

MINUTE ITEM

This Calendar Item No. 14
was approved as Minute Item
No. 14 by the State Lands
Commission by a vote of 3
to 0 at its 2/23/81
meeting.

CALENDAR ITEM

14

7/81
WP 2757
Maricle

AMENDMENT -- INDUSTRIAL LEASE

APPLICANT: TOSCO Corporation
10100 Santa Monica Blvd.
Los Angeles, California 90067
Attn: Mr. B. R. Swanson,
Transportation Manager

AREA, TYPE LAND AND LOCATION:
4.75 acres, tide and submerged land,
Pittsburg, New York Slough, Contra Costa
County.

LAND USE: Wharf, dolphins, walkways, pilings, and
moorage.

TERMS OF ORIGINAL LEASE:

Initial period: 15 years from July 19,
1960.

Renewal options: Two successive periods
of ten years each.

Surety bond: \$30,000.

Consideration: \$2,700.96 per annum.

TERMS OF PRESENT LEASE AS RENEWED AND AMENDED:

Initial period: 10 years from July 19,
1975.

Surety bond: \$50,000.

Public liability insurance: \$2,000,000
single limit coverage
per occurrence for bodily
injury and property damage.

Consideration: \$9,266.40 per annum.

TERMS OF PROPOSED AMENDMENT:

Add 166 days to Lease, and commencing in
1982, agree that each lease year shall
henceforth begin on January 1 and shall
end at the close of December 31.

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CALENDAR ITEM NO. 14 (CONTD)

Consideration: Volumetric rental of \$0.025 per long ton for coke and similar bulk products crossing State land with \$10,000 as the minimum annual rent.

Volumetric rentals in excess of the minimum annual rental to be impounded and placed in a special interest bearing account, pending the outcome of existing litigation concerning the validity of volumetric rental regulations.

All other terms and conditions of Lease PRC 2757.1 to remain in full force and affect.

BASIS FOR CONSIDERATION:

Volumetric rental pursuant to 2 Cal. Adm. Code 2005 & 2006; negotiated minimum rent.

PREREQUISITE TERMS, FEES AND EXPENSES:

Required fees have been paid and the applicant is the owner of adjacent uplands except for a small parcel owned by Johns-Manville Incorporated.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2; Div. 13; Div. 20.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. This amendment of Lease PRC 2757.1 is necessary to allow for relocation of the applicant's moorage facilities and replacing them with new structures. The relocation is made necessary because the existing facilities are partially on TOSCO land that is being condemned by the Pittsburgh Redevelopment Agency. The new structures will be located apart from the condemnation parcel and will include a mooring dolphin, a breasting dolphin, and a walkway; the present wharf will not be changed.

CALENDAR ITEM NO. 14 (CONT'D)

2. The existing moorage facilities and the proposed facilities both traverse sovereign land adjacent to Johns-Manville property; Johns-Manville has not registered any objection of this project with the State.

The lessee uses the leased premises to export coke and other residues from lessee's Avon refinery. This material would be burned, but for air quality standards, and is sold instead to foreign purchasers while there is a market for such products.

3. This project is exempt from CEQA under the provisions of 14 Cal. Adm. Code Section 15103.
4. This project is situated on State land not identified as possessing significant environmental values pursuant to P.R.C. 6370.1. However, the State Lands Commission has stated all waterways under the Commission's jurisdiction have environmental significance. Staff finds this project to be compatible with Commission policy. The staff has contacted other public agencies having jurisdiction, and none has objected to this work.

APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers.

EXHIBITS:

A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT THIS PROJECT IS SITUATED ON LAND IDENTIFIED AS POSSESSING ENVIRONMENTAL VALUES IN THAT THE STATE.

LANDS COMMISSION FOUND ALL WATERWAYS UNDER THE COMMISSION'S JURISDICTION HAVE ENVIRONMENTAL SIGNIFICANCE, BUT THAT THIS PROJECT IS COMPATIBLE WITH THAT FINDING AS IT APPLIES TO THE SUBJECT LAND.

3. AUTHORIZE ISSUANCE TO TOSCO CORPORATION OF AN AMENDMENT OF LEASE PRC 2757.1 FROM JULY 19, 1981; IN CONSIDERATION OF ANNUAL VOLUMETRIC RENTAL, EFFECTIVE JULY 19, 1981, IN THE AMOUNT OF \$0.025 PER LONG TON OF 2,240 POUNDS WITH A BASE RENT OF \$10,000 PER ANNUM, WHICHEVER IS GREATER; ADDITION OF 166 DAYS TO SAID LEASE, AND AGREEMENT THAT EACH LEASE YEAR HEREAFTER, EFFECTIVE CALENDAR 1982, SHALL BEGIN ON JANUARY 1, AND SHALL END AT THE CLOSE OF DECEMBER 31; PROVISION IN THE LEASE FOR THE IMPOUNDING OF VOLUMETRIC RENTAL IN EXCESS OF THE MINIMUM ANNUAL RENTAL PENDING THE OUTCOME OF EXISTING LITIGATION CONCERNING THE VALIDITY OF THE COMMISSION'S VOLUMETRIC REGULATIONS WITH ALL OTHER TERMS OF LEASE PRC 2757.1 TO REMAIN IN EFFECT; FOR THE CONTINUED USE OF AN EXISTING WHARF, AND FOR THE REPLACEMENT OF EXISTING ANCHORAGE FACILITIES BY NEW ANCHORAGE FACILITIES, INCLUDING A MOORING DOLPHIN, A BREASTING DOLPHIN AND A WALKWAY, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION

WP 2757

Three (3) parcels of tide and submerged land in the bed of New York Slough, Contra Costa County, State of California, more particularly described as follows.

PARCEL A (Existing Wharf, Appurtenances & Moorage)

COMMENCING at the most easterly corner of Parcel 2 as described in that certain deed recorded June 18, 1932, in Volume 318 at Page 258, Official Records of said county; thence N 78° 52' 05" W 1.97 feet; thence N 58° 23' 24" W 256.55 feet to the TRUE POINT OF BEGINNING; thence N 16° 47' 42" E 207.22 feet; thence along a line parallel with the pierhead line as shown on Corps of Engineers Map No. 51-8-866, dated June, 1939, S 65° 32' 47" E 854.71 feet; thence S 16° 47' 42" W 287.59 feet; thence N 65° 32' 47" W 854.71 feet; thence N 16° 47' 42" E 80.37 feet to the point of beginning.

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

PARCEL B (Dolphins, Walkways and Moorage)

COMMENCING at the most easterly corner of Parcel 2 as described in that certain deed recorded June 18, 1932, in Volume 318 at Page 258, Official Records of said county; thence N 78° 52' 05" W 1.97 feet; thence N 58° 23' 24" W 256.55 feet; thence N 16° 47' 42" E 127.22 feet to the pierhead line as established by act of Congress in 1887, which is the TRUE POINT OF BEGINNING; thence S 16° 47' 42" W 70 feet; thence N 65° 32' 47" W 300 feet; thence N 16° 47' 42" E 150 feet; thence S 65° 32' 47" E 300 feet; thence S 16° 47' 42" W 80 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying within the Legislative Grant to the City of Pittsburg approved May 8, 1937, under Chapter 214, Statutes of 1937.

PARCEL C (Pier extension and piling)

COMMENCING at the most easterly corner of Parcel 2 as described in that certain deed recorded June 18, 1932, in Volume 318 at Page 258, Official Records of said county; thence N 78° 52' 05" W 1.97 feet; thence N 58° 23' 24" W 256.55 feet; thence N 16° 47' 42" E 127.22 feet to the pierhead line as established by act of Congress in 1887; thence S 65° 32' 47" E 854.71 feet to the TRUE POINT OF BEGINNING; thence continuing along said pierhead line S 65° 32' 47" E 50 feet; thence S 16° 47' 42" W 30 feet; thence N 65° 32' 47" W 50 feet; thence N 16° 47' 42" E 30 feet to the point of beginning.

END OF DESCRIPTION

REVISED MAY 6, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

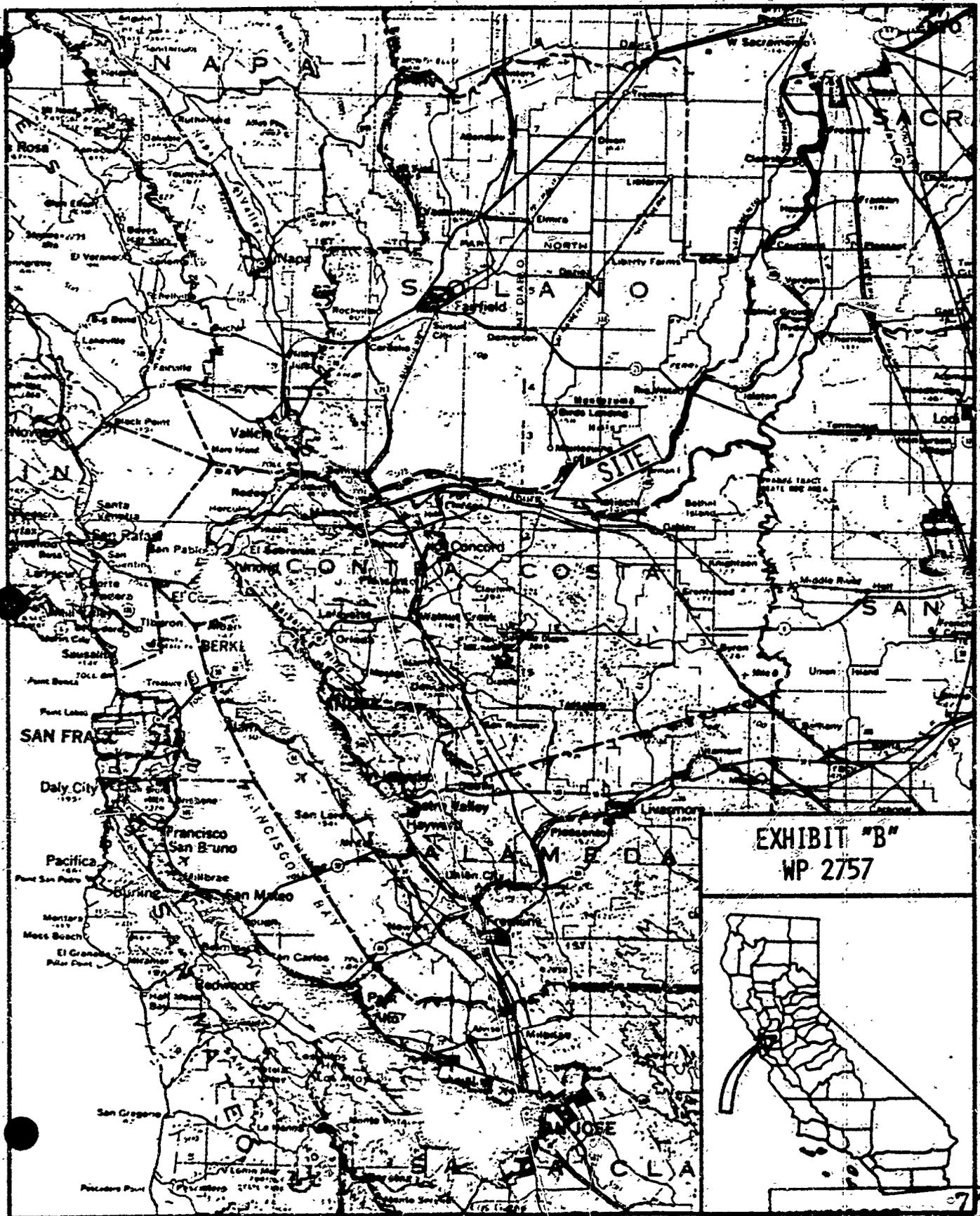


EXHIBIT "B"
WP 2757



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