

MINUTE ITEM

This Calendar Item No. 23
was approved as Minute Item
No. 23 by the State Lands
Commission by a vote of 3
to 0 at its 6/81
meeting.

CALENDAR ITEM

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6/81
WP 3124
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PRC: 3124.

REPLACEMENT GENERAL LEASE
INDUSTRIAL USE

APPLICANT: Pacific Gas and Electric Company
5555 Florin - Perkins Road
Sacramento, California 95826
Attn: Mr. Scott Brown

AREA, TYPE LAND AND LOCATION:
0.623-acre parcel of tide and submerged
land, San Joaquin River, two and one-half
miles east of Antioch, Contra Costa County.

LAND USE: Barge dock, six 7-pile dolphins, walkway,
and a 12-inch diameter standby oil pipeline.

TERMS OF ORIGINAL LEASE:
Initial period: 15 years from April 29,
1964.

Renewal options: 3 successive periods
of 10 years each.

TERMS OF PROPOSED REPLACEMENT LEASE:
Initial period: 30 years from April 29,
1979.

Public liability insurance: \$5,000,000
umbrella coverage including
property damage.

CONSIDERATION: \$1495.20 per annum, with the State reserving
the right to fix a different rental on
each fifth anniversary of the lease, and
provision for volumetric rental in the
event that the existing 12-inch diameter
standby oil line is again used for the
conveyance of petroleum products.

BASIS FOR CONSIDERATION:
8% of appraised value.

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CALENDAR ITEM NO. 23 (CONTD)

PREREQUISITE TERMS, FEES AND EXPENSES:

Applicant is owner of upland.

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3;
Title 14, Div. 6.

AB 884 DEADLINE:

N/A.

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.
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.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

3. This transaction provides for the termination of existing Lease PRC 3124.1, signed on June 8, 1964, and replacement thereof by new Lease PRC 3124.1, effective April 29, 1979; the new lease reflects the Commission's current leasing policies.
4. The facilities of the lease property are not currently used for the conveyance of petroleum products. A new, upland pipeline supplies the oil needs of

Pacific Gas and Electric Company, and the existing 12-inch diameter line on State land now serves as a standby facility in case the upland pipeline should fail or require shutdown. In the event that the pipeline on State property is again used for oil transport purposes, the lease provides that volumetric rental shall apply according to Commission regulations in effect at that time.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE REPLACEMENT LEASE WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE P.R.C.
3. AUTHORIZE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 30-YEAR REPLACEMENT, GENERAL LEASE - INDUSTRIAL USE, FROM APRIL 29, 1979; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$1,495.20, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; WITH PROVISION FOR VOLUMETRIC RENTAL IN THE EVENT THAT THE EXISTING 12-INCH DIAMETER STANDBY OIL LINE IS AGAIN USED FOR THE CONVEYANCE OF PETROLEUM PRODUCTS; PROVISION OF PUBLIC LIABILITY INSURANCE IN AMOUNT OF \$5,000,000 UMBRELLA COVERAGE PROPERTY DAMAGE FOR A BARGE DOCK, SIX 7-PILE DOLPHINS, WALKWAY, AND A 12-INCH DIAMETER STANDBY OIL PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 3124

A parcel of tide and submerged land in the San Joaquin River approximately two and one-half miles east of the City of Antioch, Contra Costa County, California, more particularly described as follows:

BEGINNING at a point in the northwesterly boundary line of the 15.172 acre parcel of land described and designated as "Parcel 2" in the deed from American Securities Company to Pacific Gas and Electric Company, dated September 28, 1948, and recorded in the office of the County Recorder of said Contra Costa County in Book 1304 of Official Records at page 308, from which the north-easterly terminus of the course in the boundary line of said 15.172 acre parcel of land which has a bearing of S 67°18'00"W and a length of 693.71 feet bears N 67°18'00"E 72.50 feet distant; thence along the following eight courses:

1. N 13°23'00"W 239.10 feet;
2. N 76°37'00"E 74.00 feet;
3. N 13°23'00"W 60.00 feet;
4. S 76°37'00"W 208.00 feet;
5. S 13°23'00"E 60.00 feet;
6. N 76°37'00"E 74.00 feet;
7. S 13°23'00"E 248.90 feet to a point on the north-westerly boundary of said 15.172 acre parcel of land;
8. N 67°18'00"E along last-mentioned boundary line 60.80 feet to the true point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said San Joaquin River.

END OF DESCRIPTION

REVIEWED JUNE 12, 1980 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

(Added, 6/18/81)

CALENDAR PAGE	117
MINUTE PAGE	1367

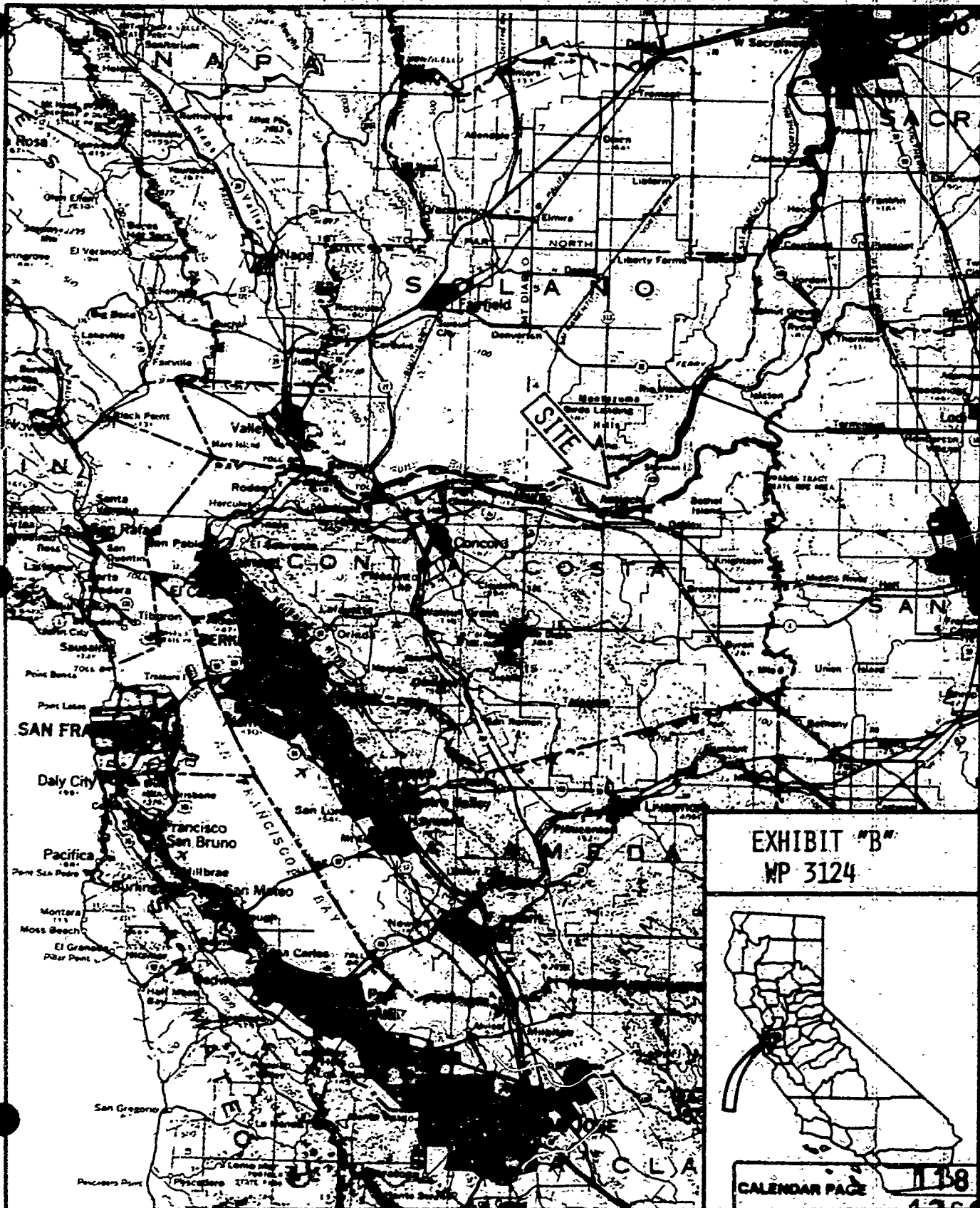


EXHIBIT "B"
 WP 3124



CALENDAR PAGE	138
MINUTE PAGE	1366

(Added, 6/18/81)