

MINUTE ITEM

9/27/73
EWC

8. AMENDMENT OF LEASE PRC 1546.1, TIDE AND SUBMERGED LAND IN THE SAN JOAQUIN RIVER, NEAR ANTIOCH, CONTRA COSTA COUNTY; CROWN ZELLERBACH CORPORATION - WP 1546, PRC 1546.1.

After consideration of Calendar Item 6 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO CROWN ZELLERBACH CORPORATION OF AN AMENDMENT TO LEASE PRC 1546.1 WHICH WILL CHANGE THE LEGAL DESCRIPTION TO THAT SHOWN IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, WITH ALL OTHER TERMS AND CONDITIONS TO REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT; AND AMEND THE COMMISSION'S AUTHORIZATION OF JULY 26, 1971, MINUTE ITEM NO. 11, PAGE 450, TO DELETE THE FIVE-YEAR RENTAL REVIEW PROVISION.

Attachment:

Calendar Item 6 (3 pages)

CALENDAR ITEM

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6.

AMENDMENT OF LEASE PRC 1546.1

APPLICANT: Crown Zellerbach Corporation.

LOCATION: An 11.838-acre parcel of tide and submerged land in the San Joaquin River, near Antioch, Contra Costa County.

LAND USE: An industrial dock, outfall and dolphins.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years, from August 9, 1955.

Renewal options: 2 additional periods of 10 years each.

Surety bond: \$25,000.

Public liability insurance (added by amendment in 1971):
\$500,000/\$1,000,000 for personal injury
and \$100,000 for property damage.

CONSIDERATION (increased by amendment in 1971):
\$14,805 per annum.

TERMS OF PROPOSED AMENDMENT:

The terms of the lease will remain the same except for the revision of the legal description to accommodate the outfall extension.

PREREQUISITE TERMS:

U.S. Army Corps of Engineers permit issued.

Applicant is owner of upland.

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. Due to State Water Resources Control Board Order No. 71-14, the applicant was required to extend its existing outfall line and add a diffuser. The additional line will protrude slightly beyond the present lease area, and the legal description is being altered to accommodate it.

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2. The change is not of a magnitude or type that warrants an increase in rental. An environmental impact report is not required pursuant to an opinion by the office of the Attorney General.
3. The rental for the first renewal in 1971 was calculated and negotiated on the basis of a 10-year rental review period, not a 5-year period as mistakenly reported by the Calendar Item and authorized by the Minute Item (Calendar Item #6, July 26, 1971, page 451; and Minute Item #11, page 450, July 26, 1971). This is being corrected by the present Calendar Item by deletion of the 5-year provision. The rental review will then automatically occur at the next 10-year renewal.

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

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO CROWN ZELLERBACH CORPORATION OF AN AMENDMENT TO LEASE PRC 1546.1 WHICH WILL CHANGE THE LEGAL DESCRIPTION TO THAT SHOWN IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, WITH ALL OTHER TERMS AND CONDITIONS TO REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT; AND AMEND THE COMMISSION'S AUTHORIZATION OF JULY 26, 1971, MINUTE ITEM NO. 11, PAGE 450, TO DELETE THE FIVE-YEAR RENTAL REVIEW PROVISION.

Attachment: Exhibit "A"

EXHIBIT "A"

WP 1546

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

BEGINNING at a point on the southerly bank of the San Joaquin River, said point being the westerly terminous of that certain boundary line agreement recorded in Liber 1193, page 189, Official Records, Contra Costa County, from which the corner common to Sections 16, 17, 20 and 21, T 2 N, R 2 E, MDM, bears S 45° 20' 53" E, 1,835.72 feet; thence along the following 31 courses:

1. S 58° 06' 15" W, 4.09 feet;
2. S 75° 25' 00" W, 78.48 feet;
3. S 42° 57' 46" W, 179.01 feet;
4. S 54° 54' 46" W, 295.74 feet;
5. S 60° 35' 34" W, 63.13 feet;
6. S 77° 54' 19" W, 42.95 feet;
7. N 84° 41' 08" W, 43.19 feet;
8. N 46° 25' 56" W, 56.59 feet;
9. N 77° 09' 51" W, 81.02 feet;
10. N 35° 04' 25" W, 57.43 feet;
11. N 72° 53' 50" W, 54.51 feet;
12. S 73° 33' 34" W, 63.60 feet;
13. S 51° 48' 51" W, 113.23 feet;
14. S 76° 40' 32" W, 156.20 feet;
15. N 69° 26' 38" W, 76.90 feet;
16. S 74° 57' 13" W, 28.68 feet;
17. N 01° 06' 16" E, 270.00 feet;
18. S 88° 53' 42" E, 33.27 feet;
19. N 17° 05' 24" W, 191.89 feet;
20. N 72° 54' 36" E, 10.00 feet;
21. S 17° 05' 24" E, 195.17 feet;
22. S 88° 53' 42" E, 182.63 feet;
23. N 41° 05' 19" E, 60.86 feet;
24. N 18° 41' 01" W, 70.00 feet;
25. N 71° 18' 59" E, 210.00 feet;
26. N 18° 41' 01" W, 80.00 feet;
27. N 71° 18' 59" E, 560.00 feet;
28. S 18° 41' 01" E, 80.00 feet;
29. N 71° 18' 59" E, 205.23 feet;
30. S 18° 41' 01" E, 70.00 feet;
31. S 01° 05' 01" W, 280.56 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION

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