

12. INDUSTRIAL EASEMENT, MALLARD SLOUGH, SANTA CLARA COUNTY; LESLIE SALT CO. -
W.O. 1246, P.R.C. 3973.1.

After consideration of Calendar Item 31 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION RESCINDS THE RESOLUTION IN MINUTE ITEM 4 (PAGE 1553) OF MAY 26, 1952, AND AUTHORIZES THE ISSUANCE TO LESLIE SALT CO. OF A 25-YEAR LEASE WITH A RETROACTIVE BEGINNING DATE OF MAY 26, 1952, AT A TOTAL RENTAL OF \$248.25 FOR THE PERIOD FROM MAY 26, 1952, TO MAY 25, 1967; THENCE AT AN ANNUAL RENTAL OF \$63.00, COMMENCING MAY 26, 1967, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, WITH LESSEE'S RIGHT TO RENEW FOR TWO ADDITIONAL PERIODS OF TEN YEARS EACH UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE STATE MIGHT IMPOSE.

Attachment

Calendar Item 31 (2 pages)

31.

INDUSTRIAL EASEMENT

APPLICANT: Leslie Salt Co.

LOCATION: Mallard Slough, Santa Clara County

PROPOSED USE: Right-of-way for brine pipeline

TERMS: Initial period: 25 years, from May 26, 1952
Renewal options: 2 additional periods of 10 years each

CONSIDERATION: \$248.25 total for 15-year period from May 26, 1952, to May 25, 1967; thence \$63.00 per annum, commencing May 26, 1967

BASIS FOR CONSIDERATION:
.063% of appraised value of land

PREREQUISITE ITEMS:

U.S.A. Corps of Engineers navigational permit issued
Applicant is owner of upland

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Pt. 2, Ch. 1, Secs. 6501-6509
- b. Administrative Code: Title 2, Div. 3, Secs. 2000-2011
- c. Commission policy: Minute Item 18 of November 18, 1959

OTHER PERTINENT INFORMATION:

The State Lands Commission approved the application on May 26, 1952 (Minute Item 4, page 1553). However, the lease was never executed due to title problems, which were resolved with the recent title clarification with Leslie Salt Co. when title was confirmed to the State. The proposed rental, based on the appraised value of the land, was agreed upon with the applicant in 1967 prior to the adoption of the one-cent-per-lineal-foot formula for pipelines.

EXHIBITS: A. Legal description B. Location map

IT IS RECOMMENDED THAT THE COMMISSION RESCIND THE RESOLUTION IN MINUTE ITEM 4 (PAGE 1553) OF MAY 26, 1952, AND AUTHORIZE THE ISSUANCE TO LESLIE SALT CO. OF A 25-YEAR LEASE WITH A RETROACTIVE BEGINNING DATE OF MAY 26, 1952, AT A TOTAL RENTAL OF \$248.25 FOR THE PERIOD FROM MAY 26, 1952, TO MAY 25, 1967; THENCE AT AN ANNUAL RENTAL OF \$63.00, COMMENCING MAY 26, 1967, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, WITH LESSEE'S RIGHT TO RENEW FOR TWO ADDITIONAL PERIODS OF TEN YEARS EACH UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE STATE MIGHT IMPOSE.

Attachment: Exhibit "A"

EXHIBIT "A"

COMMENCING at a concrete monument (Leslie Salt Monument 91), described as bearing North $89^{\circ} 34'$ East and distant 879.5 feet from the quarter section corner common to Sections 28 and 33; Township 5 South, Range 1 West, Mount Diablo Base and Meridian in that certain Quiet Title Suit No. 114,249, recorded in Volume 2860 at page 1, of the Official Records of the County of Alameda, and proceeding thence South $86^{\circ} 29' 08''$ East, 2344.6 feet to a point on the south bank of Coyote Slough, said point being hereinafter referred to as point "A"; thence in a general southerly direction from point "A" along the east bank of Mallard Slough the following 17 courses and distances: South $80^{\circ} 29' 34''$ East, 316.8 feet; South $87^{\circ} 19' 48''$ East, 193.2 feet; South $77^{\circ} 31' 03''$ East, 134.2 feet; South $68^{\circ} 08' 09''$ East, 169.2 feet; South $35^{\circ} 21' 27''$ East, 295.5 feet; South $2^{\circ} 34' 45''$ East, 222.2 feet; South $44^{\circ} 05' 27''$ West, 44.6 feet; South $24^{\circ} 57' 46''$ West, 191.9 feet; South $43^{\circ} 14' 35''$ West, 115.3 feet; South $62^{\circ} 19' 45''$ West, 136.4 feet; North $89^{\circ} 20' 57''$ West, 88.0 feet; South $48^{\circ} 10' 47''$ West, 204.0 feet; South $61^{\circ} 59' 05''$ West, 530.1 feet; South $43^{\circ} 46' 52''$ West, 99.7 feet; South $12^{\circ} 17' 18''$ West, 206.7 feet; South $6^{\circ} 31' 40''$ East, 202.3 feet; South $1^{\circ} 00' 40''$ East, 29.73 feet to the TRUE POINT OF BEGINNING of the parcel herein described; thence along the east bank of Mallard Slough South $1^{\circ} 00' 40''$ East, 20.37 feet and south $2^{\circ} 22' 40''$ West, 80.22 feet; thence crossing Mallard Slough North $82^{\circ} 15' 19''$ West, 220.27 feet; to a point on the west bank of said slough; thence along the west bank North $3^{\circ} 24' 25''$ East, 100.28 feet; thence again crossing Mallard Slough South $82^{\circ} 15' 19''$ East, 217.22 feet to the true point of beginning and containing 0.50 acre more or less.

All bearings except record bearing (N $89^{\circ} 34'$ E) based on California Zone III Coordinate System.