

MINUTE ITEM

This Calendar Item No. ~~C32~~ was approved as Minute Item No. 32 by the California State Lands Commission by a vote of 3 to 0 at its 02/05/07 meeting.

CALENDAR ITEM
C32

A 6

02/05/07
PRC 7198 WP 7198.9
PRC 5455.9
N. Smith

S 3

ISSUANCE OF A GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Novato Sanitary District
500 Davidson Street
Novato, California 94945

AREA, LAND TYPE, AND LOCATION:

0.31 acres, more or less, of filled sovereign lands in a flood control levee, city of Novato, Marin County.

AUTHORIZED USE:

Installation, maintenance and use of a 16-inch sanitary sewer force main (HDPE), a four-inch fiber optic conduit for future use only by the District in connection with the sewer main; and a temporary construction easement.

LEASE TERM:

25 years, beginning February 15, 2007. The temporary construction easement will expire December 31, 2007.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the lands adjoining the lease premises.
2. In 1977, the California State Lands Commission (CSLC) acquired a 278± acre parcel from the Novato Center pursuant to a title settlement encompassing the proposed lease premises. Subsequently, in 1978, the CSLC issued a lease to California Department of Fish and Game for wildlife management purposes. The Applicant has acquired permission

CALENDAR ITEM NO. C32 (CONT'D)

from Fish and Game to construct the proposed project by letter dated November 1, 2006.

3. The Novato Sanitary District is implementing the Wastewater Facility Upgrade Project to address aging infrastructure at its two treatment plants to meet current regulatory requirements and to provide incremental capacity in accordance with the city of Novato's General Plan for the projected service area buildout (year 2025). Most of the infrastructure built in the 1950's and 1970's are aging and lacks redundancy in its treatment system. This diminishes the Applicant's ability to meet discharge requirements under its National Pollution Discharge Elimination System (NPDES) permit with the degree of liability required. Consequently, the San Francisco Bay Regional Water Quality Board mandated that the facilities meet current regulatory requirements by July 2008. In order to comply, the Applicant must upgrade its treatment facilities.
4. In 1998, the CSLC issued a lease to the Applicant for the construction of a six-inch sewer main pipeline crossing under Novato Creek and in 1997, authorized a lease for an existing 54-inch sewer main pipeline crossing under Novato Creek and an existing 54-inch outfall pipeline located in San Pablo Bay. The existing sewer improvements at Novato Creek are located in the general vicinity of the proposed new sewer main. The Applicant continues to operate and maintain both of the existing sewer main pipeline systems and does not have any plans to remove these improvements. The Applicant requests that the CSLC issue a separate lease for the new sewer main project.
5. The Applicant has requested a temporary construction easement for the project which will include an additional 0.52 acres and will expire December 31, 2007.
6. An EIR was prepared and certified for this project by the Novato Sanitary District. The California State Lands Commission staff has reviewed such document. A Mitigation Monitoring Plan has been prepared in conformance with the provisions of the CEQA (Public Resources Code section 21081.6). Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are contained on file in the Sacramento office of the California

CALENDAR ITEM NO. C32 (CONT'D)

State Lands Commission.

7. A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is contained on file in the Sacramento office of the California State Lands Commission.
8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Novato Sanitary District and the Department of Fish and Game

FURTHER APPROVALS REQUIRED:

US Army Corps of Engineers, San Francisco Bay Regional Water Quality Control Board, Sonoma-Marín Area Transit, and the California Department of Transportation

EXHIBITS:

- A. Location Map - Lease Premises
- A-1. Location Map - Temporary Construction Easement
- B. Land Description of Lease Premises and Temporary Construction Easement

PERMIT STREAMLINING ACT DEADLINE:

January 18, 2008

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY NOVATO SANITARY DISTRICT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

CALENDAR ITEM NO. C32 (CONT'D)

ADOPT THE MITIGATION MONITORING PLAN, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096 (h), AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

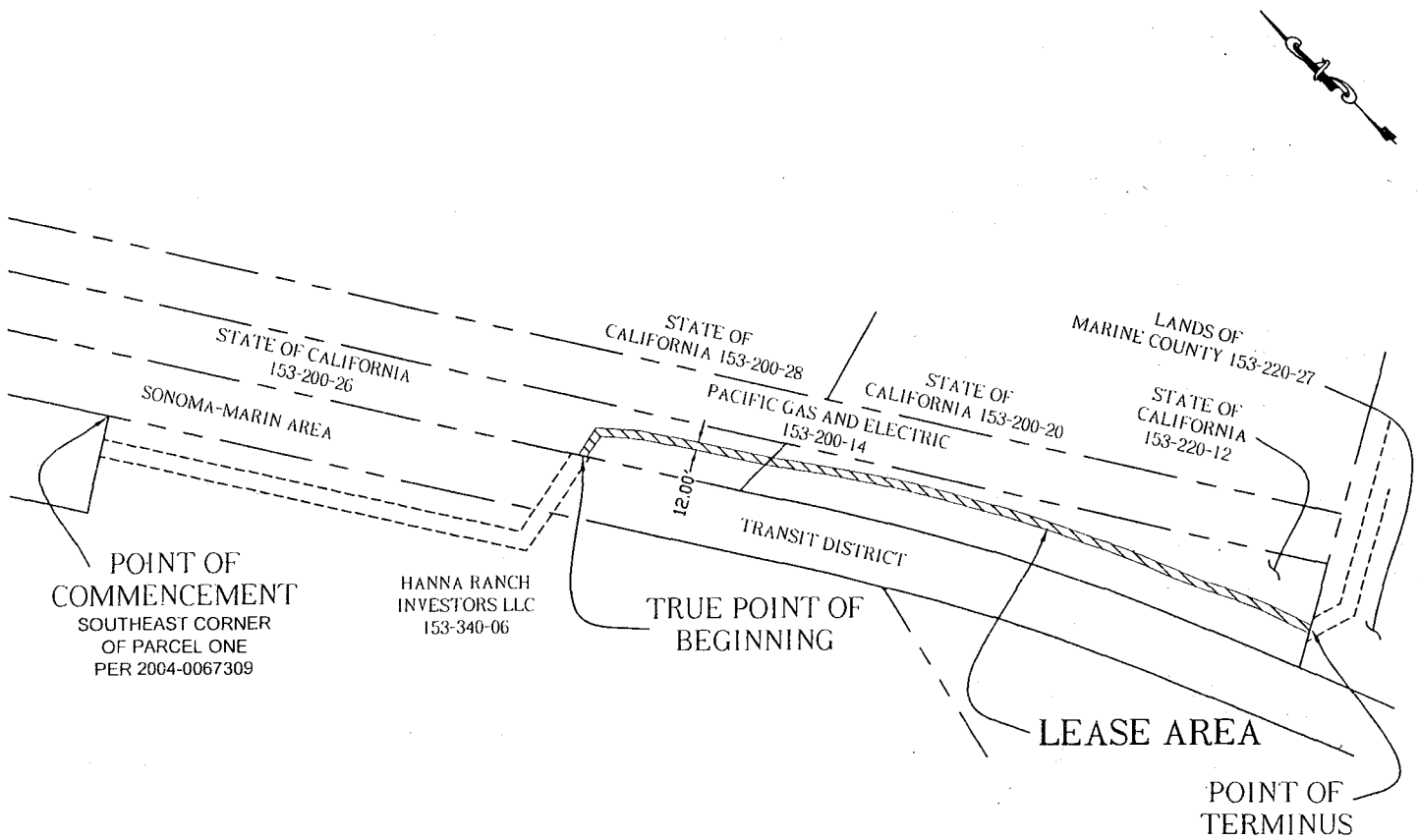
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO NOVATO SANITARY DISTRICT OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING FEBRUARY 15, 2007, FOR A TERM OF 25 YEARS, FOR THE INSTALLATION, MAINTENANCE, AND USE OF A 16-INCH SANITARY FORCE MAIN AND A FOUR-INCH FIBER OPTIC CONDUIT FOR FUTURE DISTRICT USE, ALONG WITH A TEMPORARY CONSTRUCTION EASEMENT THAT WILL EXPIRE DECEMBER 31, 2007, AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

NO SCALE

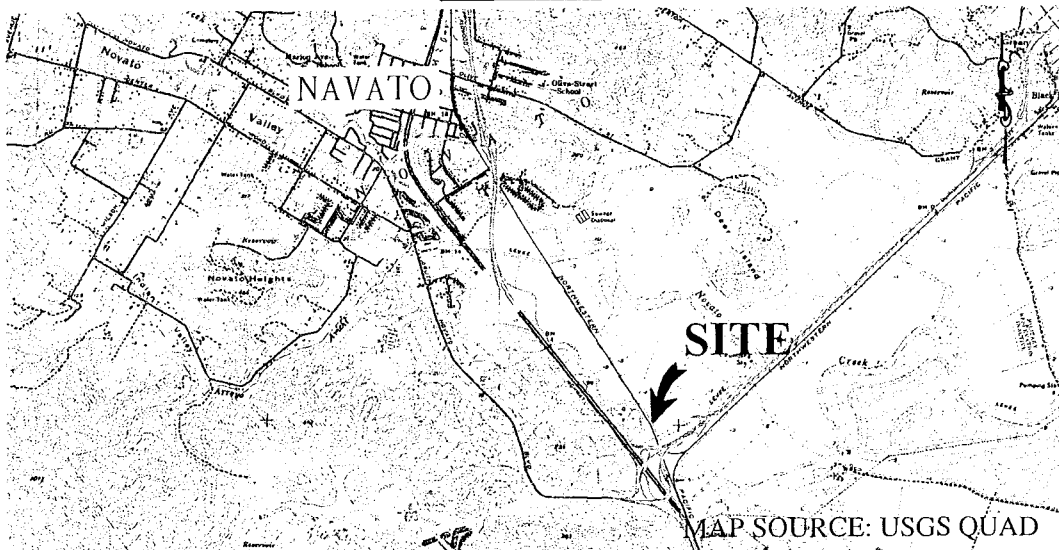
SITE



NOVATO NEAR HIGHWAY 37 AND FREEWAY 101
 APN 153-200-26, 153-220-12

NO SCALE

LOCATION



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 of any other property.

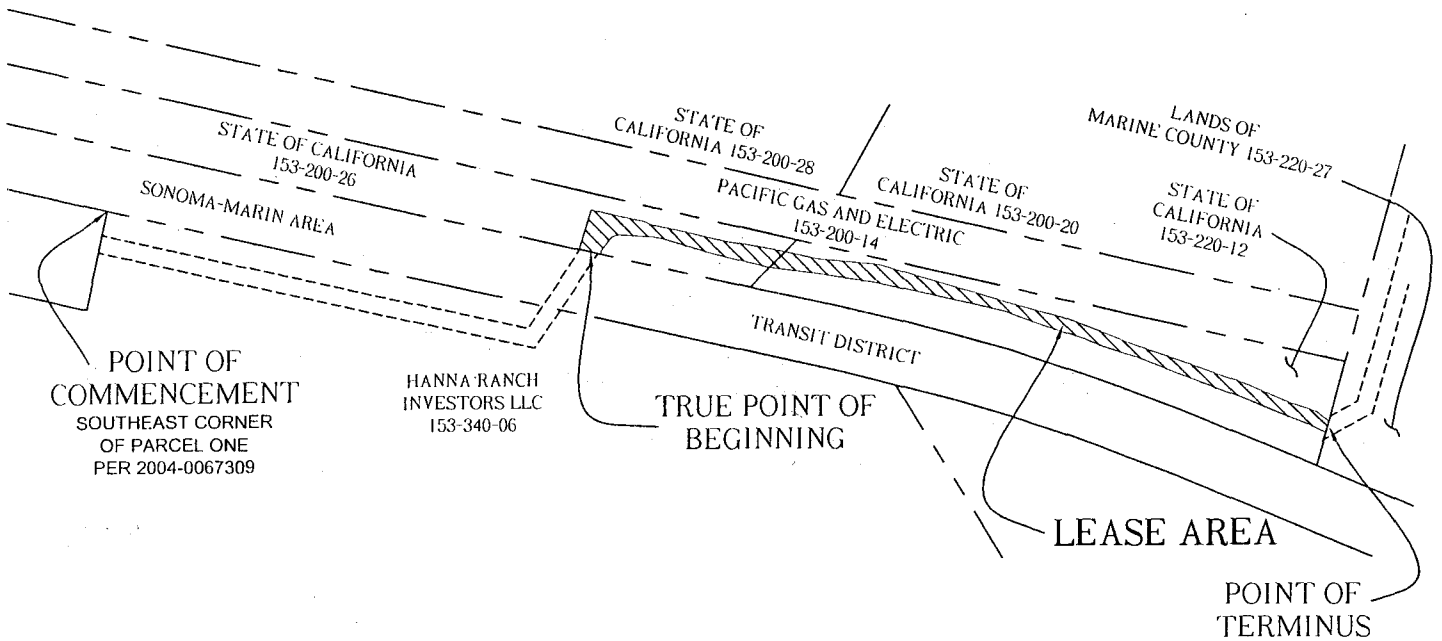
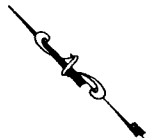
Exhibit A

WP 7198
 NOVATO SANITATION DISTRICT
 GENERAL LEASE
 PUBLIC AGENCY USE
 MARIN COUNTY



NO SCALE

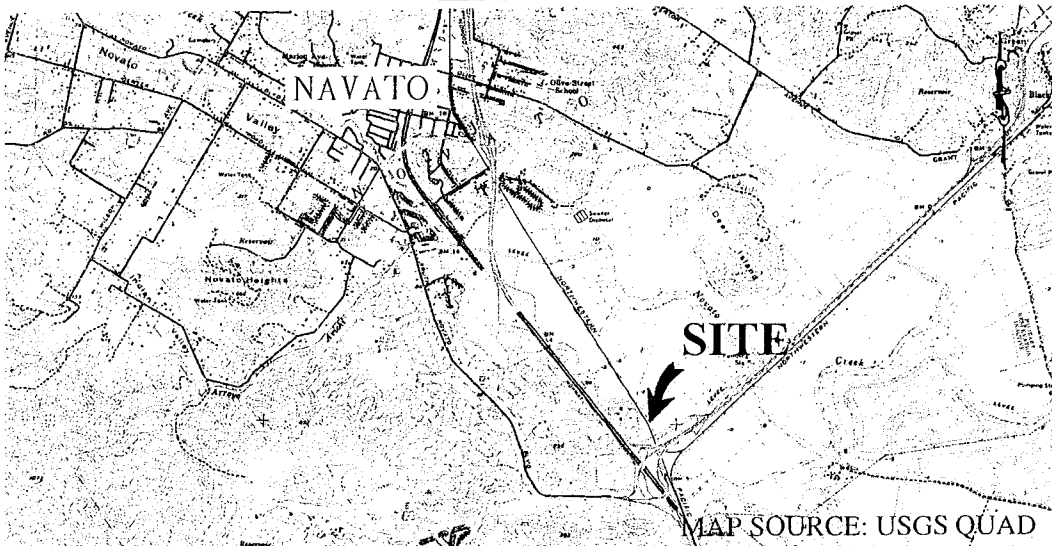
SITE



NOVATO NEAR HIGHWAY 37 AND FREEWAY 101
 APN 153-200-26, 153-220-12

NO SCALE

LOCATION



SITE

MAP SOURCE: USGS QUAD

Exhibit A-1

WP 7198
 TEMPORARY
 CONSTRUCTION LEASE
 PUBLIC AGENCY USE
 MARIN COUNTY



SITE

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MINUTE PAGE

EXHIBIT B
SEWER LEASE AREA
LAND DESCRIPTION

WP7198

All those certain Sovereign Lands situate in the City of Novato, County of Marin, State of California, being a portion of the lands of the State of California, being a portion of Parcel One as described by deed recorded February 28, 1977 under instrument number 9293, in Book 3159 at page 445 of Official Records of said county, being a sewer lease area over a strip of land 12.00 feet wide, the centerline of which is more particularly described as follows:

Commencing at a point on the westerly line of the Lands of Sonoma-Marín Area Rail Transit District (SMART), as described by deed recoded March 27, 2006, under Recorder's Serial No. 06-18841, records of said county, said point being the northeast corner of Parcel One of the lands of Lands of Hanna Ranch Investors, LLC, as described by deed recorded July 30, 2004 in document number 2004-0067309, said document was re-recorded to correct the "State of the Grantee" August 16, 2004 in document number 2004-0072129 of Official Records of said county;

Thence along said westerly line, South 32° 26' 55" East 657.55 feet;

Thence departing said westerly line, and entering the lands of said district, North 79° 30' 33" East 97.04 feet to the easterly line of the lands of said district and the **True Point of Beginning**;

Thence departing said easterly line, and entering said Sovereign lands to, North 79° 30' 33" East 41.66 feet;

Thence South 44° 14' 27" East 2.34 feet to the beginning of a tangent curve, concave to the southwest, having a central angle of 11° 15' 00" and a radius of 450.00 feet;

Thence southeasterly along said curve, 88.36 feet to the beginning of a tangent line;

Thence along said line, South 32° 59' 27" East 146.05 feet to the beginning of a tangent curve, concave to the northeast, have a central angle of 03° 13' 35" and a radius of 1000.00 feet;

Thence southeasterly along said curve, 56.31 feet to the beginning of a reverse curve, concave to the southwest, having a central angle of 13° 49' 01" and a radius of 2300.00 feet;

Thence southeasterly along said curve, 554.65 feet to the beginning of a reverse curve, concave to the northeast, having a central angle of 03° 10' 08" and a radius of 2000.00 feet;

Thence southeasterly along said curve, 110.62 feet to the beginning of a reverse curve, concave to the southwest, having a central angle of 07° 43' 08" and a radius of 600.00 feet;

Thence southeasterly along said curve, 80.83 feet to the beginning of a tangent line;

Thence along said line, South 17° 51' 01" East 35.40 feet to the **Point of Terminus** on the north line of and distant North 60° 46' 46" East 58.52 feet from the northwest corner of Parcel 1, of the Lands of the County of Marin, as described by deed recorded March 2, 1966 in Book 2029 at Page 1, of Official Records said county.

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**EXHIBIT B
SEWER LEASE AREA
LAND DESCRIPTION**

WP7198

The sidelines of the herein described sewer lease area shall be lengthened or shortened so as to terminate on the easterly line of the lands of Sonoma-Marín Area Rail Transit District (SMART) and the north line of said Lands of the County of Marin.

The basis of bearing for this description is West line of the Lands of Sonoma-Marín Area Rail Transit District (SMART), taken as South 32° 26'55" East as shown upon that certain Parcel Map entitled "Record of Survey, Lot Line Adjustment of Lot line between Parcels 2 and 3 per Parcel Map 16 p.m. 67 Lands of Novato Center", filed for record June 22, 1982 in Book 17 of Surveys, at Page 76, records of said county.

The distances contained herein are grid distances to obtain ground level distances multiply by 1.0000538872. Containing 13,394 Sq. Ft. more or less

END OF DESCRIPTION



DATE 07/08/2007

Dane Ince LS 8142

Expires 12/31/08

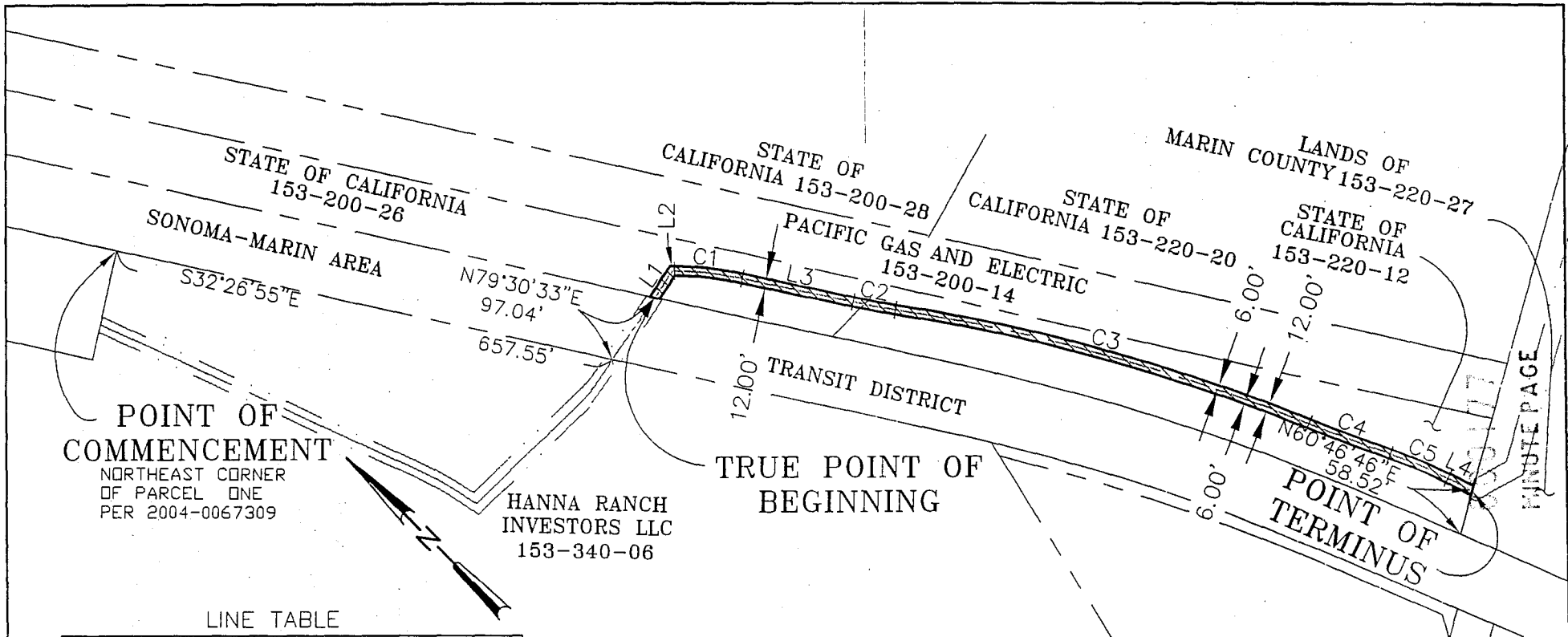
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POINT OF COMMENCEMENT
 NORTHEAST CORNER
 OF PARCEL ONE
 PER 2004-0067309

HANNA RANCH
 INVESTORS LLC
 153-340-06

TRUE POINT OF BEGINNING

POINT OF TERMINUS

LINE TABLE

L1	41.66'	N79°30'33"E
L2	2.34'	S44°14'27"E
L3	146.05'	S32°59'27"E
L4	35.40'	N17°51'01"W

CURVE TABLE

C1	11°15'00"	450.00'	88.36'
C2	3°13'35"	1000.00'	56.31'
C3	13°49'01"	2300.00'	554.64'
C4	3°10'08"	2000.00'	110.62'
C5	7°43'08"	600.00'	80.83'

PLAT FOR REFERENCE ONLY

WINZLER & KELLY
 CONSULTING ENGINEERS
 495 TESCONI CIRCLE, SANTA ROSA, CA 95401
 PH (707) 523-1010 • FAX (707) 527-8679
 WWW.W-AND-K.COM

AREA
 13,394 SQ FT +/-
 SCALE: 1"=200'

APNS
 153-200-26,
 153-220-12

CHKD	DI
DRN	PB

EXHIBIT B

SEWER LEASE AREA OVER THE SOVEREIGN
 LANDS OF THE STATE OF CALIFORNIA IN
 FAVOR OF NOVATO SANITARY DISTRICT

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 CALENDAR PAGE

EXHIBIT B
TEMPORARY CONSTRUCTION LEASE AREA
LAND DESCRIPTION

WP7198

All those certain Sovereign Lands situate in the City of Novato, County of Marin, State of California, being a portion of the lands of the State of California, being a portion of Parcel One as described by deed recorded February 28, 1977 under instrument number 9293, in Book 3159 at page 445 of Official Records of said county, being a temporary construction lease area, which is more particularly described as follows:

Commencing at a point on the westerly line of the Lands of Sonoma-Marín Area Rail Transit District (SMART), as described by deed recoded March 27, 2006, under Recorder's Serial No. 06-18841, records of said county, said point being the northeast corner of Parcel One of the lands of Lands of Hanna Ranch Investors, LLC, as described by deed recorded July 30, 2004 in document number 2004-0067309 said document was re-recorded to correct the "State of the Grantee" August 16, 2004 in document number 2004-0072129 of Official Records of said county;

Thence along said westerly line, South 32° 26' 55" East 657.55 feet;

Thence departing said westerly line, and entering the lands of said district, North 79° 30' 33" East 97.04 feet to the easterly line of the lands of said District and the **True Point of Beginning**;

Thence along said easterly line, North 32° 26' 55" West 13.12 feet;

Thence departing said easterly line and entering said Sovereign Lands, North 63° 44' 52" East 57.94 feet;

Thence South 33° 25' 12" East 78.51 feet;

Thence South 10° 30' 10" East 7.11 feet;

Thence South 32° 27' 05" East 106.02 feet;

Thence South 34° 54' 40" East 86.10 feet;

Thence South 32° 49' 38" East 51.87 feet;

Thence South 39° 56' 25" East 90.64 feet;

Thence South 29° 12' 41" East 81.65 feet;

Thence South 28° 42' 36" East 62.22 feet;

Thence South 27° 21' 34" East 43.89 feet;

Thence South 32° 20' 31" East 25.13 feet;

Thence South 29° 57' 13" East 55.90 feet;

Thence South 23° 50' 43" East 38.94 feet;

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**EXHIBIT B
TEMPORARY CONSTRUCTION LEASE AREA
LAND DESCRIPTION**

WP7198

Thence South 24° 54' 37" East 34.05 feet;

Thence South 24° 50' 07" East 38.28 feet;

Thence South 24° 46' 10" East 69.72 feet;

Thence South 24° 38' 31" East 93.54 feet;

Thence South 20° 03' 59" East 73.20 feet;

Thence South 29° 16' 47" East 39.88 feet;

Thence South 03° 50' 35" East 23.09 feet to the north line of and distant North 60° 46' 46" East 58.52 feet from the northwest corner of Parcel 1, of the Lands of the County of Marin, as described by deed recorded March 2, 1966 in Book 2029 Page 1, of Official Records said county;

Thence South 60° 46' 46" West 16.64 feet;

Thence North 17° 55' 57" West 23.60 feet;

Thence North 22° 38' 40" West 42.03 feet;

Thence North 22° 36' 30" West 71.34 feet;

Thence North 23° 36' 19" West 90.63 feet;

Thence North 21° 27' 13" West 56.05 feet;

Thence North 27° 38' 44" West 57.51 feet;

Thence North 21° 50' 33" West 26.20 feet;

Thence North 26° 58' 13" West 48.16 feet;

Thence North 25° 51' 06" West 47.64 feet;

Thence North 25° 46' 55" West 26.58 feet;

Thence North 32° 09' 46" West 75.49 feet;

Thence North 30° 54' 00" West 37.50 feet;

Thence North 33° 01' 30" West 77.52 feet;

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EXHIBIT B
TEMPORARY CONSTRUCTION LEASE AREA
LAND DESCRIPTION

WP7198

Thence North 36° 19' 51" West 77.61 feet;

Thence North 38° 16' 56" West 74.19 feet;

Thence North 31° 30' 11" West 77.02 feet;

Thence North 28 °45' 21" West 81.51 feet;

Thence North 37° 06' 29" West 14.29 feet;

Thence North 42° 05' 39" West 48.45 feet;

Thence North 57° 56 '59" West 9.37 feet;

Thence South 83° 26' 39" West 24.04 feet;

Thence South 45° 32' 19" West 6.35 feet to the easterly line of said Lands of Sonoma-Marín Area Rail Transit District (SMART);

Thence North 32° 26' 55" West 19.37 feet the **True Point of Beginning**;

The basis of bearing for this description is West line of the Lands of Sonoma-Marín Area Rail Transit District (SMART), taken as North 32° 26' 55" West as shown upon that certain Parcel Map entitled "Record of Survey, Lot Line Adjustment of Lot line between Parcels 2 and 3 per Parcel Map 16 p.m. 67 Lands of Novato Center", filed for record June 22, 1982 in Book 17 of Surveys, at Page 76, records of said county.

The distances contained herein are grid distances to obtain ground level distances multiply by 1.0000538872.

Containing 22,654 Sq Ft More or less

END OF DESCRIPTION



DATE 01/08/2007

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Expires 12/31/08

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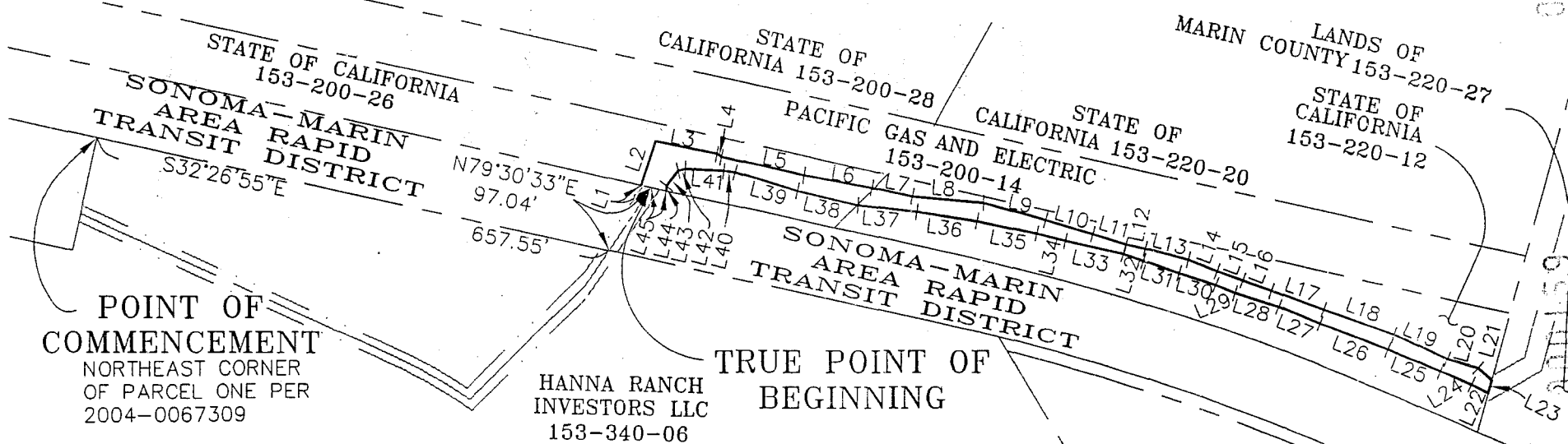
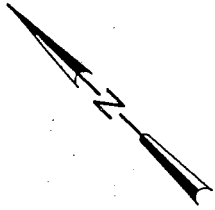
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LINE TABLE

L1	13.12'	N32°26'55"W	L16	38.28'	S24°50'07"E	L31	47.64'	N25°51'06"W
L2	57.94'	N63°44'52"E	L17	69.72'	S24°46'10"E	L32	26.58'	N25°46'55"W
L3	78.51'	S33°25'12"E	L18	93.54'	S24°38'31"E	L33	75.49'	N32°09'46"W
L4	7.11'	S10°30'10"E	L19	73.20'	S20°03'59"E	L34	37.50'	N30°54'00"W
L5	106.02'	S32°27'05"E	L20	39.88'	S29°16'47"E	L35	77.52'	N33°01'30"W
L6	86.10'	S34°54'40"E	L21	23.09'	S03°50'35"E	L36	77.61'	N36°19'51"W
L7	51.87'	S32°49'38"E	L22	16.64'	S60°46'46"W	L37	74.19'	N38°16'56"W
L8	90.64'	S39°56'25"E	L23	23.60'	N17°55'57"W	L38	77.02'	N31°30'11"W
L9	81.65'	S29°12'41"E	L24	42.03'	N22°38'40"W	L39	81.51'	N28°45'21"W
L10	62.22'	S28°42'36"E	L25	71.34'	N22°36'30"W	L40	14.29'	N37°06'29"W
L11	43.89'	S27°21'34"E	L26	90.63'	N23°36'19"W	L41	48.45'	N42°05'39"W
L12	25.13'	S32°20'31"E	L27	56.05'	N21°27'13"W	L42	9.37'	N57°56'59"W
L13	55.90'	S29°57'13"E	L28	57.51'	N27°38'44"W	L43	24.04'	S83°26'39"W
L14	38.94'	S23°50'43"E	L29	26.20'	N21°50'33"W	L44	6.35'	S45°32'19"W
L15	34.05'	S24°54'37"E	L30	48.16'	N26°58'13"W	L45	19.37'	N32°26'55"W



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PLAT FOR REFERENCE ONLY

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