

MINUTE ITEM

This Calendar Item No. 30
was approved as Minute Item
No. 30 by the State Lands
Commission by a vote of 9
to 0 at its 4/24/80
meeting.

CALENDAR ITEM

30.

4/80
WP 3265
Louie

RENEWAL AND AMENDMENT

APPLICANT: Shell Oil Company
P. O. Box 4848
Anaheim, California 92803
Attn: Real Estate Department

AREA, TYPE LAND AND LOCATION:
0.115 acre of tide and submerged land,
Sunset Bay, Orange County.

LAND USE: Marine fueling facility.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from April 1,
1965.

Renewal options: 3 successive periods
of 10 years each.

Surety bond: \$1,000.

Consideration: \$662 per annum.

Special: Lessee is authorized
to sublease to any operators
under contract to the
Lessee during the life
of the lease, subject
to advance written notice
to the State Lands Commission
of each sublet, and provided
that Lessee continues
to assume all obligations
of the lease.

TERMS OF PROPOSED AMENDED LEASE DURING FIRST RENEWAL PERIOD:

Initial period: 10 years from April 1,
1980.

A 73

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Renewal options: 2 successive periods
of 10 years each.

Public liability insurance: Combined single
limit coverage of \$1,000,000.

Special: 1. The amendment increases
rental, adds insurance
coverage, and brings
the provisions for monetary
consideration and standard
covenants into conformance
with current regulations
and policies.
2. All other terms and
conditions of the lease
remain in full force
and effect.

CONSIDERATION: \$.01 per gallon of fuel sold during the
yearly reporting period to a maximum of
100,000 gallons, and \$.015 per gallon for
each additional gallon sold thereafter.
The minimum annual rental is \$3,600. The
State reserves the right to fix a different
rental on each fifth anniversary of the
lease.

BASIS FOR CONSIDERATION:
Volumetric (gallonage) rental pursuant
to 2 Cal. Adm. Code 2005 and 2006.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 & 2.
B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:
1. An EIR is not required. This transaction
is within the purview of 2 Cal. Adm.
Code 2907, Class 1(B), which exempts
an existing structure or facility that
is in an acceptable state of repair
and there is no evidence of record
to show injury to adjacent property,
shoreline erosion, or other types of
environmental degradation.

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2. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B, which authorizes Limited Use.
3. Staff has coordinated this project with those agencies and organizations which nominated the site as containing significant environmental values. They have found this project to be compatible with their nomination.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE AMENDMENT AND RENEWAL OF THE LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE APPROVAL OF THE AMENDMENT AND 10-YEAR RENEWAL OF COMMERCIAL LEASE PRC 3265.1 TO SHELL OIL COMPANY FROM APRIL 1, 1980, WITH LESSEE'S OPTION TO RENEW FOR 2 SUCCESSIVE PERIODS OF 10 YEARS EACH; IN CONSIDERATION OF \$.01 PER GALLON OF FUEL SOLD YEARLY UP TO A MAXIMUM OF 100,000 GALLONS, AND \$.015 PER GALLON FOR EACH ADDITIONAL GALLON SOLD THEREAFTER, WITH A MINIMUM ANNUAL RENT IN THE AMOUNT OF \$3600, AND WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$1,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR CONTINUED OPERATION OF A MARINE FUELING STATION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

A parcel of submerged land in Sunset Bay, Orange County, State of California, situate adjacent to tide land location No. 141 and being further described as follows:

Beginning at the terminal point of the last course recited in that boundary line agreement between the State of California and the Lincoln Fidelity Corporation, said agreement being on file with the State Lands Commission as "Boundary Line Agreement No. 46", said last course having a bearing of N. $52^{\circ} 45' 00''$ W. and a length of 850.25 feet; thence from said point of beginning proceeding into Sunset Bay N. $37^{\circ} 15'$ E. 50 feet, S. $52^{\circ} 45'$ E. 100 feet; thence S. $37^{\circ} 15'$ W. 50 feet to the aforementioned agreed boundary line; thence along said line N. $52^{\circ} 45'$ W. 100 feet to the point of beginning; containing 0.115 acre more or less.

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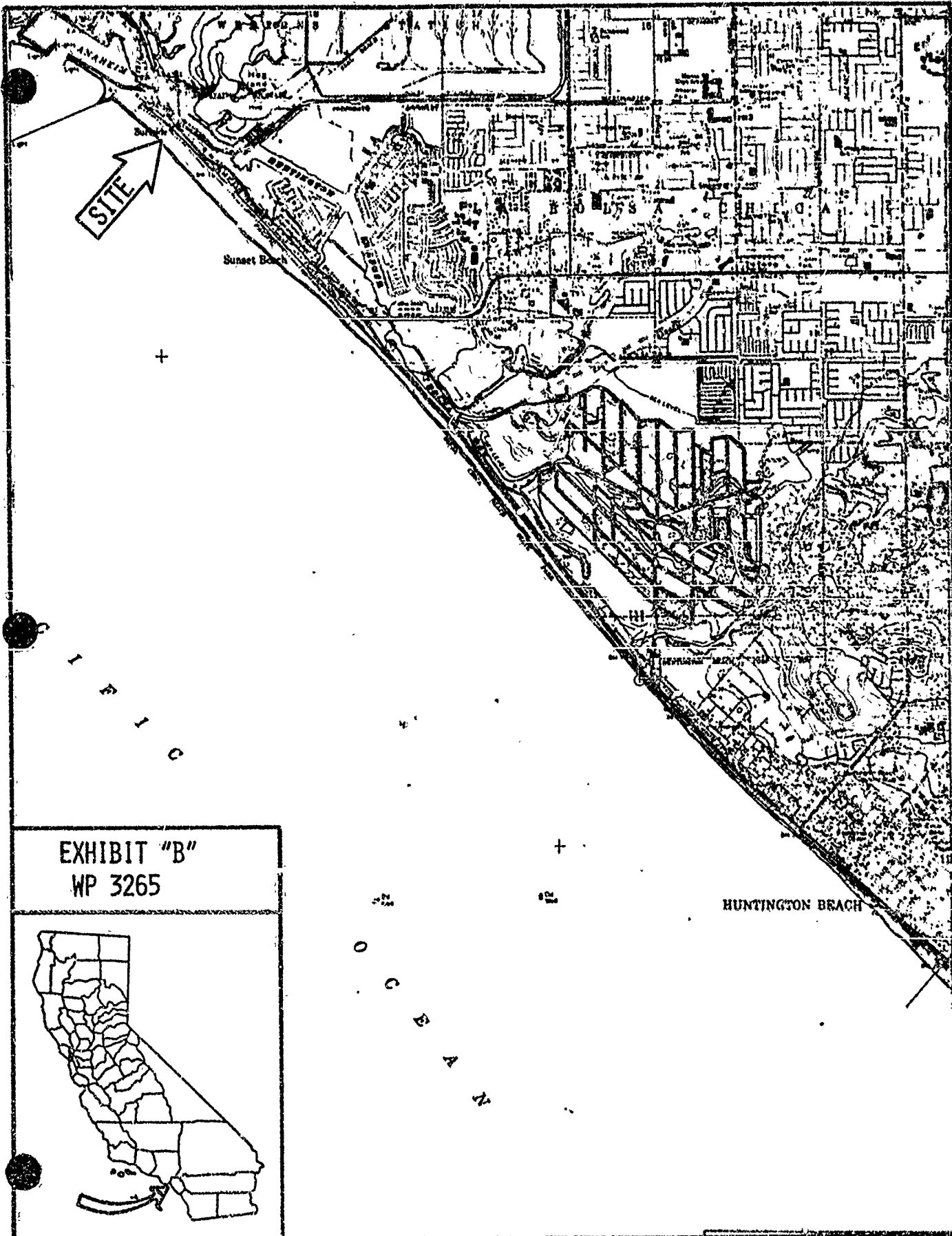


EXHIBIT "B"
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