

MINUTE ITEM

9/27/73
ATD

6. 15-YEAR INDUSTRIAL LEASE, TIDE AND SUBMERGED LAND IN THE SAN JOAQUIN RIVER NEAR ANTIOCH IN CONTRA COSTA AND SACRAMENTO COUNTIES; FIBREBOARD CORPORATION - W 20210, PRC 4813.1.

After consideration of Calendar Item 4 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. 121 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AN INDUSTRIAL LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZES THE ISSUANCE TO FIBREBOARD CORPORATION OF A 15-YEAR INDUSTRIAL LEASE FROM JANUARY 8, 1972; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$2,932 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF \$5,000 SURETY BOND, PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 FOR PERSONAL INJURY AND \$100,000 FOR PROPERTY DAMAGE; FOR AN INDUSTRIAL WATERINTAKE PIPE-LINE, AND THREE DISCHARGE LINES AND DIFFUSER ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 4 (4 pages)

CALENDAR ITEM

9/73

ATD

4.

W 20210

INDUSTRIAL LEASE

APPLICANT: Fibreboard Corporation.

LOCATION: Three parcels totaling 11.8 acres of tide and submerged land in the San Joaquin River near Antioch in Contra Costa and Sacramento Counties.

LAND USE: Industrial, water intake pipeline and three discharge lines of 18", 26", and 36" diameter, and diffuser.

TERMS OF PROPOSED LEASE:

Initial period: 15 years, from January 8, 1972.

Renewal options: 3 additional periods of 10 years each.

Surety bond: \$5,000.

Public liability insurance:
\$300,000 for personal injury and \$100,000 for property damage.

Special: The proposed lease specifies that a study is to be made of the effects of the water intake screening operations from September 1, 1973, to August 31, 1974. The Department of Fish and Game will evaluate the results and determine if modifications of the screens are necessary.

CONSIDERATION: \$2,932 per annum, with the State reserving the right to review and reset a reasonable rental on each fifth anniversary.

BASIS FOR CONSIDERATION:

6% of appraised value of land for Parcel 3 and \$.01 per diameter inch per lineal foot for the discharge pipelines occupying Parcels 1 and 2.

PREREQUISITE TERMS:

U.S. Army Corps of Engineers permit issued.

Applicant is owner of upland.

CALENDAR ITEM NO. 4. (CONTD)

STATUTORY AND OTHER REFERENCES:

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

OTHER PERTINENT INFORMATION:

1. An environmental impact report was circulated to agencies and persons with jurisdiction and expertise. Adverse comments were received and have been incorporated and considered in the final report.
2. The chief adverse comment on the environmental impact report related to the water intake screening operation. Therefore, a special provision was made a part of the lease to enable the Department of Fish and Game to study and evaluate the screening operation. As a result of the evaluation, the Department of Fish and Game shall determine if modification of the screens is necessary.
3. This proposed lease replaces two former leases that terminated on January 7, 1972. PRC 302.1, as amended, covered two discharge lines and PRC 405.1 covered an intake pipeline. The proposed lease will add an area for extension of an additional discharge pipeline and diffuser to the area covered in the previous leases.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 121 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, AN INDUSTRIAL LEASE AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZE THE ISSUANCE TO FIBREBOARD CORPORATION OF A 15-YEAR INDUSTRIAL LEASE FROM JANUARY 8, 1972; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$2,932 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF \$5,000 SURETY BOND, PUBLIC LIABILITY INSURANCE IN AMOUNTS OF \$300,000 FOR PERSONAL INJURY AND \$100,000 FOR PROPERTY DAMAGE; FOR AN INDUSTRIAL WATER INTAKE PIPELINE, AND THREE DISCHARGE LINES AND DIFFUSER ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20210

PARCEL 1:

A strip of tide and submerged land 100 feet wide lying within the San Joaquin River, Sacramento and Contra Costa Counties, State of California, being 50 feet on each side of the following described centerline:

COMMENCING at the State Lands Commission Monument "BOARD 1947" as shown on the survey map made in January 1948 for Leland S. Rosener by J. G. Barnard, R.C.E. No. 5161, and entitled "Fibreboard Products Inc. - East Antioch - Parts of Sections 8, 9, 16 and 17, Township 2 North, Range 2 East, M.D.B. & M."; thence N 59° 32' 10" E, 462.25 feet; thence N 24° 47' 50" W, 144.76 feet to the TRUE POINT OF BEGINNING, being an intersection with that particular course and distance of N 44° 43' 15" E, 519.73 feet as shown on the Boundary Line Agreement between the State of California and Fibreboard Products, Inc., recorded April 17, 1948, in Liber 1193, page 190, office of Official Records of Contra Costa County, said intersection being 97.46 feet easterly from the western terminous of said course and distance; thence continuing N 24° 47' 50" W, 2700 feet to the end of the herein-described centerline.

PARCEL 2:

A parcel of tide and submerged land lying within the San Joaquin River in Sacramento County, State of California, more particularly described as follows:

COMMENCING at Monument 203S as shown on the land survey map of West Island by William Beinhauer filed in the office of the County Recorder of Sacramento County, California, on January 3, 1947, in Record of Surveys, Volume 5, page 24; thence S 53° 21' W, 173.04 feet; thence S 63° 52' W, 508.50 feet; thence N 25° 25' 40" W, 850.00 feet to the TRUE POINT OF BEGINNING; thence along the following 5 courses:

1. S 76° 15' W, 506.00 feet;
2. N 25° 25' 40" W, 390.23 feet;
3. N 76° 15' E, 556.00 feet;
4. S 25° 25' 40" E, 390.23 feet;
5. S 76° 15' W, 50.00 feet to the TRUE POINT OF BEGINNING.

PARCEL 3:

A strip of tide and submerged land 100 feet wide, lying within the San Joaquin River in Contra Costa County, State of California, being 50 feet on each side of the following described centerline:

COMMENCING at the State Lands Commission Monument "BOARD 1947" as shown on the survey map made in January 1948 for Leland S. Rosener by J. G. Barnard, R.C.E. No. 5161, and entitled "Fibreboard Products Inc. - Eas. Antioch - Parts of Sections 8, 9, 16 and 17, Township 2 North, Range 2 East, M.D.B. & M."; thence N 59° 32' 10" E, 462.25 feet; thence N 24° 47' 50" W, 144.76 feet to a point of intersection with that particular course and distance of N 44° 43' 15" E, 519.73 feet as shown on the Boundary Line Agreement between the State of California and Fibreboard Products, Inc., recorded April 17, 1948, in Liber 1193, page 190, office of Official Records of Contra Costa County; said intersection being 97.46 feet easterly from the western terminous of said course and distance; thence along the line described in said Boundary Line Agreement N 44° 43' 15" E, 186.73 feet to the TRUE POINT OF BEGINNING; thence leaving said boundary line N 24° 20' W, 275 feet to the end of the herein-described centerline.

EXCEPTING from Parcels 1, 2 and 3 any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION