

MINUTE ITEM.
This Calendar Item No. 25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 3
to 0 at its 10/23/86
meeting.

CALENDAR ITEM

25

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10/23/86

WP 600

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APPROVAL OF A LETTER OF UNDERSTANDING TO CONTINUE AN
EXTENSION AGREEMENT FOR USE AND OCCUPANCY OF STATE-OWNED
TIDE AND SUBMERGED LAND

APPLICANT: Union Oil Company
Attn: Wilbur H. Cotrel
Union Oil Center, Box 7600
Los Angeles, California 90017

AREA, TYPE LAND AND LOCATION:
A 16.607-acre parcel of filled and unfilled
tide and submerged land, located in San Pablo
Bay at Davis Point, Contra Costa County.

EXPIRED LEASE: General Lease - Industrial Use, covering a
petroleum loading/offloading wharf and related
facilities; expired March 31, 1986 with no
renewal periods.

EXPIRED EXTENSION AGREEMENT:
Continued Use and Occupancy of the lease
premises from April 1, 1986 through
September 30, 1986 at the same intensity and
use, and with the same obligation and rights as
set forth in expire Lease PRC 600, including
but not limited to, Paragraph 14 regarding
removal of improvements.

CURRENT STATUS: Union Oil Company (Union) and State Lands
Commission both need additional time to
complete negotiations prior to entering into a
new lease agreement. To allow Union
uninterrupted use and occupancy of the lease
premises, staff recommends continuing the
extension agreement through March 31, 1987.

CALENDAR ITEM NO. 25 (CONT'D)

Said agreement will extend the lease for an interim period until new lease negotiations can be concluded.

PROPOSAL TO CONTINUE EXTENSION AGREEMENT:

Union shall continue to use and occupy the lease premises for a six-month period beginning October 1, 1986 and utilize said facility for the same uses and at the same intensity in accordance with all rights and obligations as set forth in expired lease PRC 600, including, but not limited to, Paragraph 14 thereof regarding removal of improvements at the expiration of the term of the lease, by this agreement extended to and including March 31, 1987.

CONSIDERATION:

Rent for the further extended period will be half the annual rent established for any new lease negotiated by the parties; in the event a new lease is not agreed to by March 31, 1987, the rental rate for the period October 1, 1986 through March 31, 1987 shall be \$50,000. Any payments remitted March 31, 1987 shall be offset by \$100,000 held in suspense by the Commission. If the annual rental rate negotiated for a new lease retroactive to April 1, 1986 is less than \$100,000, the average shall be credited to the following year's rent.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. 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 as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

EXHIBITS:

- A. Land Description.
- B. Location Map.

CALENDAR ITEM NO. 25 (CONT'D)

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 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. APPROVE A LETTER OF UNDERSTANDING BETWEEN UNION OIL COMPANY AND STATE LANDS COMMISSION TO CONTINUE AN EXTENSION AGREEMENT WHICH EXPIRED SEPTEMBER 30, 1986 FOR SIX MONTHS BEGINNING OCTOBER 1, 1986; CONSIDERATION TO BE SET UPON AGREEMENT OF A NEW LEASE; IN THE EVENT A NEW LEASE IS NOT AGREED TO BY MARCH 31, 1987, THE PAYMENT FOR THE PERIOD OCTOBER 1, 1986 THROUGH MARCH 31, 1987 SHALL BE \$50,000, TOTALLING \$100,000 FOR LAND USE FROM APRIL 1, 1986 THROUGH MARCH 31, 1987. IF THE ANNUAL RENTAL RATE NEGOTIATED FOR A NEW LEASE RETROACTIVE TO APRIL 1, 1986 IS LESS THAN \$100,000, THE AVERAGE SHALL BE CREDITED TO THE FOLLOWING YEAR'S RENT.
3. FIND THAT THE EXTENSION AGREEMENT SHALL BE SUBJECT TO ALL TERMS AND CONDITIONS SPECIFIED IN LEASE PRC 600 INCLUDING, BUT NOT LIMITED TO PARAGRAPH 14 THEREOF REGARDING REMOVAL OF IMPROVEMENTS AT THE EXPIRATION OF THE LEASE TERM, WHICH BY THIS AGREEMENT IS EXTENDED UNTIL AND INCLUDING MARCH 31, 1987.

(REVISED 10/22/86)

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EXHIBIT "A"

WP 600

Six parcels of land in the State owned bed of San Pablo Bay and Carquinez Strait, Contra Costa County, California, described as follows:

PARCEL 1

COMMENCING at United States Harbor line Station "U" the California Zone 3 co-ordinates of which are $Y=569,518.32$ and $X=1,493,752.14$ as shown on map of Harbor Lines for Carquinez Strait established by the Secretary of War and filed in the United States Engineer Office, San Francisco, from which United States Harbor Line Station "Ole", the California Zone 3 co-ordinates of which are $Y=569,549.09$ and $X=1,493,822.28$, bears $N 66^{\circ} 18' 48'' E$ a distance of 76.59 feet, said bearing and distance being calculated from said California co-ordinates of said stations; thence $N 79^{\circ} 04' 41'' W$ 850.54 feet to a point in the northerly line of Tide Lands Survey No. 58, Location 176, said last mentioned point being the southerly terminus of that certain course described in the deed from Patrick Torrey and Mary Torrey, his wife, to Union Oil Company of California, dated November 1, 1901, and recorded in Volume 90 of Deeds, at page 552, Records of Contra Costa County, as $S 35^{\circ} W$ 1.10 chains; said point being also the TRUE POINT OF BEGINNING of Parcel 1; thence $S 09^{\circ} 55' 20'' W$ 1254.10 feet to a point from which said Station "U" bears $N 44^{\circ} 22' 52'' E$ a distance of 1502.98 feet, and being also a point in the northerly line of Tide Land Survey No. 58, and the southwesterly terminus of that certain course, described in the deed from Patrick Torrey and Mary Torrey, his wife, to Union Oil Company of California, dated April 17, 1905, and recorded in

PARCEL 1 (Cont.)

Volume 110 of Deeds, at page 468, Records of Contra Costa County, as N 45° 37' E 321.00 feet; thence along said northerly line of Tide Land Survey No. 58, N 46° 44' 10" E 321.00 feet; thence N 06° 17' 10" E 484.69 feet, said last mentioned course being the same course described in said deed dated April 17, 1905, as N 6-3/4° E 482.00 feet; thence along said northerly line of Tide Land Survey No. 58, N 09° 16' 41" W 542.81 feet, more or less, to the true point of beginning, containing 3.68 acres, more or less.

PARCEL 2 - Wharf and Pier

COMMENCING at United States Harbor Line Station "U" described in Parcel 1 above; thence N 26° 53' 40" W 344.30 feet; thence S 71° 05' 10" W 117.42 feet to a point on the northerly line of the land described in the Deed to Union Oil Company of California recorded in Book 90, Page 552 of Deeds, Contra Costa County Records, said point being also N 71° 05' 10" E along said northerly line 254.30 feet from the westerly terminus of that certain course described in said Deed as S 69° 45' W 5.63 chains, and being also the TRUE POINT OF BEGINNING of Parcel 2; thence along the following courses and distances:

S 71° 05' 10" W 102.48 feet and N 1° 10' 15" W 112.27 feet to the beginning of a tangent curve concave westerly having a radius of 650.27 feet; thence northerly along said curve through a central angle of 8° 19' 15" an arc distance of 94.44 feet; thence tangent to said curve N 9° 29' 30" W 1293.58 feet; thence along the following courses and distances:

S 80° 30' 30" W 30.00 feet; thence N 9° 29' 30" W 208.00 feet; S 77° 00' 30" W 622.01 feet; N 12° 59' 30" W 51.75 feet; N 67° 59' 30" W 90.95 feet; S 12° 59' 30" E 6.83 feet; S 77° 00' 30" W 5.50 feet; N 12° 59' 30" W 6.25 feet; S 77° 00' 30" W 6.50 feet; N 12° 59' 30" W 0.58 feet; S 77° 00' 30" W 33.50 feet; S 12° 59' 30" E 6.25 feet; S 77° 00' 30" W 5.50 feet; N 12° 59' 30" W 38.33 feet; N 77° 00' 30" E 1375.84 feet; S 12° 59' 30" E 136.00 feet; S 77° 00' 30" W 520.13 feet; S 9° 29' 30" E 726.19 feet; N 80° 30' 30" E 42.00 feet; S 9° 29' 30" E 134.00 feet; S 80° 30' 30" W 42.00 feet and S 9° 29' 30" E 836.40 feet to the true point of beginning, containing 7.403 acres, more or less.

PARCEL 3 - Ship Mooring Area

BEGINNING at the westerly terminus of that certain course described in Parcel 2 above as bearing $N 77^{\circ} 00' 30'' E$ and having a length of 1375.84 feet; thence along the westerly prolongation of said course $S 77^{\circ} 00' 30'' W$ 177.50 feet; thence along the following courses and distances:

$N 12^{\circ} 59' 30'' W$ 115.00 feet; $N 77^{\circ} 00' 30'' E$ 886.00 feet; $S 12^{\circ} 59' 30'' E$ 13.00 feet; $N 77^{\circ} 00' 30'' E$ 747.00 feet and $S 12^{\circ} 59' 30'' E$ 102.00 feet to the easterly prolongation of that certain course above mentioned as bearing $N 77^{\circ} 00' 30'' E$ and having a length of 1375.84 feet; thence along said prolonged course, and said course $S 77^{\circ} 00' 30'' W$ 1455.50 feet to the point of beginning, containing 4.088 acres, more or less.

PARCEL 4 - Barge Mooring Area

BEGINNING at the northerly terminus of that certain course described in Parcel 2 above as bearing $N 9^{\circ} 29' 30'' W$ and having a length of 208.00 feet; thence along the following courses and distances:

$S 77^{\circ} 00' 30'' W$ 622.01 feet; $S 12^{\circ} 59' 30'' E$ 50.00 feet; thence $N 77^{\circ} 00' 30'' E$ 618.95 feet to said first above mentioned course; thence along said course $N 9^{\circ} 29' 30'' W$ 50.09 feet to the point of beginning, containing 0.712 acres, more or less.

PARCEL 5 - Barge Mooring Area

BEGINNING at the northerly terminus of that certain course described in Parcel 2 above as bearing $S 9^{\circ} 29' 30'' E$ and having a length of 726.19 feet; thence along the following courses and distances:

$N 77^{\circ} 00' 30'' E$, 600.00 feet; $S 12^{\circ} 59' 30'' E$, 50.00 feet; $S 77^{\circ} 00' 30'' W$ 603.06 feet to said first above mentioned course; thence along said course $N 9^{\circ} 29' 30'' W$ 50.09 feet to the point of beginning, containing 0.691 acres, more or less.

PARCEL 6 - Salt Water Intake Platform

COMMENCING at United States Harbor Line Station "U" described in Parcel 1 above; thence $N 26^{\circ} 53' 40'' W$ 344.30 feet; thence

PARCEL 6 (Cont.)

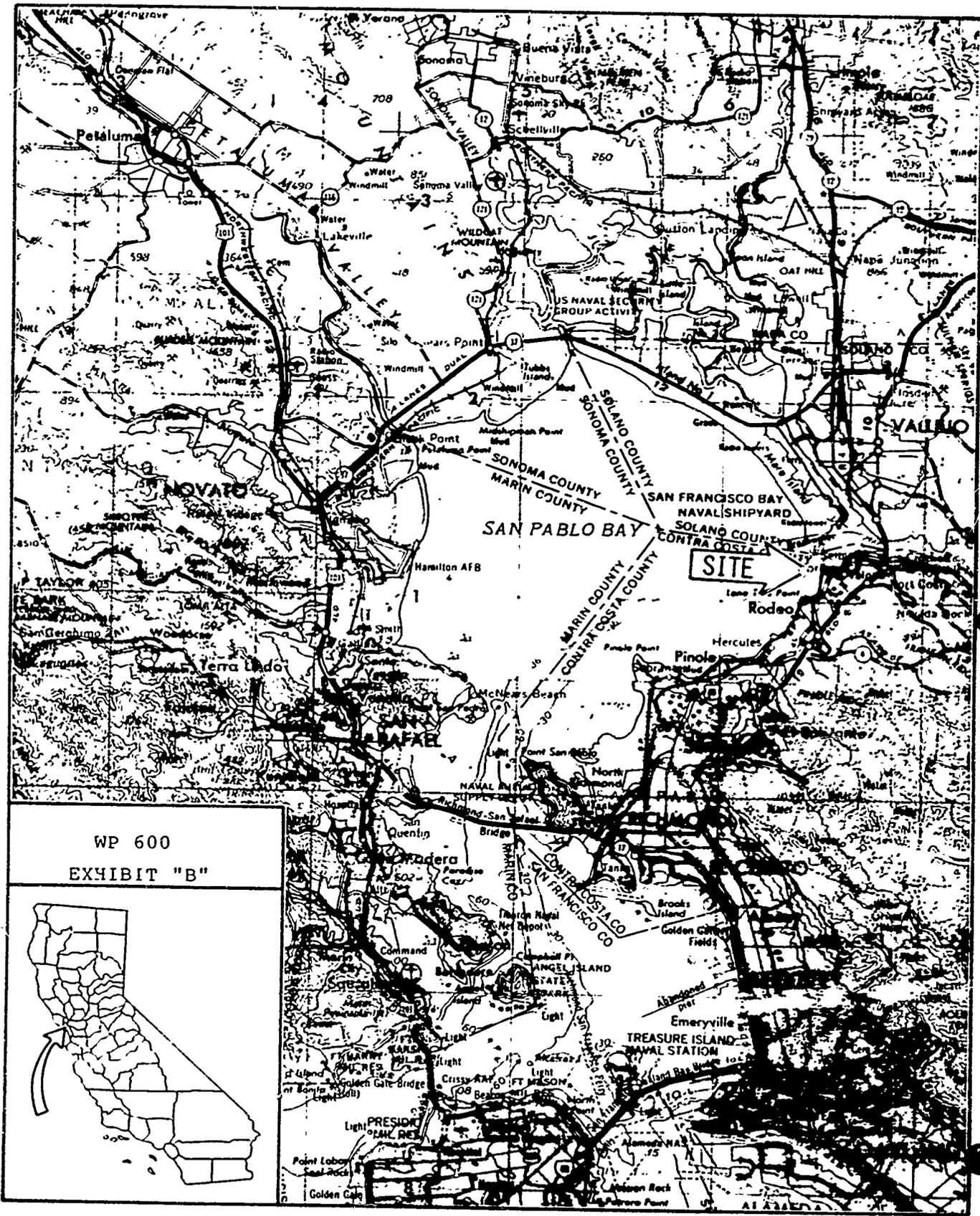
S 71° 05' 10" W, 55.63 feet to a point on the northerly line of the land described in the Deed to Union Oil Company of California recorded in Book 90, page 552 of Deeds, Contra Costa County Records, said point being also N 71° 05' 10" E, along said northerly line 316.09 feet from the westerly terminus of that certain course described in said Deed as S 69° 45' W, 5.68 chains, and being also the TRUE POINT OF BEGINNING of Parcel 6; thence leaving said northerly line along the following courses and distances:

N 8° 52' 50" W, 30.59 feet; S 89° 07' 10" W, 6.00 feet;
N 8° 52' 50" W, 55.00 feet; N 81° 07' 10" E, 17.00 feet;
S 30° 52' 50" E, 3.00 feet; N 81° 07' 10" E, 14.00 feet;
S 8° 52' 50" E, 26.00 feet; S 81° 07' 10" W, 19.00 feet and
S 8° 52' 50" E, 56.38 feet to said northerly line; thence
S 71° 05' 10" W, along said northerly line 7.29 feet to the true point of beginning, containing 0.033 acres, more or less.

TOGETHER WITH any interests of the State of California in those lands lying between the northwesterly line of the Pinole Rancho and the waterward boundary of Tideland Location No. 176 located within the property described in the Deed to Union Oil Company of California recorded in Book 90, page 522 of Deeds, Contra Costa Records.

END OF DESCRIPTION

Prepared R. L. Blake Checked John K. Hering
Reviewed W. W. Kunnecke Date 2/5/76
Revised 3/31/78



WP 600
EXHIBIT "B"

