

MINUTE ITEM

6/6/74
AMB

10. AMENDMENT OF LEASE PRC 2702.2 AND TERMINATION OF LEASE PRC 2703.2, SCHOOL LAND LOCATED BETWEEN BARSTOW AND LAS VEGAS, IN SAN BERNARDINO COUNTY; CALNEV PIPELINE COMPANY - WP 2702, PRC 2702.2, PRC 2703.2.

After consideration of Calendar Item 8 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT A FINAL ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CERTIFIES THAT THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR #152) HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZES THE ISSUANCE OF AN AMENDMENT TO LEASE PRC 2702.2 THAT WILL ACCOMPLISH THE FOLLOWING:
 - A. REQUIRE ADDITIONAL ANNUAL RENTAL IN THE AMOUNT OF \$504.56, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE.
 - B. PROVIDE PUBLIC LIABILITY INSURANCE IN THE AMOUNTS OF \$600,000 SINGLE LIMIT LIABILITY FOR PERSONAL INJURY AND \$1,000,000 FOR PROPERTY DAMAGE.
 - C. CHANGE THE LAND DESCRIPTIONS TO READ AS FOLLOWS:

PARCEL 1

A STRIP OF LAND 50 FEET WIDE, LYING IN TRACT 37, T 16 N, R 11 E, SBM, AS SHOWN ON U. S. TOWNSHIP PLAT APPROVED DECEMBER 16, 1941, SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EASTERLY LINE OF TRACT 37 WHICH BEARS NORTHERLY 472 FEET FROM THE SOUTHEAST CORNER OF SAID TRACT; THENCE FROM SAID POINT OF BEGINNING S 64° 41' W, 1104 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY LINE OF SAID TRACT, SAID POINT BEING 998 FEET WESTERLY OF SAID SOUTHEAST CORNER, AND THE END OF THE HEREIN DESCRIBED CENTERLINE.

MINUTE ITEM NO. 10. (CONTD)

PARCEL 2

A STRIP OF LAND 50 FEET WIDE LYING WITHIN THE NORTHEAST QUARTER OF SECTION 16, T 16 N, R 13 E, SBM, AND LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 16, WHICH BEARS SOUTHERLY 780 FEET FROM THE NORTHEAST CORNER THEREOF; THENCE S 79° 02' W, 2675 FEET MORE OR LESS TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16 AND THE END OF THE HEREIN DESCRIBED CENTERLINE.

EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED AREA LYING WITHIN TRACT 38, T 16 N, R 13 E, SBM.

5. AUTHORIZES THE TERMINATION OF LEASE PRC 2703.2, EFFECTIVE JANUARY 1, 1974.

Attachment:

Calendar Item 8 (3 pages)

CALENDAR ITEM

5 /74
AMB
WP 2702

8.

AMENDMENT OF LEASE PRC 2702.2 AND
TERMINATION OF LEASE PRC 2703.2

TYPE: Amendment of Lease PRC 2702.2 and termination of Lease PRC 2703.2, both pipeline rights-of-way.

APPLICANT: CALNEV Pipeline Company.

AREA, TYPE LAND AND LOCATION: Two parcels of school land (50' x 2500' and 50' x 1104') located between Barstow and Las Vegas, in San Bernardino County.

LAND USE: Two pipelines (8" and 14") for transporting petroleum products.

TERMS OF ORIGINAL LEASES:
Initial period: 49 years, from March 7, 1961.
Consideration: \$125.44 for Lease PRC 2702.2 and \$489.33 for Lease PRC 2703.2, both total rentals for the terms.

TERMS OF AMENDED LEASE PRC 2702.2:
Initial period: 49 years, from March 7, 1961 (no change).
Public liability insurance:
\$600,000 single limit liability for personal injury and \$1,000,000 for property damage.

CONSIDERATION: \$504.56 per annum for the new 14" pipeline; no rental due for the 8" pipeline; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
One cent per diameter inch per lineal foot.

STATUTORY AND OTHER REFERENCES:
a. Public Resources Code: Div. 6, Parts 1 and 2.
b. Administrative Code: Title 2, Div. 3, Arts. 1, 2 and 10.

OTHER PERTINENT INFORMATION:
1. The lessee proposes to install a new 14" pipeline within the rights-of-way across two non-contiguous parcels previously granted for an 8" line under two leases. This action contemplates termination of one lease, amendment of the other to cover both parcels and to provide for insurance and increase the rental.

459

CALENDAR ITEM NO. 8. (CONTD)

2. A draft environmental impact report was circulated to agencies and persons having jurisdiction and expertise. Some adverse comments were received. Responses have been incorporated into the final environmental impact report and mitigation measures have been included as terms and conditions of the lease agreement.

EXHIBITS: A-1: Location Map.
 A-2: Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A FINAL ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THIS PROJECT BY THE DIVISION FOLLOWING EVALUATION OF COMMENTS AND CONSULTATION WITH PUBLIC AGENCIES WHICH WILL ISSUE APPROVALS FOR THE PROJECT.
2. CERTIFY THAT THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR #152) HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE THE ISSUANCE OF AN AMENDMENT TO LEASE PRC 2702.2 THAT WILL ACCOMPLISH THE FOLLOWING:
 - A. REQUIRE ADDITIONAL ANNUAL RENTAL IN THE AMOUNT OF \$504.56, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE.
 - B. PROVIDE PUBLIC LIABILITY INSURANCE IN THE AMOUNTS OF \$600,000 SINGLE LIMIT LIABILITY FOR PERSONAL INJURY AND \$1,000,000 FOR PROPERTY DAMAGE.
 - C. CHANGE THE LAND DESCRIPTIONS TO READ AS FOLLOWS:

PARCEL 1

A STRIP OF LAND 20 FEET WIDE, LYING IN TRACT 37, T 16 N, R 11 E, SBM, AS SHOWN ON U. S. TOWNSHIP PLAT APPROVED DECEMBER 16, 1941, SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EASTERLY LINE OF TRACT 37 WHICH BEARS NORTHERLY 472 FEET FROM THE SOUTHEAST CORNER OF SAID TRACT; THENCE FROM SAID POINT OF BEGINNING S 64° 41' W, 1104 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY LINE OF SAID TRACT, SAID POINT BEING 998 FEET WESTERLY OF SAID SOUTHEAST CORNER, AND THE END OF THE HEREIN DESCRIBED CENTERLINE.

CALENDAR ITEM NO. 8. (CONTD)

PARCEL 2

A STRIP OF LAND 50 FEET WIDE LYING WITHIN THE NORTHEAST QUARTER OF SECTION 16, T 16 N, R 13 E, SBM, AND LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 16, WHICH BEARS SOUTHERLY 780 FEET FROM THE NORTHEAST CORNER THEREOF; THENCE S 79° 02' W, 2675 FEET MORE OR LESS TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16 AND THE END OF THE HEREIN DESCRIBED CENTERLINE.

EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED AREA LYING WITHIN TRACT 38, T 16 N, R 13 E, SBM.

5. AUTHORIZE THE TERMINATION OF LEASE PRC 2703.2, EFFECTIVE JANUARY 1, 1974.