MINUTE ITEM
41
Item
41 Lands
of 2
to 9 at its 8/21/84
meeting.

CALENDAR ITEM

A 17, 9

S 5

41

08/21/84
PRC 709.1
Graber/Marsh

ASSIGNMENT OF MINERAL EXTRACTION
LEASE PRC 709.1

ASSIGNOR: Construction Aggregates Corporation
233 North Michigan Avenue
Chicago, Illinois 60601

ASSIGNEE: Construction Aggregates Corporation of California
233 North Michigan Avenue, Suite 2211
Chicago, Illinois 60601

AREA, TYPE LAND AND LOCATION:
900 acres of tide and submerged lands in San Francisco Bay at Presidio, Alcatraz and Fort Knox Shoals, San Francisco and Marin Counties.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

1. Assignment forms have been executed.
2. Assignee is qualified to hold a state lease.
3. The statutory filing fees have been submitted.

AB 884: N/A.

PERTINENT INFORMATION:

1. Under the terms of the original 20-year lease issued in 1952 the Lessee had the right to renew said lease for additional periods of ten years and this right was exercised by the Lessee in 1972 for the first renewal.

2. Under a settlement agreement to Case No. 669-359 between the City and County of San Francisco, San Francisco Port Commission and Construction Aggregates Corporation, the State agreed to renew Mineral Extraction Lease PRC 709.1 in February 1982 for a single and final ten-year term to expire February 13, 1992.

3. On April 17, 1984, Construction Aggregates Corporation, the Lessee of PRC 709.1, submitted an application for State Lease Assignment Acceptance and approval for State Lease PRC 709.1. The proposed transfer of Lease PRC 709.1 is from Construction Aggregates Corporation (Assignor), to Construction Aggregates Corporation of California (Assignee).

4. Pursuant to the Commission's Delegation of Authority and the State CEQA Guidelines. (14 California Administrative Code 15061), the staff has determined that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) because it is not a "Project" as defined by CEQA and the State CEQA Guidelines.

   Authority: PRC 21065 and 14 Cal. Adm. Code 15378.

EXHIBITS: A. Application for State Lease Assignment, Form 51.11.
B. Assignment of lease.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE IT IS NOT A PROJECT AS DEFINED BY PRC 21065 AND 14 CAL. ADM. CODE 15378.

2. APPROVE THE ASSIGNMENT OF A 100 PERCENT INTEREST IN MINERAL EXTRACTION LEASE PRC 709.1 TO CONSTRUCTION AGGREGATES CORPORATION OF CALIFORNIA BY THE LESSEE, CONSTRUCTION AGGREGATES CORPORATION. ALL OTHER TERMS AND CONDITIONS OF THE LEASE ARE TO REMAIN IN FULL FORCE AND EFFECT. A COPY OF THE EXECUTED FORMS OF ASSIGNMENT ARE ON FILE IN THE OFFICE OF THE COMMISSION.

STATE LANDS COMMISSION

STATE LEASE ASSIGNMENT, ACCEPTANCE AND APPROVAL

The undersigned, ASSIGNOR, CONSTRUCTION AGGREGATES CORPORATION

whose address is 233 N. Michigan Avenue, Chicago, Illinois 60601 hereby assigns to CONSTRUCTION AGGREGATES CORPORATION OF CALIFORNIA all its right, title and interest under State Lease P. R. C. 709.1, which lease was issued February 14, 1952 and modified and extended, by the State for a period of 10 years commencing on the 14th day of February, 19 82.

ATTEST:

Ezra Sensibar, Secretary

Construction Aggregates Corporation

By: David Sensibar, President

The undersigned, ASSIGNEE, CONSTRUCTION AGGREGATES CORPORATION OF CALIFORNIA

whose address is Suite 2211, 233 N. Michigan Avenue, Chicago, Illinois 60601 hereby accepts the assignment of State Lease P. R. C. 709.1, and agrees to perform the conditions, covenants and agreements therein contained on the part of the Lessee to be kept and performed and in the manner therein provided, and further to be bound by the terms of said lease to the same extent as if such Assignee were the original Lessee, any conditions in the assignment agreement to the contrary, notwithstanding.

ATTEST:

William J. Garmisa, Asst. Secretary

Construction Aggregates Corporation of California

By: David Sensibar, President

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned State Lands Commission of the State of California, acting by and through its _____, hereby consents and approves, effective _____, the herein assignment by and between _____ and _____ of State Lease P. R. C. 709.1.

Such consent is made upon the express condition that Assignee shall be bound by the terms of said lease to the same extent as if such Assignee were the original Lessee, any conditions in the assignment agreement to the contrary notwithstanding.

DATED This _____ day of _____, 19_____.

STATE LANDS COMMISSION OF THE STATE OF CALIFORNIA

By: _____

All Signatures Must Be Acknowledged

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EXHIBIT A

CAC/CAC OF CA.
022184-1
6155B

ASSIGNMENT OF LEASE

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the undersigned, CONSTRUCTION AGGREGATES CORPORATION, a Delaware corporation ("Assignor"), does hereby assign, transfer and set over unto CONSTRUCTION AGGREGATES CORPORATION OF CALIFORNIA, a Delaware corporation ("Assignee"), all of the Assignor's obligations, right, title and interest in, to and under that certain Lease Agreement dated as of February 14, 1952 by and between the State of California through the State Lands Commission (the "State") as the Lessor, and Assignor, as the Lessee, as amended and extended by a Lease Renewal and Amendment by and between the State and Assignor and dated March 17, 1982 (by the State) and dated February 22, 1982 (by Assignor). Such Lease, as amended and extended, will hereinafter be referred to as the "LEASE".

Assignor hereby represents and warrants to Assignee that it possesses good title to all of the right, title and interest of the Lessee under the LEASE and that Assignor has full power and authority to make this Assignment and conveyance.

EXHIBIT B

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