DATED AUGUST 31, 1926, AND RECORDED OCTOBER 5, 1926, IN VOLUME 160 OF OFFICIAL RECORDS AT PAGE 338, SAN JOAQUIN COUNTY RECORDS; THENCE ALONG THE WESTERN LINE OF LAST SAID PARCEL OF LAND NORTH 7° 20' EAST 75.73 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89° 22' 45" WEST 540 FEET, MORE OR LESS, TO A POINT ON THE EASTERN LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM CALIFORNIA DELTA FARMS, INC., ET AL., TO EAST BAY MUNICIPAL UTILITY DISTRICT DATED

CALENDAR ITEM 16 (CONTD.)

SEPTEMBER 10, 1926 AND RECORDED SEPTEMBER 30, 1926 IN BOOK 53 OF OFFICIAL RECORDS AT PAGE 199, CONTRA COSTA 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 OLD RIVER TO THE WEST BANK OF OLD RIVER.

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