MINUTE ITEM

This Calendar Item No. C11 was approved as Minute Item No. 11 by the State Lands Commission by a vote of 2 to 0 at its 6/26/86 meeting.

CALENDAR ITEM

A 11 C11 06/26/86

S 7 WP 6041 Lane

APPROVE ASSIGNMENT OF LEASE PRC 6041
GENERAL LEASE - INDUSTRIAL USE

ASSIGNOR: Jerald D. and Lillie M. Morris
100 East D Street
Petaluma, California 94952

ASSIGNEES: Albert D. Seeno Construction Co.
4300 Railroad Avenue
Pittsburg, California 94565
and
Ettore and Geraldine Bertagnolli
P. O. Box 3
Clayton, California 94517

AREA, TYPE LAND AND LOCATION:
A 0.493-acre parcel of tide and submerged land, located in New York Slough at Pittsburg, Contra Costa County.

LAND USE: Bulkhead, barge unloading ramp and two seven-pile timber dolphins.

TERMS OF ORIGINAL LEASE:

Initial period: 25 years beginning January 16, 1980.

Surety bond: $2,000.

Public liability insurance: Combined single limit coverage of $1,000,000.

Consideration: $1,575 per annum; five-year rent review.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

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

AB 884: N/A.

OTHER PERTINENT INFORMATION:
1. The applicants purchased the upland parcel in June 1985, with plans to lease the submerged land, together with the upland, to a second party. The second party applied for the lease assignment, however, the parties were unable to reach agreement. Subsequently, the upland owner applied for assignment of PRC 6041 and paid the rent current.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes there is no possibility that this project may have a significant effect on the environment.

   Authority: 14 Cal. Adm. Code 15061(b)(3).

3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and

submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Adm. Code 2954 is not applicable.

APPROVALS OBTAINED:
None.

FURTHER APPROVALS REQUIRED:
None.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. (14 CAL. ADM. CODE 15061(b)(3))

2. FIND THAT THE SIGNIFICANT ENVIRONMENTAL VALUES ORIGINALLY IDENTIFIED PURSUANT TO P.R.C. 6370, ET SEQ., ARE NOT WITHIN THE PROJECT SITE AND WILL NOT BE AFFECTED BY THE PROPOSED PROJECT.

3. APPROVE THE ASSIGNMENT OF LEASE PRC 6041, GENERAL LEASE - INDUSTRIAL USE, FROM JERALD AND LILLIE MORRIS TO ALBERT D. SEENO CONSTRUCTION COMPANY AND ETTORE AND GERALDINE BERTAGNOLLI, EFFECTIVE JUNE 27, 1985; ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 6041 SHALL REMAIN UNCHANGED ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A" WP 6041

LAND DESCRIPTION

A parcel of tide and submerged land situated in New York Slough, lying easterly of the City of Pittsburg, Contra Costa County, State of California, more particularly described as follows:

COMMENCING at a concrete monument at the intersection of the south line of the county road known as Third Street, leading east from the City of Pittsburg, with the east line of Harbor Street as said monument is described in deed recorded March 1, 1946, in Book 890, page 31 of Official Records, Contra Costa County; thence S 73° 15' E 520.00 feet along the south line of said Third Street to a point referred to as "Station A" in said deed; thence N 16° 45' E 653.70 feet to the POINT OF BEGINNING, thence N 16° 45' E 107.5 feet to the U.S. Engineers Pierhead Line as described in said deed, thence along said pierhead line S 65° 42' 32-1/2" E 201.74 feet; thence S 16° 45' W 107.36 feet; thence N 65° 44'47" W 201.72 feet to the point of beginning.

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

END OF DESCRIPTION

Prepared W. W. Kunnecke Checked Fidel Lopez

Reviewed Garry A. Weldon Date 12/6/79

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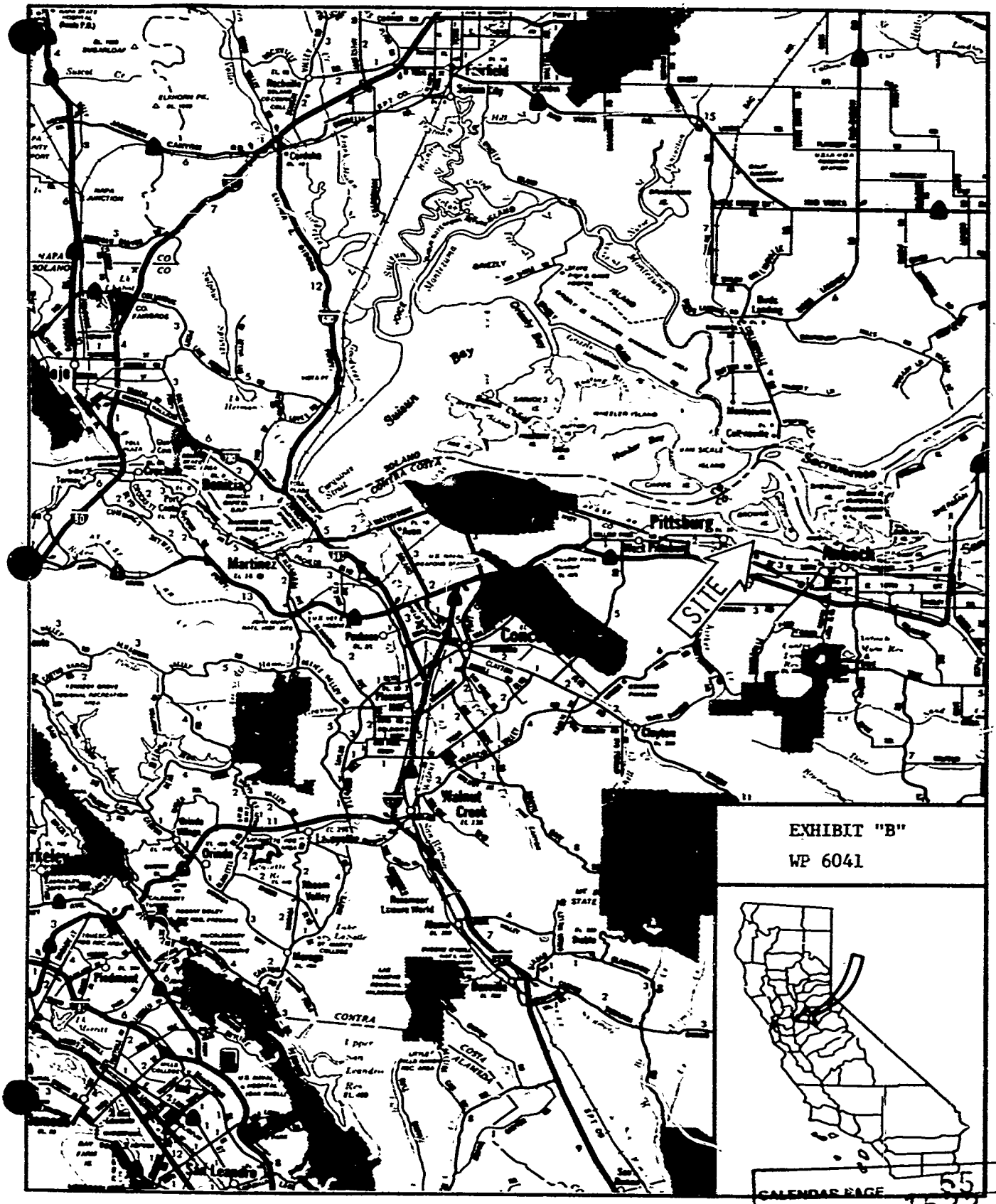

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