

MINUTE ITEM

6/28/73
RJS

13. AMENDMENT OF INDUSTRIAL LEASE PR. 791.1, TIDE AND SUBMERGED LAND AT CARLSBAD, SAN DIEGO COUNTY; SAN DIEGO GAS AND ELECTRIC COMPANY - W 20335, PRC 791.1.

After consideration of Calendar Item 12 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 107 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AN AMENDMENT TO THE INDUSTRIAL LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZES THE ISSUANCE TO SAN DIEGO GAS AND ELECTRIC COMPANY OF AN AMENDMENT TO LEASE PRC 791.1 THAT WILL EXTEND THE TERM FOR AN ADDITIONAL 30-YEAR PERIOD FROM MARCH 24, 1972, IN CONSIDERATION OF A NEW ANNUAL RENT IN THE AMOUNT OF \$13,662.00, WITH THE STATE RESERVING THE RIGHT TO RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY; PROVISION OF A \$50,000 SURETY BOND, PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$600,000 SINGLE LIMIT FOR PERSONAL INJURY AND \$5,000,000 FOR PROPERTY DAMAGE, FOR OPERATION AND MAINTENANCE OF A MARINE TANKER TERMINAL AND SUBMARINE PIPELINE ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; SAID LEASE TO BE ISSUED SUBJECT TO APPLICANT OBTAINING ALL FEDERAL, STATE AND LOCAL PERMITS.

Attachment:

Calendar Item 12 (3 pages)

CALENDAR ITEM

6/73
RJS
W 20335

12.

AMENDMENT OF INDUSTRIAL LEASE PRC 791.1

APPLICANT: San Diego Gas and Electric Company.

LOCATION: A 72.54-acre parcel of tide and submerged land at Carlsbad, San Diego County.

LAND USE: A marine tanker terminal and 20" oil pipeline.

TERMS OF ORIGINAL LEASE:
Initial period: 49 years, from March 24, 1953.
Consideration: \$450 total for period of lease.

TERMS OF PROPOSED LEASE AMENDMENT:

In its original application, the company submitted plans showing the marine terminal area. However, only a pipeline right-of-way of 60' x 3,000' was brought under lease in 1953. The omission of the terminal area was discovered by State Lands Division personnel and the company was notified of the trespass on March 28, 1972. Since the tanker terminal area, not having been brought under lease, was apparently an omission of the Division, it is felt rental for the area should not be charged prior to discovery and notice to the company in March 1972. Therefore, the effective date of the amendment is set at March 24, 1972, the anniversary date of the original lease which is four days prior to the date of discovery of the trespass.

The terms in force in the original lease remain the same except the description of the pipeline right-of-way is modified to a length of 2,622.43 feet from the original 3,000 feet and an area of 72.54 acres for the tanker terminal is added; the consideration for the pipeline is unchanged as it was a lump sum payment of \$450 for the entire 49-year period of the lease but a rental of \$13,662.00 per annum is the consideration for the added marine terminal with provision for a five-year review of the rental rate; a requirement for a surety bond of \$50,000, public liability insurance of \$600,000 single limit for personal injury and \$5,000,000 for property damage has been added since there were no bond or insurance requirements in the original lease.

BASIS FOR CONSIDERATION:

6% of appraised value of land.

CALENDAR ITEM NO. 12. (CONTD)

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Division 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Division 3, Articles 1 and 2.

OTHER PERTINENT INFORMATION:

This project will require the approval of the appropriate Regional Coastal Zone Conservation Commission.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 107 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AN AMENDMENT TO THE INDUSTRIAL LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZE THE ISSUANCE TO SAN DIEGO GAS AND ELECTRIC COMPANY OF AN AMENDMENT TO LEASE PRC 791.1 THAT WILL EXTEND THE TERM FOR AN ADDITIONAL 30-YEAR PERIOD FROM MARCH 24, 1972, IN CONSIDERATION OF A NEW ANNUAL RENT IN THE AMOUNT OF \$13,662.00, WITH THE STATE RESERVING THE RIGHT TO RESET A REASONABLE RENTAL ON EACH FIFTH ANNIVERSARY; PROVISION OF A \$50,000 SURETY BOND, PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$600,000 SINGLE LIMIT FOR PERSONAL INJURY AND \$5,000,000 FOR PROPERTY DAMAGE, FOR OPERATION AND MAINTENANCE OF A MARINE TANKER TERMINAL AND SUBMARINE PIPELINE ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; SAID LEASE TO BE ISSUED SUBJECT TO APPLICANT OBTAINING ALL FEDERAL, STATE AND LOCAL PERMITS.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20335

PARCEL "A"

A strip of tide and submerged land 60.00 feet in width, extending into the Pacific Ocean, and located approximately one mile south of the City of Carlsbad, San Diego County, California, and lying 30.00 feet on each side of the following described line:

COMMENCING at Corner Number 1 of Rancho Agua Hedionda, according to Map 823, filed in the Office of the County Recorder of San Diego County, California, November 16, 1896; thence S 26° 07' 53" E, 3,450.26 feet to the centerline of the existing 60.00-foot wide pipeline right-of-way and the TRUE POINT OF BEGINNING of the centerline herein described; thence S 66° 57' 20" W, 2,622.43 feet to a point herein designated Point "A".

The side lines of the above-described strip of land, shall be extended and shortened so that said lines form a continuous strip terminating in the west in a line passing through said Point "A" with a bearing of S 32° 48' 40" E.

PARCEL "B"

A parcel of submerged land lying within the Pacific Ocean approximately one mile south of the City of Carlsbad, San Diego County, California, more particularly described as follows:

BEGINNING at the aforementioned Point "A" of Parcel "A", thence from said Point "A" the following 10 courses:

1. S 32° 48' 40" E 432.16 feet;
2. S 22° 22' 28" W 909.37 feet;
3. S 67° 45' 09" W 644.59 feet;
4. S 73° 09' 24" W 452.60 feet;
5. N 41° 00' 06" W 1099.62 feet;
6. N 00° 48' 40" W 600.00 feet;
7. N 42° 36' 15" E 1032.50 feet;
8. S 74° 46' 44" E 452.60 feet;
9. S 68° 52' 29" E 598.32 feet;
10. S 32° 48' 40" E 328.38 feet

to the point of beginning.