

MINUTE ITEM

4/23/70
EWC

31. AUTHORIZATION FOR REPLACEMENT OF LEASE P.R.C. 2339.1, COVERING TIDE AND SUBMERGED LANDS OF THE SACRAMENTO RIVER, CONTRA COSTA COUNTY; PACIFIC GAS AND ELECTRIC COMPANY - W-8727, P.R.C. 4444.1.

After consideration of Calendar Item 32 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 15-YEAR LEASE, EFFECTIVE JUNE 21, 1970, COVERING LANDS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF, REPLACING P.R.C. 2339.1, ON THE FOLLOWING TERMS AND CONDITIONS:

1. THE ANNUAL RENTAL DURING THE FIRST FIVE-YEAR PERIOD WILL BE \$24,240.00.
2. THE STATE RESERVES THE RIGHT TO REVIEW AND RESET THE RENTAL AT FIVE-YEAR INTERVALS.
3. PACIFIC GAS AND ELECTRIC COMPANY HAS THE RIGHT TO RENEW THE LEASE FOR TWO ADDITIONAL PERIODS OF 15 YEARS EACH UPON SUCH REASONABLE TERMS AND CONDITIONS AS THE STATE MIGHT IMPOSE.
4. THE LAND LEASED SHALL BE USED FOR OPERATION OF AN EXISTING OIL UNLOADING DOCK, INTAKE AND EXHAUST FACILITIES; THE CONSTRUCTION AND UTILIZATION OF PORTIONS OF A PROPOSED INTAKE AND CONDENSER COOLING WATER SYSTEM AND ANCILLARY FACILITIES RELATED TO THEIR PROTECTION AND MAINTENANCE, FOR THE OPERATION OF AN ELECTRIC POWER PLANT.
5. ANY NEW CONSTRUCTION WILL BE CONTINGENT UPON THE LESSEE OBTAINING ALL LOCAL, STATE, AND FEDERAL PERMITS.

Attachment:

Calendar Item 32 (3 pages)

REPLACEMENT OF LEASE P.R.C. 2339.1, COVERING TIDE AND SUBMERGED LANDS OF THE SACRAMENTO RIVER, CONTRA COSTA COUNTY; PACIFIC GAS AND ELECTRIC COMPANY - W-8727.

Lease No. P.R.C. 2339.1, issued on June 21, 1959, to Pacific Gas and Electric Company, covered State-claimed land waterward of a Rancho line, and allowed the Company to operate and maintain an oil unloading dock appurtenant to its Pittsburg generating plant. A boundary line agreement has relocated the State's property line inland from the Rancho line. Now portions of the Company's existing intake and discharge facilities, as well as those proposed for their 750 megawatt unit being built, occupy State lands. By virtue of the boundary line agreement, the lease area has expanded from 95.72 to 120.01 acres.

The existing lease will expire on June 20, 1970. The Company has requested that the lease replacement be consummated early so that requisite permits for the new work can be obtained without holding up construction, now under way, of the new facilities. The new unit will require an intake, a discharge, and a discharge deflector to occupy State lands. The Company is applying for these permits concurrently.

This lease is to be conditional upon the lessor obtaining, prior to any new construction, all required state, local, and federal permits. The lease proposed will be for a period of 15 years, with two renewal options of 15 years each. The annual rental, based on 6% of the appraised value of the leased land, will be \$24,240.00 for the first five years. The State reserves the right to review and reset the consideration on each succeeding fifth anniversary.

EXHIBITS: A. Land description. B. Location map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO PACIFIC GAS AND ELECTRIC COMPANY OF A 15-YEAR LEASE, EFFECTIVE JUNE 21, 1970, COVERING LANDS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF, REPLACING P.R.C. 2339.1 ON THE FOLLOWING TERMS AND CONDITIONS:

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5. ANY NEW CONSTRUCTION WILL BE CONTINGENT UPON THE LESSEE OBTAINING ALL LOCAL, STATE, AND FEDERAL PERMITS.

Attachment: Exhibit "A"

EXHIBIT "A"

A parcel of tide and submerged land in the Sacramento River, vicinity of Pittsburg, Contra Costa County, California, more particularly described as follows:

BEGINNING at Sta. 6 of the official boundary line agreement between the lands of P.G. & E. and the State of California recorded in Book 19, page 3 of Licensed Land Surveys, Contra Costa County records; thence from said point of beginning N. 17° 37' 58" E. along the west boundary line of Montezuma Avenue 321.06 feet; thence

N. 89° 47' 58" E., 21.03 feet; thence
 N. 17° 37' 58" E., 255.62 feet; thence
 N. 48° 07' 02" W., 270.59 feet; thence
 N. 56° 07' 02" W., 959.70 feet; thence
 N. 70° 07' 02" W., 299.91 feet; thence
 S. 80° 52' 58" W., 1,699.47 feet; thence
 S. 71° 52' 58" W., 1,529.52 feet; thence
 S. 78° 52' 58" W., 570.74 feet; thence
 S. 12° 20' 28" W., 911.46 feet to Sta. 1 of the
 above said boundary line agreement; thence along
 above said boundary line agreement.

N. 87° 35' E. 1,686.48 feet; thence
 N. 70° 38' 27" E., 1,113.75 feet; thence
 N. 72° 16' 57" E., 527.03 feet; thence
 S. 88° 52' 32" E., 1,100.85 feet; thence
 S. 72° 22' 01" E., 663.78 feet to the point of
 beginning, containing 120.01 acres.

Bearings and distances in the above description are based on the California Coordinate System, Zone III and the Zone III coordinates for the point of beginning are X = 1,600,808.10 and Y = 563,992.36.